

JAN 25 2006

S.B. NO. 2047

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# 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;
- 12           (2) Any claim arising in respect of the assessment or  
13              collection of any tax, or the detention of any goods  
14              or merchandise by law enforcement officers;
- 15           (3) Any claim for which a remedy is provided elsewhere in  
16              the laws of the State;
- 17           (4) Any claim arising out of assault, battery, false  
18              imprisonment, false arrest, malicious prosecution,



1 abuse of process, libel, slander, misrepresentation,  
2 deceit, or interference with contract rights;

3 (5) Any claim arising out of the combatant activities of  
4 the Hawaii national guard and Hawaii state defense  
5 force during time of war, or during the times the  
6 Hawaii national guard is engaged in federal service  
7 pursuant to section 316, 502, 503, 504, 505, or 709 of  
8 Title 32 of the United States Code;

9 (6) Any claim arising in a foreign country; [e]

10 (7) Any claim arising out of the acts or omissions of any  
11 boating enforcement officer[-]; or

12 (8) Any claim arising out of motor vehicle accidents  
13 relating to the maintenance and design of public  
14 highways including actions involving guardrails,  
15 utility poles, street and directional signs or  
16 signals, and any other highway-related device."

17 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:

*[Handwritten signatures: Fred [unclear], Bob Hoque, [unclear], Anna Inez [unclear]]*



# SB. NO. 2847

**Report Title:**

State Tort Liability Act; Exceptions

**Description:**

Amends the State Tort Liability Act to exclude any claim based upon the maintenance and design of public highways.

