
A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1 SECTION 1. The liability protections afforded to
2 lifeguards in Act 170, Session Laws of Hawaii 2002, are
3 currently scheduled to sunset on June 30, 2014. Act 170
4 provides limited liability protection for county lifeguards and
5 counties providing lifeguard services on beaches or in the
6 ocean, except in the case of gross negligence or wanton acts or
7 omissions. This limited liability protection was made necessary
8 because some counties would not otherwise provide lifeguard
9 services at state beach parks, due to the fear of potential
10 liability. The legislature finds that Act 170 created a climate
11 in which lifeguard services can be provided by the counties
12 without fear of liability and, therefore, is a life-saving
13 measure that should be made permanent.

14 Act 82, Session Laws of Hawaii 2003, established a system
15 of warning signs to increase public safety and protect the State
16 and the counties from unlimited liability arising out of
17 recreational activities on public lands. Because many public
18 lands contain conditions that may, under certain circumstances,



1 present potential risk or danger, Act 82 created a process
2 utilizing a risk assessment group and public input to determine
3 applicable areas where signs should be placed to notify people
4 of inherent dangers and provide the State and counties with
5 liability protections. This ongoing process allows for the
6 institutionalization and standardization of warning signs,
7 enhancing safety for residents and visitors alike, while also
8 serving as a shield for the State against costly lawsuits.

9 The purpose of this Act is to make permanent liability
10 protections for the State and the counties, including county
11 lifeguard personnel, in public areas containing inherent
12 dangers.

13 SECTION 2. Act 170, Session Laws of Hawaii 2002, as
14 amended by section 4 of Act 152, Session Laws of Hawaii 2007, as
15 amended by section 1 of Act 144, Session Laws of Hawaii 2008, as
16 amended by section 2 of Act 81, Session Laws of Hawaii 2009, is
17 amended by amending section 5 to read as follows:

18 "SECTION 5. This Act shall take effect upon its approval[
19 ~~provided that section 1 of this Act shall be repealed on June~~
20 ~~30, 2014]."~~

21 SECTION 3. Act 82, Session Laws of Hawaii 2003, as amended
22 by section 5 of Act 152, Session Laws of Hawaii 2007, as amended



1 by section 3 of Act 81, Session Laws of Hawaii 2009, is amended
2 by amending section 8 to read as follows:

3 "SECTION 8. This Act shall take effect on July 1, 2003[
4 ~~and shall be repealed on June 30, 2014~~]."

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken.

7 SECTION 5. This Act shall take effect on January 1, 2020.



Report Title:

Tort Liability; Lifeguards

Description:

Repeals the sunset date and makes permanent certain limited liability protections for the state and counties, including county lifeguards. Effective January 1, 2020. (SB 1009 HD1)

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

