

Honolulu, Hawaii

February 28, 2014

RE: H.B. No. 1024
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1024 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to permanently extend the law providing county lifeguards protections from liability by repealing the sunset date of Act 170, Session Laws of Hawaii 2002, as amended.

The Attorney General, Department of Land and Natural Resources, Mayor of the City and County of Honolulu, Mayor of the County of Hawaii, Mayor of the County of Maui, Mayor of the County of Kauai, Council Chair of the Council of Maui, the Councilmember of the 4th District of the City and County of Honolulu, Kauai Fire Department, Ocean Safety Bureau of the Kauai Fire Department, Ocean Safety Division of the Honolulu Emergency Services Department, Hawaii Fire Department, Hawaii State Fire Council, Honolulu Fire Department, Kauai Visitors Bureau, Kauai Lifeguard Association, Hawaiian Lifeguard Association, Injury Prevention Advisory Committee, Outrigger Hotels Hawaii, Waikiki Improvement Association, Poipu Beach Resort Association, Kauai Chamber of Commerce, and many individuals testified in support of this measure. The Hawaii Association for Justice testified in opposition of this measure. The Hawaii State Association of Counties provided comments.



Your Committee acknowledges the protections that lifeguards afford to the public, both residents and visitors alike, in their enjoyment of state and county beaches. Your Committee also acknowledges that prior to the passage of Act 170 in 2002, there had been extremely few instances of lawsuits filed against lifeguards posted at state and county beaches.

Your Committee has amended this measure by:

- (1) Changing the length of the extension of the Act 170 liability shield for county lifeguards from a permanent extension to a period of three years;
- (2) Requiring the counties to submit a report on litigation against county lifeguards and the effects of Act 170 following the end of each fiscal year; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1024, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1024, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



