

ACT 90

S.B. NO. 2663

A Bill for an Act Relating to Liability.

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

SECTION 1. The purpose of this Act is to clarify the liability of hotels with regard to certain beach and ocean injuries and to provide that no person other than hotel guests who may be engaged in such activities shall recover from a hotel for injuries resulting from those dangers and risk.

SECTION 2. Chapter 486K, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§486K- Hotelkeeper’s liability limited for certain beach and ocean activities. In a claim alleging injury or loss on account of a hazardous condition on a beach or in the ocean, a hotelkeeper shall be liable to a hotel guest for damages for personal injury, death, property damage, or other loss resulting from the hotel guest going onto the beach or into the ocean for a recreational purpose, including wading, swimming, surfing, body surfing, boogie boarding, diving, or snorkeling, only when such loss or injury is caused by the hotelkeeper’s failure to warn against a hazardous condition on a beach or in the ocean, known, or which should have been known to a reasonably prudent hotelkeeper, and when the hazardous condition is not known to the guest or would not have been known to a reasonably prudent guest. A hotelkeeper owes no duty and shall have no liability for conditions which were not created by the hotel to a person who is not a guest of the hotel for injury or damage resulting from any beach or ocean activity.

As used in this section, “beach” means the beach fronting the hotel, and “hotel guest” means a guest of that particular hotel and other persons occupying the assigned rooms.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 7, 1994.)

Note

1. Edited pursuant to HRS §23G-16.5.