

STAND. COM. REP. NO.

2756

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2087  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2087, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY RESCUE DEVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to amend section 663-1.5, Hawaii Revised Statutes, the Good Samaritan Law, to:

- (1) Provide liability exemptions for owners and operators of any premises, property, or facility where automated external defibrillators and rescue tubes are located for the storage, maintenance, or use of the automated external defibrillators or rescue tubes; and
- (2) Provide liability exemptions for rescuers who attempt to rescue a person with a rescue tube.

Your Committee received testimony in support of this measure from the Ocean Tourism Coalition; Rescue Tube Foundation, Inc.; Quicksilver Charters; Calypso Charters; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; AED Institute; Rotary Club of Hanalei Bay; and three individuals. Your Committee received comments on this measure from the Hawaii Association for Justice.



Your Committee finds that the Good Samaritan Law provides general exemptions for persons who provide aid to others in emergency situations from liability stemming from their actions in providing aid, as well as specific exemptions from liability for types of persons or categories of aid that apply in specific circumstances. Your Committee further finds that in Hawaii nearly half of all non-resident fatal injuries are caused by drowning, and nearly eighty percent of these drownings occur in the ocean. Providing a specific exemption from liability for persons who use rescue tubes to provide aid to persons experiencing distress in the water and persons who keep or maintain rescue tubes on their property will promote safer conditions for visitors and Hawaii residents on the State's beaches.

Your Committee notes that, under the Good Samaritan Law as it currently exists, "[a]ny person ... who provides for an automated external defibrillator" is already exempt from vicarious liability for civil damages resulting from the use of the defibrillator. The language in this measure exempting "[t]he owner or operator of any premises, property, or facility where an automated external defibrillator is located" is therefore superfluous.

Your Committee has amended this measure by:

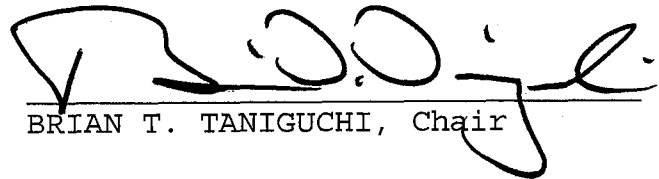
- (1) Deleting language exempting an owner or operator of any premises, property, or facility where an automated external defibrillator is located from liability for any act or omission relating to the storage, maintenance, or use of the automated external defibrillator;
- (2) Clarifying that an owner or operator of any premises, property, or facility where a rescue tube is located is exempt from vicarious liability;
- (3) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B.



No. 2087, S.D. 1, as amended herein, and recommends that it pass  
Third Reading in the form attached hereto as S.B. No. 2087,  
S.D. 2.

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

  
BRIAN T. TANIGUCHI, Chair



