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## 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 or physician assistant licensed to  
9 practice under the laws of this State or any other state who in  
10 good faith renders emergency medical care in a hospital to a  
11 person, who is in immediate danger of loss of life, without  
12 remuneration or expectation of remuneration, shall not be liable  
13 for any civil damages, if the physician or physician assistant  
14 exercises that standard of care expected of similar physicians  
15 or physician assistants under similar circumstances. Any  
16 physician who supervises a physician assistant providing  
17 emergency medical care pursuant to this section shall not be  
18 required to meet the requirements set forth in chapter 453  
19 regarding supervising physicians.

20           (d) Any person or other entity who as a public service  
21 publishes written general first aid information dealing with  
22 emergency first aid treatment, without remuneration or



1 expectation of remuneration for providing this public service,  
2 shall not be liable for any civil damages resulting from the  
3 written publication of such first aid information except as may  
4 result from its gross negligence or wanton acts or omissions.

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

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



1           (f) Any physician or physician assistant who administers  
2 an automated external defibrillator program without remuneration  
3 or expectation of remuneration shall not be liable for any civil  
4 damages resulting from any act or omission involving the use of  
5 an automated external defibrillator, except as may result from  
6 the physician's or physician assistant's gross negligence or  
7 wanton acts or omissions.

8           (g) An owner of, or person in lawful possession of,  
9 agricultural lands shall not be liable for any civil damages  
10 resulting from any act or omission upon their agricultural lands  
11 if the injured party is found to have committed the offense of  
12 criminal trespass in the second degree pursuant to section 708-  
13 814 of the Hawaii Revised Statutes.

14           [(g)] (h) This section shall not relieve any person,  
15 physician, physician assistant, or employer of:

- 16           (1) Any other duty imposed by law regarding the  
17 designation and training of persons or employees;
- 18           (2) Any other duty imposed by provisions regarding the  
19 maintenance of equipment to be used for resuscitation;  
20 or
- 21           (3) Liability for any damages resulting from gross  
22 negligence, or wanton acts or omissions.



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

2            "Automated external defibrillator program" means an  
3 appropriate training course that includes cardiopulmonary  
4 resuscitation and proficiency in the use of an automated  
5 external defibrillator.

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

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

18            SECTION 2. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Barbara Maronito

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JAN 21 2011



**Report Title:**

Torts; landowner liability; agricultural lands

**Description:**

Exempts agricultural land owners from tort liability for injury on their agricultural lands if injured party is convicted of criminal trespass.

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

