

JAN 24 2013

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, will sunset
3 on June 30, 2014. Act 170 provides liability protection for
4 lifeguard services on the beach or in the ocean, except for
5 gross negligence or wanton acts or omissions. This limited
6 liability protection became necessary because some counties
7 would not provide lifeguard services at state beach parks, due
8 to the fear of potential liability that might ensue. The
9 legislature finds that Act 170 created a climate in which
10 lifeguard services could be provided by the counties without
11 fear of liability and, therefore, is a life-saving measure that
12 should be made permanent.

13 The purpose of this Act is to make permanent the liability
14 protections for lifeguard services.

15 SECTION 2. Act 170, Session Laws of Hawaii 2002, as
16 amended by section 4 of Act 152, Session Laws of Hawaii 2007, as
17 amended by section 2 of Act 81, Session Laws of Hawaii 2009, is
18 amended by amending section 5 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2 ~~provided that section 1 of this Act shall be repealed on June~~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 Statutory material to be repealed is bracketed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 shall take effect upon its approval.

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INTRODUCED BY: *Cynthia Hee*



Report Title:

Tort Liability; Lifeguard Services

Description:

Repeals the sunset date and makes permanent the law shielding county lifeguards from liability.

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