

JAN 18 2013

A BILL FOR AN ACT

RELATING TO TORT LIABILITY IMMUNITY.

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

1 SECTION 1. According to the National Highway Safety
2 Administration, a very high percentage of automotive child
3 restraint devices are incorrectly installed, thereby rendering
4 them ineffective in the event of an accident. The legislature
5 finds that one of the most effective means of educating the
6 public on proper child restraint device installation is to have
7 certified child passenger safety technicians demonstrate the
8 correct installation of these devices to the public and inspect
9 installations performed by members of the public. The
10 legislature further finds that certified child passenger safety
11 technicians have expressed a reluctance to volunteer to perform
12 this vital public service out of fear of being held civilly
13 liable if an injury occurs involving a child restraint device
14 installed by the certified child passenger safety technician or
15 an installation of a child restraint device inspected by the
16 certified child passenger safety technician.

17 The purpose of this Act is to provide immunity from civil
18 liability for certified child passenger safety technicians who



1 in good faith provide inspection, adjustment, or educational
2 services regarding child passenger restraint systems.

3 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§663- Certified child passenger safety technicians;
7 limited liability. Any person who has a current national
8 certification as a child passenger safety technician and who in
9 good faith provides inspection, adjustment, or educational
10 services regarding child passenger restraint systems shall not
11 be liable for civil damages resulting from any act or omission
12 in providing the services, other than acts or omissions
13 constituting gross negligence or willful or wanton misconduct."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: ~~Sen. D.C. Keith~~ *Sen. D.C. Keith*
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S.B. NO. 631

Report Title:

Tort Liability; Immunity for Certain Volunteers

Description:

Provides immunity from civil liability for trained installers and inspectors of automotive child passenger restraint devices.

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