

JAN 25 2017

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# A BILL FOR AN ACT

RELATING TO STATE AND COUNTY 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 (Act 170),  
3 will sunset on June 30, 2017. Act 170 provides liability  
4 protection for lifeguard services on the beach or in the ocean,  
5 except for gross negligence or wanton acts or omissions. This  
6 limited liability protection was made necessary because some  
7 counties would not provide lifeguard services at state beach  
8 parks, due to the fear of potential liability that might ensue.  
9 The 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 extended.

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, as



1 amended by section 1 of Act 98, Session Laws of Hawaii 2014, is  
2 amended by amending section 5 to read as follows:

3 "SECTION 5. This Act shall take effect upon its approval [~~7~~  
4 ~~provided that section 1 of this Act shall be repealed on June~~  
5 ~~30, 2017]~~."

6 SECTION 3. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed  
10 and stricken.

11 SECTION 5. This Act shall take effect on June 29, 2017.

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INTRODUCED BY:

*M. W.*

By Request



# S.B. NO. 866

**Report Title:**

State and County Tort Liability; Lifeguard Services

**Description:**

Makes permanent an exemption from tort liability for the State and counties arising from lifeguard services, but not for gross negligence or wanton acts or omissions.

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

