

Honolulu, Hawaii

APR 03 2012

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

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2686, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to exempt the owner of private property from civil liability for any injury or damage suffered by a person resulting from the owner providing access to land, shelter, or subsistence in good faith, unless the injury or damage was caused by the gross negligence or intentional or wanton acts or omissions by the owner.

The Hawaii Association for Justice submitted comments.

Your Committee finds that this measure ensures that residents and visitors are provided safe places to seek evacuation during a disaster, especially in the event that evacuation shelters are full. Allowing organizations and private property owners to provide shelter and subsistence without fear of liability greatly increases the safety of individuals.

Your Committee has amended this measure by:


- (1) Adopting the amendments suggested by the Hawaii Association for Justice to:



- (A) Clarify the title of the new section added to chapter 663, Hawaii Revised Statutes;
 - (B) Replace references to "disaster" with references to "natural disaster"; and
 - (C) Add a definition for "emergency"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2686, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2686, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



