

STAND. COM. REP. NO.

2931

Honolulu, Hawaii

MAR 19 2014

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

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and Military Affairs, to which was referred H.B. No. 1024, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to encourage ocean and beach safety by extending the law providing county lifeguards with protections from liability.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of the Attorney General; State Fire Council; Honolulu Fire Department; Hawaii Council of Mayors; Kauai Fire Department; Hawaii Association for Justice; Hawaiian Lifeguard Association; Honolulu Emergency Services Department, Ocean Safety Division; Department of the Corporation Council of the City and County of Honolulu; Injury Prevention Advisory Committee; Hawaii Lodging and Tourism Association; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and fifteen individuals.

Your Committee finds that county lifeguards are essential to ocean and beach safety in providing protections to residents and visitors in their enjoyment of state and county beaches. Limited liability protection is necessary because some counties are unable to provide lifeguard services due to the fear of potential liability that might arise. As a result of the limited liability



protection, many lives have been saved by county lifeguards. Under existing law, the limited liability protections for lifeguards, the counties, and the State against civil damages arising out of acts or omissions of lifeguards while performing lifeguard services will repeal on June 30, 2014. As a result, counties may have to discontinue lifeguarding services due to the increased liability risk and financial burden. This life-saving measure promotes and increases public safety by extending liability protections to lifeguards, the counties, and the State.

Your Committee notes that this measure, as originally introduced during the Regular Session of 2014, provides permanent liability protections to lifeguards, counties, and the State with regard to lifeguard services. The language in H.B. No. 1024, is preferable, as it permanently allows lifeguard services to be provided without fear of liability and will increase public safety for residents and visitors.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of H.B. No. 1024, which permanently provides liability protections to lifeguards, counties, and the State against civil damages arising out of acts or omissions of lifeguards and does not include the county annual reporting requirement, but retaining the effective date of June 29, 2014.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1024, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1024, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



