

JAN 24 2024

A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1 SECTION 1. The legislature finds that Act 170, Session
2 Laws of Hawaii, 2002 provided liability protection for county
3 lifeguards providing services at state beach parks or in the
4 ocean, except in cases of gross negligence or wanton acts or
5 omissions. Providing this limited liability protection was
6 necessary because some counties would not provide lifeguard
7 services at state beach parks due to the fear of potential
8 liability. The legislature further finds that the liability
9 protections afforded to lifeguards in Act 170 were repealed on
10 June 30, 2017. Reinstating the liability protections of Act 170
11 will allow the counties to continue to provide lifeguard
12 services without fear of liability and is therefore a measure
13 that will help protect the lives of the State's residents and
14 visitors.

15 Accordingly, the purpose of this Act is to permanently
16 reinstate the liability protections previously afforded to



1 county lifeguards for services provided on the beach or in the
2 ocean.

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

6 "§663- Exception to liability for county lifeguard

7 services. (a) For the purposes of this section:

8 "County lifeguard" means a person employed as a lifeguard
9 by a county of this State.

10 "Employing county" means the county employing a county
11 lifeguard.

12 (b) Notwithstanding any other law to the contrary, neither
13 a county lifeguard, the employing county, nor the State shall be
14 liable for any civil damages resulting from any act or omission
15 of the lifeguard while providing rescue, resuscitative, or other
16 lifeguard services on the beach or in the ocean in the scope of
17 employment as a county lifeguard; provided that this exception
18 from liability shall not apply when the claim for civil damages
19 arises from a county lifeguard's alleged gross negligence or
20 wanton act or omission."

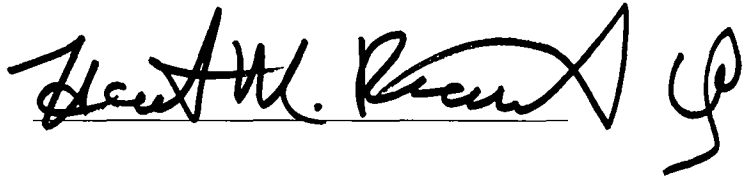


1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY: David M. Rosen 



S.B. NO. 3259

Report Title:

Tort Liability; Lifeguards

Description:

Permanently reinstates the liability protections previously afforded to county lifeguards providing services at state beach parks or in the ocean.

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