

Honolulu, Hawaii

March 2 , 2012

RE: H.B. No. 2686  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2686 entitled:

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

begs leave to report as follows:

The purpose of this measure is to exempt the owner of private property from liability for injury, death, loss, or damage suffered by another if the person was allowed on the premises due to an emergency by the owner of the private property or an agent of the owner of the private property, unless it was intentionally inflicted or caused by the gross negligence of the owner or an agent of the owner.

The State Department of Defense, Hau'ula Community Association, and several concerned individuals testified in support of this measure. The Hawaii Association for Justice testified in opposition to this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the exemption to liability applies to circumstances where an owner of private property provides access to land, shelter, or subsistence during a disaster in good faith and without remuneration or expectation of remuneration;



- (2) Replacing the term "owner of private property and the agent of the owner of the private property" with the term "owner" and adding a definition of that term that includes any of the listed individuals, groups, or entities that control, possess or use the land;
- (3) Adding a definition of "disaster";
- (4) Including any wanton acts or omissions of the owner in those actions which are not exempted from liability;
- (5) Changing the effective date to January 7, 2059, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2686, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2686, H.D. 1, and be placed on the calendar for Third Reading.

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



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GILBERT KEITH-AGARAN, Chair



