

A Bill for an Act Relating to General Provisions on Public Service of Public Officers and Employees.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 78-19, Hawaii Revised Statutes, is amended to read as follows:

“Section 78-19. Safety equipment. Each department or agency of the State and its political subdivisions shall furnish its employees with safety equipment when such equipment is required in connection with the employees’ official duties by the codes and rules and regulations of the department of labor and industrial relations. The cost of such equipment shall be a proper charge against the funds of the department or agency and the respective political subdivisions, as the case may be, furnishing such equipment. Except in the case of gross negligence on the part of the employee losing or damaging such equipment, lost or damaged safety equipment and equipment worn out through wear and tear shall be replaced by the department or agency, or the respective political subdivisions, as the case may be.

“No employee shall be required to operate a motor vehicle which is deemed unsafe. If an employee demonstrates that a motor vehicle which he has been directed to operate is unsafe, he or his employee representatives and his department head shall mutually agree upon the appointment of a third party qualified to evaluate the safety of motor vehicles to determine the safety of said motor vehicle. The decision of the third party shall be final and binding upon the parties. If the third party decides that the motor vehicle is unsafe, the employee shall not be required to operate such motor vehicle. On the other hand, if the motor vehicle is deemed safe by the third party, the employee may be required to operate the vehicle.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 31, 1971.)

* Edited accordingly.