

JAN 22 2007

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## A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1           SECTION 1. The legislature finds that Act 190, Session  
2 Laws of Hawaii 1996, as amended by Act 101, Session Laws of  
3 Hawaii 1999, and as amended Act 170, Session Laws of Hawaii  
4 2002, has proven to be effective in establishing a process by  
5 which the State and counties have provided meaningful and  
6 legally adequate warnings to the public regarding extremely  
7 dangerous natural conditions in the ocean adjacent to public  
8 beach parks. Through this process, public entities are provided  
9 protection from liability when they have provided adequate  
10 warnings to the public. This has successfully accomplished the  
11 purpose of increasing public safety by reducing ocean-related  
12 accidents and protecting the State and counties from the  
13 unlimited liability they otherwise would face with regard to  
14 activities in the ocean. Although successful in accomplishing  
15 its purpose, Act 190, Session Laws of Hawaii 1996, as amended by  
16 Act 101, Session Laws of Hawaii 1999, and as amended by section  
17 2 of Act 170, Session Laws of Hawaii 2002, will be repealed on  
18 June 30, 2007, due to the sunset provision contained in the law.



# S.B. NO. 1559

1           The purpose of this Act is to repeal the sunset provision  
 2 of Act 190, Session Laws of Hawaii 1996, as amended by Act 101,  
 3 Session Laws of Hawaii 1999, and as amended by section 2 of  
 4 Act 170, Session Laws of Hawaii 2002, thus ensuring the  
 5 continuation of increased public safety at state and county  
 6 operated beach parks.

7           SECTION 2. Act 190, Session Laws of Hawaii 1996, as  
 8 amended by section 2 of Act 101, Session Laws of Hawaii 1999,  
 9 and as amended by section 2 of Act 170, Session Laws of Hawaii  
 10 2002, is amended by amending section 7 to read as follows:

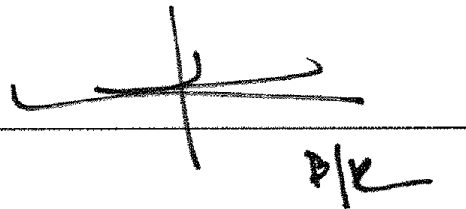
11           "SECTION 7. This Act shall take effect on July 1, 1996[  
 12 ~~provided that this Act shall be repealed on June 30, 2007]."~~

13           SECTION 3. Statutory material to be repealed is bracketed  
 14 and stricken.

15           SECTION 4. This Act shall take effect on June 29, 2007.

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INTRODUCED BY: \_\_\_\_\_



A handwritten signature consisting of a stylized 'J' or 'L' shape with a horizontal line through it, and the initials 'P/K' written below it.



**Report Title:**

State and County Governments; Tort Liability

**Description:**

Makes permanent the Act that required the State and counties to provide legally adequate warnings and eliminated respective tort liability.

