
A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1 PART I

2 SECTION 1. The liability protections afforded to
3 lifeguards in Act 170, Session Laws of Hawaii 2002 (Act 170),
4 will sunset on June 30, 2010. Act 170 provides liability
5 protection for lifeguard services on the beach or in the ocean,
6 except for gross negligence or wanton acts or omissions. This
7 limited liability protection was made necessary because some
8 counties would not provide lifeguard services at state beach
9 parks, due to the fear of potential liability that might ensue.
10 The legislature finds that Act 170 created a climate in which
11 lifeguard services could be provided by the counties without
12 fear of liability, and, therefore, is a life-saving measure that
13 should be made permanent.

14 The purpose of this part is to make permanent the liability
15 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5 ~~provided that section 1 of this Act shall be repealed on June~~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]."~~

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12 2003[~~, and shall be repealed on June 30, 2010]."~~

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 Statutory material to be repealed is bracketed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 on January 1, 2046.



Report Title:

Tort Liability; Lifeguards; Public Lands

Description:

Makes permanent the law shielding county lifeguards from liability. Also makes permanent the limitation on liability of the State and counties for incidents arising on improved public lands, provided that certain signage requirements are met.

(HB1040 HD1)

