

HB 2686, HD1

TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) REGARDING H.B. NO. 2686, HD 1

March 12, 2012

To: Chairman Clayton Hee and Members of the Senate Committee on Judiciary and Labor:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding H.B. No. 2686, HD 1 Relating to Civil Liability.

Our understanding of the original purpose of this bill is to provide some protection to landowners who provide emergency shelter in the event of a natural disaster. HAJ feels that for the most part the provisions in Section 1 (a) of this bill accomplish this purpose. However, we feel that the definition of “disaster” in subsection (b) of SECTION 1 of this bill create vagueness and goes beyond the purpose of the bill.

Our suggestion is that the title to this new section read “**Exemption for providing emergency shelter and subsistence during a natural disaster**” Further, that the word “natural” be inserted before the word “disaster” in subsection (a) of the bill wherever it appears. HAJ also suggests an amendment to define “emergency” to mean a situation in which the life or health of a person is in jeopardy due to a natural disaster requiring immediate assistance. It is common knowledge that a “natural disaster” is the result of a natural hazard such as a flood, hurricane, tsunami, earthquake, volcanic eruption, landslide and similar occurrences that threaten financial and human losses.

As for the definition of owner, HAJ does not have an objection to the definition.

Thank you for the opportunity to testify .