

JAN 25 2006

A BILL FOR AN ACT

RELATING TO THE STATE TORT LIABILITY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 662-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§662-15 Exceptions.** This chapter shall not apply to:

4 (1) Any claim based upon an act or omission of an employee
5 of the State, exercising due care, in the execution of
6 a statute or regulation, whether or not such statute
7 or regulation is valid, or based upon the exercise or
8 performance or the failure to exercise or perform a
9 discretionary function or duty on the part of a state
10 officer or employee, whether or not the discretion
11 involved has been abused. For purposes of this
12 subsection, any act or omission regarding the
13 maintenance and design of public highways including
14 the maintenance and design of any guardrail, utility
15 pole, street and directional sign or signal, and any
16 other highway-related device shall be considered a
17 "discretionary function or duty";



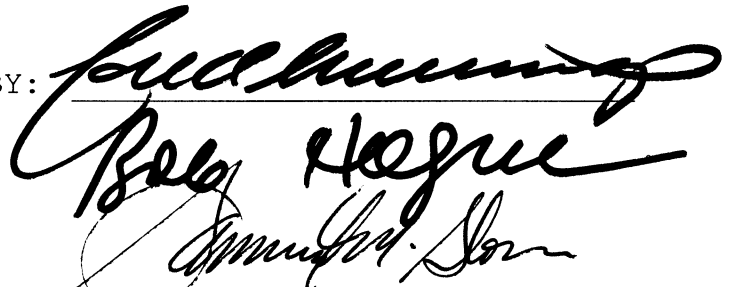
- 1 (2) Any claim arising in respect of the assessment or
- 2 collection of any tax, or the detention of any goods
- 3 or merchandise by law enforcement officers;
- 4 (3) Any claim for which a remedy is provided elsewhere in
- 5 the laws of the State;
- 6 (4) Any claim arising out of assault, battery, false
- 7 imprisonment, false arrest, malicious prosecution,
- 8 abuse of process, libel, slander, misrepresentation,
- 9 deceit, or interference with contract rights;
- 10 (5) Any claim arising out of the combatant activities of
- 11 the Hawaii national guard and Hawaii state defense
- 12 force during time of war, or during the times the
- 13 Hawaii national guard is engaged in federal service
- 14 pursuant to section 316, 502, 503, 504, 505, or 709 of
- 15 Title 32 of the United States Code;
- 16 (6) Any claim arising in a foreign country; or
- 17 (7) Any claim arising out of the acts or omissions of any
- 18 boating enforcement officer."

19 SECTION 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



Handwritten signatures in black ink, including a large signature at the top and two smaller ones below it.

Amir Mercado K.

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SB. NO. 2846

Report Title:

State Tort Liability Act, Exceptions

Description:

Amends State Tort Liability Act to include any act or omission relating to public highway maintenance or design within the exceptions from state tort liability.

SB SMO 06-018

