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**TESTIMONY OF ROBERT TOYOFUKU AND NAHELANI WEBSTER ON
BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) REGARDING
S.B. 2087**

Date: Wednesday, February 14, 2018

Time: 3:00 p.m.

Room: 224

To: Chair Clarence K. Nishihara and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs and Chair Karl Rhoads and Members of the Senate Committee on Water and Land

We are presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding S.B. 2087, Relating to Emergency Rescue Devices.

We agree with the intent of the bill, however we respectfully request the committee to consider the following amendments:

At page 5, lines 7-11, the bill grants immunity from negligence to the owner or operator of premises where an automated external defibrillator (AED) is located. We ask that this section be deleted because the owner or operator of premises where an AED is located should be reasonably careful, especially when an owner/ operator knows that an AED machine is not properly working. An AED is most likely to be found in large commercial operations such as shopping centers, big stores, government buildings, hotels, hospitals, etc., where the cost and effort to ensure it is properly charged is an ordinary part of conducting business. Residential homes are less likely to have AED's installed for use by the general public and more likely for a particularly family member with a health condition.

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Section (g) at page 5, line 19 through page 6, line 4, grants immunity to individuals who use a rescue tube in attempting to rescue a person and to owners or operators of premises where a rescue tube is located. The current law already protects a person who volunteers to rescue a person in distress with or without a rescue tube so it is not necessary to add this language. In addition, we ask that section (g) be deleted because it alters the Good Samaritan law to link liability immunity to a piece of equipment rather than to conduct, narrowing its application. The Good Samaritan law, Hawaii Revised Statutes Section 663-1.5 already provides that:

(a) Any person who in good faith renders emergency care, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions, except for such damages as may result from the person's gross negligence or wanton acts or omissions.

Thus, the intent of this bill is already addressed through existing law. In addition section (g) is redundant as it is not necessary to carve out an exception for a specific piece of equipment, such as rescue tubes.

Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.

From: [Jan & Peter Sterne](#)
To: [PSMTestimony](#)
Subject: Support of SB2087
Date: Tuesday, February 13, 2018 3:52:44 PM



I am a member of the Rotary Club of Poipu Beach. Bill Prinzing of our Club has been repairing and checking the rescue tubes from our area all the way to Polihale. I strongly support the bill!

Peter B. Sterne
1870 Hoone Road Unit 810
Koloa

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Submitted on: 2/14/2018 2:45:19 PM

Testimony for PSM on 2/14/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Kvick	Individual	Support	Yes

Comments:

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Submitted on: 2/14/2018 2:59:38 PM

Testimony for PSM on 2/14/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Peggy Oyama	Individual	Support	No

Comments:

I wish to express my support for SB2087 because it would help save lives of both tourists and residents. I am speaking as a private citizen, but I became involved in promoting rescue tubes through the Hawaii Kai Lions Club. I do not represent the Hawaii Kai Lions Club in my testimony.

Currently, private landowners are reluctant to post rescue tubes on their property due to liability concerns. In promoting rescue tubes on Oahu, I've spoken with over 10 clubs/groups and local people (approximately 200 people in total), and the recurring concern has been liability issues for private landowners who would post rescue tubes on their property. There was also concern for private landowners if a rescue tube they'd posted on their property went missing or was stolen. If someone drowned, would the landowner be held liable because someone may have relied on the rescue tube being there, when it had actually been stolen?

In order to promote the use of life-saving rescue tubes in Hawaii, I ask that you pass this bill to encourage organizations to promote and sponsor the use of rescue tubes, encourage private landowners to post rescue tubes on their property without the threat of legal repercussion, and their use by other Good Samaritans in their efforts to save lives. Please help us to save lives by passing this bill.

Thank you.