

STAND. COM. REP. NO.

202

Honolulu, Hawaii

FEB 14 2017

RE: S.B. No. 562

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 562 entitled:

"A BILL FOR AN ACT RELATING TO TORT LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to make permanent
the limited liability protection established under Act 170,
Session Laws of Hawaii 2002, for county lifeguards and counties
providing lifeguard services on beaches or in the ocean.

Your Committee received testimony in support of this measure
from the Department of the Attorney General; Department of Land
and Natural Resources; Mayor of the County of Kaua'i; Kaua'i Fire
Department; Ocean Safety Bureau of the Kaua'i Fire Department;
Hawaii State Association of Counties; Hawaiian Lifeguard
Association; Maui Hotel & Lodging Association; Hawaii Government
Employees Association, AFSCME Local 152, AFL-CIO; and four
individuals. Your Committee received testimony in opposition to
this measure from the Hawaii Association for Justice.

Your Committee finds that providing lifeguard services at
beaches and in the ocean, including in state beach parks, is vital
to the health, safety, and welfare of the public. In the past,
the threat of potential tort liability meant that some counties
would not provide lifeguard services at some beaches. In 2002,
the Legislature addressed this problem by providing limited tort
liability for county lifeguards and counties providing lifeguard
services on beaches or in the ocean, except in cases of gross
negligence or wanton acts or omissions. This measure makes those

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liability protections for counties and county lifeguards permanent.

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 S.B. No. 562 and recommends that it pass Second Reading and be referred to your Committee on Judiciary and Labor.

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

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



