

JAN 19 2018

A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§663- Exception to liability for county lifeguard
5 services. (a) Notwithstanding any other law to the contrary, a
6 county lifeguard, the employing county, and the State shall not
7 be liable for any civil damages resulting from any act or
8 omission of a lifeguard while the lifeguard is providing rescue,
9 resuscitative, or other lifeguard services on the beach or in
10 the ocean that are within the lifeguard's scope of employment;
11 provided that this exception to liability shall not apply when a
12 claim for civil damages results from a county lifeguard's gross
13 negligence or wanton act or omission.

14 (b) For the purpose of this section:

15 "County lifeguard" means a person employed as a lifeguard
16 by a county of this State.



S.B. NO. 2190

1 "Employing county" means the county employing a county
2 lifeguard."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

8
INTRODUCED BY:


By Request



S.B. NO. 2190

Report Title:

Maui County Package; County Lifeguards; Civil Liability;
Exception

Description:

Provides that a county lifeguard, the employing county, and the State shall not be liable for any civil damages resulting from any act or omission of a lifeguard during the provision of rescue, resuscitative, or other services within the lifeguard's scope of employment. Does not provide immunity when a claim for civil damages results from a county lifeguard's gross negligence or wanton act or omission.

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

