



GOV. MSG. NO. 592

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 24, 2010

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 May 24, 2010, the following bill was signed into law:

SB930 HD2 CD1

A BILL FOR AN ACT
RELATING TO VOLUNTEER MEDICAL ASSISTANCE
SERVICES.

ACT 134 (10)

Sincerely,

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

LINDA LINGLE

Approved by the Governor

on MAY 24 2010

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 134

S.B. NO. 930
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§321- Volunteer medical assistance personnel. (a)

5 This section shall apply to all volunteer medical assistance
6 personnel, including:

7 (1) Physicians;

8 (2) Psychologists;

9 (3) Nurses;

10 (4) Emergency medical technicians;

11 (5) Social workers;

12 (6) Mobile intensive care technicians; and

13 (7) Physician assistants,

14 licensed or certified in this state, or employed by a health

15 care facility, while providing volunteer medical assistance

16 services.



1 (b) Any volunteer medical assistance personnel who is
2 injured in the performance of volunteer medical assistance
3 services, shall be entitled to the benefits in section 386-171.

4 (c) Except in cases of wilful or criminal misconduct,
5 gross negligence, or reckless misconduct, any volunteer medical
6 assistance personnel providing volunteer medical assistance
7 services shall not be liable for the death of or injury to
8 persons, or for damage to property, as a result of any act or
9 omission in the course of rendering volunteer medical assistance
10 services. No act or omission shall be imputed to the owner of
11 any vehicle by reason of ownership thereof; provided that
12 nothing in this section shall preclude recovery by any person
13 for injury or damage sustained from the operation of any vehicle
14 that may be insured under section 41D-8 to the extent of the
15 insurance.

16 (d) Nothing in this section shall be construed to affect
17 any civil action brought by the State or a county against any
18 volunteer medical assistance personnel of the State or a county.

19 (e) In any suit against the State or a county for civil
20 damages based upon the negligent act or omission of volunteer
21 medical assistance personnel, proof of the negligent act or
22 omission shall be sufficient to establish the responsibility of



1 the State or a county therefor under the doctrine of respondeat
2 superior, notwithstanding the immunity granted to the volunteer
3 medical assistance personnel with respect to any act or omission
4 included under subsection (c).

5 (f) For the purposes of this section:

6 "Volunteer medical assistance services" means the rendering
7 of professional medical services that are provided on behalf of
8 and authorized by the State or a county, including participation
9 during periods of volunteer medical assistance services and
10 volunteer medical assistance services training; provided that
11 services provided pursuant to section 321-23.3 shall not be
12 considered to be volunteer medical assistance services.
13 Volunteer medical assistance services shall include providing
14 professional medical services in support of vaccination
15 campaigns or outreach clinics."

16 SECTION 2. Section 662D-3, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§662D-3[+] **Exception.** Notwithstanding section 662D-2,
19 if otherwise permitted by law, a person may sue and recover
20 civil damages from a volunteer based upon:



- 1 (1) Any conduct engaged in by the volunteer that would
- 2 constitute gross negligence, wilful and wanton
- 3 misconduct, or intentional misconduct;
- 4 (2) Any act or omission in connection with the operation
- 5 of a motor vehicle;
- 6 (3) Any conduct engaged in by the volunteer while the
- 7 volunteer is unreasonably interfering with the lawful
- 8 activities of another;
- 9 (4) Any conduct engaged in by the volunteer that takes
- 10 place on private property when the volunteer's presence
- 11 on the property was not consented to by the owner;
- 12 (5) Any act or omission within a volunteer's scope of
- 13 practice for which the volunteer is licensed,
- 14 certified, permitted, or registered under state law to
- 15 perform; provided that this paragraph shall not apply
- 16 to volunteer medical assistance services pursuant to
- 17 section 321- ; and
- 18 (6) Any criminal offense committed by the volunteer."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect upon approval.

22 APPROVED this 24 day of MAY, 2010


GOVERNOR OF THE STATE OF HAWAII