

JAN 17 2014

---

---

# A BILL FOR AN ACT

RELATING TO COUNTY LIFEGUARDS.

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

1           SECTION 1. Act 170, Session Laws of Hawaii 2002, provides  
2 immunity for county lifeguards and for the State and county that  
3 employs them from liability against damages arising from the  
4 acts or omissions of lifeguards while performing rescue,  
5 resuscitative, and other lifeguard duties. Conference Committee  
6 Report No. 66-02, Regular Session of 2002, on S.B. No. 796,  
7 C.D. 2, states in pertinent part: "The C.D. 2 is intended to  
8 provide the State and counties with qualified immunity so that  
9 lifeguards can be stationed at dangerous beaches, while  
10 appropriately limiting such immunity to acts or omissions  
11 committed while providing rescue or resuscitative actions or  
12 other emergency lifeguard services on the beach."

13           S.C.R. No. 256, H.D. 1, regular session of 1997, requested  
14 the Hawaii tort law study group to conduct a study of Hawaii's  
15 tort system to identify and make recommendations regarding  
16 certain tort issues. Regarding immunity, the study group  
17 reported that "immunity is afforded to classes of persons or  
18 entities because it is in the public's best interests to do so".



1 The study group found that conferring immunity upon a particular  
2 class of persons is often based upon whether or not the social  
3 values attached to encouraging the behavior of that group are of  
4 such great importance as to merit extraordinary protection from  
5 suit.

6 Among the criteria established by the study group for the  
7 legislature in reviewing measures to grant immunity were  
8 considerations that individuals who are engaged in inherently  
9 dangerous activities need to accept personal responsibility for  
10 their actions, and that the legislature, in determining whether  
11 or not to grant immunity, should weigh the costs or not granting  
12 immunity to the public in public dollar costs.

13 The legislature finds that sufficient experience has been  
14 obtained to allow a determination that the current exemption of  
15 liability for the actions of lifeguards should be made  
16 permanent.

17 The purpose of this Act is to make permanent Act 170,  
18 Session Laws of Hawaii 2002, as amended.

19 SECTION 2. Act 170, Session Laws of Hawaii 2002, section  
20 5, as amended by Act 152, Session Laws of Hawaii 2007, section  
21 4, as amended by Act 81, Session Laws of Hawaii 2009, section 2,  
22 is amended to read as follows:



1 "SECTION 5. This Act shall take effect upon its approval[+  
2 ~~provided that section 1 of this Act shall be repealed on June~~  
3 ~~30, 2014]."~~

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken.

6 SECTION 4. This Act, upon its approval, shall take effect  
7 on June 29, 2014.

8

INTRODUCED BY: *Miriam Wehler*

*Erzanne Chun Caspell*

*J. Kalani Egel*

*Annunzio J. Sosa*

*J*

*Mitchell*

*Melanie J. ...*

*Rosaly de Baker*

*[Signature]*

*Nike Gifford*



# S.B. NO. 2429

**Report Title:**

County Lifeguards; Immunity

**Description:**

Makes permanent Act 170, Session Laws of Hawaii 2002, as amended, relating to providing immunity from damages for county lifeguards.

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

