
A BILL FOR AN ACT

RELATING TO TORTS.

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

1 SECTION 1. Section 663-1.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§663-1.5 Exception to liability.** (a) Any person who in
4 good faith renders emergency care, without remuneration or
5 expectation of remuneration, at the scene of an accident or
6 emergency to a victim of the accident or emergency shall not be
7 liable for any civil damages resulting from the person's acts or
8 omissions, except for such damages as may result from the
9 person's gross negligence or wanton acts or omissions.

10 (b) No act or omission of any rescue team or physician
11 working in direct communication with a rescue team operating in
12 conjunction with a hospital or an authorized emergency vehicle
13 of the hospital or the State or county, while attempting to
14 resuscitate any person who is in immediate danger of loss of
15 life, shall impose any liability upon the rescue team, the
16 physicians, or the owners or operators of such hospital or
17 authorized emergency vehicle, if good faith is exercised.



1 This section shall not relieve the owners or operators of
2 the hospital or authorized emergency vehicle of any other duty
3 imposed upon them by law for the designation and training of
4 members of a rescue team or for any provisions regarding
5 maintenance of equipment to be used by the rescue team or any
6 damages resulting from gross negligence or wanton acts or
7 omissions.

8 (c) Any physician licensed to practice under the laws of
9 this State or any other state who in good faith renders
10 emergency medical care in a hospital to a person, who is in
11 immediate danger of loss of life, without remuneration or
12 expectation of remuneration, shall not be liable for any civil
13 damages, if the physician exercises that standard of care
14 expected of similar physicians under similar circumstances.

15 (d) Any person or other entity who as a public service
16 publishes written general first aid information dealing with
17 emergency first aid treatment, without remuneration or
18 expectation of remuneration for providing this public service,
19 shall not be liable for any civil damages resulting from the
20 written publication of such first aid information except as may
21 result from its gross negligence or wanton acts or omissions.



1 (e) Any person who in good faith, without remuneration or
2 expectation of remuneration, attempts to resuscitate a person in
3 immediate danger of loss of life when administering any
4 automated external defibrillator, regardless of where the
5 automated external defibrillator that is used is located, shall
6 not be liable for any civil damages resulting from any act or
7 omission except as may result from the person's gross negligence
8 or wanton acts or omissions.

9 Any person, including an employer, who provides for an
10 automated external defibrillator shall not be vicariously liable
11 for any civil damages resulting from any act or omission of the
12 persons or employees who, in good faith and without remuneration
13 or the expectation of remuneration, attempt to resuscitate a
14 person in immediate danger of loss of life by administering an
15 automated external defibrillator, except as may result from a
16 person's or employer's gross negligence or wanton acts or
17 omissions.

18 (f) Any physician who administers an automated external
19 defibrillator program without remuneration or expectation of
20 remuneration shall not be liable for any civil damages resulting
21 from any act or omission involving the use of an automated



1 external defibrillator, except as may result from the
2 physician's gross negligence or wanton acts or omissions.

3 (g) Any person employed by the department of education
4 who, in good faith, attempts to cease actions between students
5 that the employee reasonably believes will cause injury or
6 bodily harm to one or more of the students involved in such
7 action, whether the activity is taking place on the school
8 campus or not, shall not be liable for any civil damages
9 resulting from act or omission except as may result from the
10 person's gross negligence or wanton acts or omissions.

11 [~~g~~] (h) This section shall not relieve any person,
12 physician, or employer of:

13 (1) Any other duty imposed by law regarding the
14 designation and training of persons or employees;

15 (2) Any other duty imposed by provisions regarding the
16 maintenance of equipment to be used for resuscitation;
17 or

18 (3) Liability for any damages resulting from gross
19 negligence, or wanton acts or omissions.

20 [~~h~~] (i) For the purposes of this section:

21 "Automated external defibrillator program" means an
22 appropriate training course that includes cardiopulmonary



1 resuscitation and proficiency in the use of an automated
2 external defibrillator.

3 "Good faith" includes but is not limited to a reasonable
4 opinion that the immediacy of the situation is such that the
5 rendering of care should not be postponed.

6 "Rescue team" means a special group of physicians, basic
7 life support personnel, advanced life support personnel,
8 surgeons, nurses, volunteers, or employees of the owners or
9 operators of the hospital or authorized emergency vehicle who
10 have been trained in basic or advanced life support and have
11 been designated by the owners or operators of the hospital or
12 authorized emergency vehicle to attempt to provide such support
13 and resuscitate persons who are in immediate danger of loss of
14 life in cases of emergency."

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

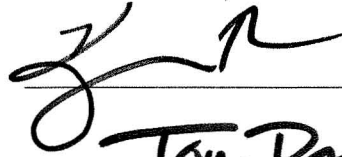
17 SECTION 3. This Act shall take effect upon its approval.

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H.B. NO. 1346

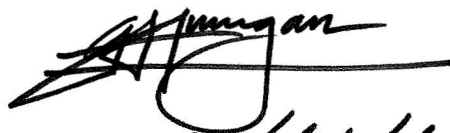
INTRODUCED BY:



Tom Bram



John M. Meyer



Anthony

JAN 27 2009



Report Title:

Torts

Description:

Exempts department of education employees from liability from ceasing activities between students that are reasonably believed to cause bodily injury or harm to one or more students.

