

JAN 19 2007

S.B. NO. 729

A BILL FOR AN ACT

RELATING TO LIABILITY OF STATE AND COUNTY GOVERNMENTS.

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

1 SECTION 1. The legislature finds that the limitations on
2 state and county liability have proven to be beneficial to the
3 state and county governments, as well as the public. The
4 liability protections have reduced the exposure of the state and
5 county governments to substantial damages and, as a result, have
6 allowed the state and county governments to keep recreational
7 areas on public lands and public beach parks with potentially
8 dangerous conditions open to the public. The legislature
9 further finds that state and county compliance with the
10 statutorily required public warning of dangerous conditions on
11 certain public lands has contributed to an improvement in public
12 safety in these areas, which justifies making the current
13 liability exemptions for state and county governments relating
14 to public land and actions of county lifeguards permanent.

15 The purpose of this Act is to provide state and county
16 governments with liability protection for public use of certain
17 public lands and public beach parks. The Act also provides
18 state and county governments with a permanent exception from



1 liability for the acts and omissions of county lifeguards while
2 acting in the scope of employment.

3 SECTION 2. Act 190, Session Laws of Hawaii 1996, as
4 amended by Act 101, Session Laws of Hawaii 1999, as amended by
5 Act 170, Session Laws of Hawaii 2002, is amended by amending
6 section 7 to read as follows:

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8 ~~provided that this Act shall be repealed on June 30, 2007~~]."

9 SECTION 3. Act 170, Session Laws of Hawaii 2002, is
10 amended by amending section 5 to read as follows:

11 "SECTION 5. This Act shall take effect upon its approval[
12 ~~provided that section 1 of this Act shall be repealed on June~~
13 ~~30, 2007~~]."

14 SECTION 4. Act 82, Session Laws of Hawaii 2003, is amended
15 by amending section 8 to read as follows:

16 "SECTION 8. This Act shall take effect on July 1, 2003[
17 ~~and shall be repealed on June 30, 2008~~]."

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken.

20
21



S.B. NO. 729

1 SECTION 6. This Act shall take effect upon its approval;
2 provided that section 2 and section 3 shall take effect on June
3 29, 2007.
4

INTRODUCED BY: Guy L. Hoar

Estherne Chun Oakland

Randy H. Baker

Annunci Q. Brown

Carol Furumasa

ASST



Report Title:

Sovereign Immunity; Liability Protection

Description:

Makes certain temporary liability protections for the state and county governments relating to public use of certain public lands and public beach parks permanent; makes temporary liability protection for acts of lifeguards permanent.

