

Honolulu, Hawaii  
FEB 16 , 2022

RE: H.B. No. 1447  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1447 entitled:

"A BILL FOR AN ACT RELATING TO LIFEGUARDS,"

begs leave to report as follows:

The purpose of this measure is to exempt a person qualified as a county lifeguard and the employing county from liability for any civil damages resulting from the person's acts or omissions while providing rescue, resuscitative, or other lifeguard services, except as may result from the person's gross negligence or wanton acts or omissions.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; one member of the Kaua'i County Council; one member of the Maui County Council; Hawai'i Fire Department; County of Maui Ocean Safety Bureau; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Ocean Safety Maui; Hawai'i State Association of Counties; and thirteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that the counties may be reluctant to provide lifeguard services at beaches, including dangerous beaches, due to concerns about frivolous lawsuits contributing to the costs of insurance. By providing limited liability protection



for county lifeguards and the employing counties, this measure will encourage the counties to expand their lifeguard services at beaches across the State.

Your Committee has amended this measure by:

- (1) Inserting the exception to liability for county lifeguard services into a new section under the State's tort actions chapter and further amending the exception to provide that, notwithstanding any other law to the contrary, a person employed as a county lifeguard, the county employing the county lifeguard, and the State are not be liable for any civil damages resulting from any act or omission of the county lifeguard while providing rescue, resuscitative, or other lifeguard services on the beach or in the ocean in the scope of employment as a county lifeguard, unless the claim for civil damages results from a county lifeguard's gross negligence or wanton act or omission; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1447, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1447, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,

  
MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <b>HB 1447</b>	Committee Referral: <b>JHA, FIN</b>	Date: <b>2-10-22</b>
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:     Pass, unamended (as is)     Pass, with amendments (HD)     Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.				✓
5. LoPRESTI, Matthew S.				✓
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
<b>TOTAL (12)</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>2</b>

The recommendation is:     Adopted     Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
   committee acronym(s)

Vice Chair's or designee's signature: \_\_\_\_\_