

STAND. COM. REP. NO. 1486 -06

Honolulu, Hawaii

April 5, 2006

RE: S.B. No. 2213
S.D. 2
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2213, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TORT ACTIONS,"

begs leave to report as follows:

The purpose of this bill is to limit government exposure to unwarranted liability by providing qualified immunity for public entities and public employees from injuries sustained by a person when using a motorsports facility. This bill also repeals the provision that prohibits liability waivers from being enforceable against a minor who suffers injuries from participating in a motorsports event at a motorsports facility.

The County of Hawaii, County of Hawaii Department of Parks and Recreation, 808 MX/ATV Association, Inc., Hawaii Motorcycle Dealers Association, Kauai's Off-Road Riders, Street Bikers United Hawaii, Street Bikers United Hawaii-Maui Chapter, Street Bikers United Hawaii-Oahu Chapter, Mauna Kea Motortoyz & Accessories, Punish'UM Motorsports, and many concerned individuals supported this bill. The Consumer Lawyers of Hawaii opposed this measure.

SB2213 HD2 HSCR JUD HMS 2006-3090



Your Committee has amended this bill by:

- (1) Restoring the provision that prohibits liability waivers from being enforceable against the rights of a minor who suffers injuries from participating in a motorsports event at a motorsports facility, but lifting the prohibition if the liability waiver is executed in writing by a parent or legal guardian;
- (2) Clarifying that limitation of liability for public entities and public employees applies only to the provision of motorsports facilities and not to other activities, including police and security, ambulance and medical, fire, food concessions, and other non-motorsports activities or functions;
- (3) Changing the effective date to July 1, 2006, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2213, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2213, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SYLVIA LUKE, Chair



