

---

---

# A BILL FOR AN ACT

RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT.

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

1           SECTION 1. Section 127-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§127-7 Compensation, rights, privileges, and immunities.**

4 No person engaged in actual disaster relief pursuant to this  
5 chapter, including a volunteer whose services are accepted by  
6 any person authorized by the director of disaster relief,  
7 including providing shelter in case of natural or man-made  
8 disaster, shall be liable, civilly or criminally, for any act or  
9 acts done by the person in pursuance of the person's duty;  
10 provided that nothing herein shall preclude recovery by any  
11 person for injury or damage sustained from the operation of any  
12 vehicle which may be insured under section 41D-8, and the  
13 director is hereby authorized to insure vehicles owned by the  
14 State or in the custody and use of the disaster relief agency.

15           All persons, including volunteers whose services have been  
16 accepted by persons authorized by the director, shall, while  
17 engaged in the performance of duty pursuant to this chapter,  
18 including duty performed during periods of training, be deemed



1 state employees and shall have the powers, duties, rights, and  
2 privileges of employees in the performance of their duty. All  
3 persons who may otherwise be employees of the State or of any  
4 political subdivision shall continue to receive the compensation  
5 they would otherwise receive; and shall for the purposes of the  
6 employees retirement system, or any applicable workers'  
7 compensation law be deemed to be engaged in the performance of  
8 their ordinary duties. All other persons when engaged in actual  
9 disaster relief, including volunteers whose services have been  
10 accepted by persons authorized by the director, shall be  
11 entitled to compensation from the State at the rate paid to  
12 jurors; provided this provision shall not be construed to  
13 prohibit the contracting for medical or other technical services  
14 at higher rates of compensation. Further, in case of injury or  
15 death arising out of and in the performance of duty pursuant to  
16 this chapter, including duty performed during periods of  
17 training, such persons or their dependents shall be entitled to  
18 all of the benefits provided in chapter 386, including medical  
19 services and supplies; provided that for the purposes of the  
20 benefits, average weekly wages shall be computed upon the basis  
21 of earnings from the usual employment of such persons. The cost  
22 thereof shall be a charge upon the state insurance fund.



1 Nothing herein shall affect the right of any person to receive  
2 any benefits or compensation under any act of Congress."

3 SECTION 2. New statutory material is underscored.

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

5



**Report Title:**

Civil Defense; Immunity from Liability; Private Shelters

**Description:**

Extends immunity from liability to a person who voluntarily permits the use of the person's property to shelter people during a natural or man-made disaster. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

