

STAND. COM. REP. NO.

707

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1040

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1040 entitled:

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

begs leave to report as follows:

The purpose of this bill is to make permanent the law shielding county lifeguards from liability while providing lifeguard services on the beach or in the ocean.

The Department of the Attorney General, a member of the Maui County Council, a member of the Kauai County Council, Honolulu Emergency Services Department, County of Hawaii Office of the Corporation Counsel, Hawaii County Fire Department, Hawaii Council of Mayors, Hawaii Government Employees Association, Hawaiian Lifeguard Association, and a concerned individual supported this bill. The Department of Land and Natural Resources, Kauai Fire Department, and Department of the Corporation Counsel of the City and County of Honolulu supported this bill with amendments. The Hawaii Association for Justice opposed this bill.

Your Committee has amended this measure by adding a new part which repeals the sunset date of Act 82, Session Laws of Hawaii (SLH) 2003, as amended by Act 152, SLH 2007. This part makes permanent limited liability protections for the State and counties for incidents arising on improved public lands, provided that certain signage requirements are met.

HB1040 HD1 HSCR JUD HMS 2009-2649



In addition, your Committee has further amended this measure by:

- (1) Changing its effective date to January 1, 2046, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

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 H.B. No. 1040, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1040, H.D. 1.

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



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JON RIKI KARAMATSU, Chair



