



GOV. MSG. NO. 698

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 1, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 1, 2009, the following bill was signed into law:

HB1040 HD1 SD2 CD1

A BILL FOR AN ACT  
RELATING TO TORT LIABILITY.  
ACT 081 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on JUN 1 2009

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

**ACT 081**  
**H.B. NO.** 1040  
H.D. 1  
S.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

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PART I

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SECTION 1. The liability protections afforded to

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lifeguards in Act 170, Session Laws of Hawaii 2002 (Act 170),

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will sunset on June 30, 2010. Act 170 provides liability

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protection for lifeguard services on the beach or in the ocean,

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except for gross negligence or wanton acts or omissions. This

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limited liability protection was made necessary because some

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counties would not provide lifeguard services at state beach

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parks, due to the fear of potential liability that might ensue.

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The legislature finds that Act 170 created a climate in which

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lifeguard services could be provided by the counties without

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fear of liability, and, therefore, is a life-saving measure that

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should be extended.

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The purpose of this part is to extend the liability

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protections for lifeguard services.



1 SECTION 2. Act 170, Session Laws of Hawaii 2002, as  
2 amended by section 4 of Act 152, Session Laws of Hawaii 2007, is  
3 amended by amending section 5 to read as follows:

4 "SECTION 5. This Act shall take effect upon its approval;  
5 provided that section 1 of this Act shall be repealed on June  
6 30, [~~2010-~~] 2014."

7 PART II

8 SECTION 3. Act 82, Session Laws of Hawaii 2003, as amended  
9 by section 5 of Act 152, Session Laws of Hawaii 2007, is amended  
10 by amending section 8 to read as follows:

11 "SECTION 8. This Act shall take [~~affect~~] effect on July 1,  
12 2003, and shall be repealed on June 30, [~~2010-~~] 2014."

13 PART III

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 1 day of JUN, 2009

GOVERNOR OF THE STATE OF HAWAII

