

ACT 170

S.B. NO. 796

A Bill for an Act Relating to State and County Tort Liability.

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

SECTION 1. Chapter 663, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§663- Exception to liability for county lifeguard services.** (a) For the purpose of this section:

“County lifeguard” means a person employed as a lifeguard by a county of this State.

“Employing county” means the county employing a county lifeguard.

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(b) Notwithstanding any other law to the contrary, a county lifeguard, the employing county, and the State shall not be liable for any civil damages resulting from any act or omission of the 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. This exception from liability, however, shall not apply when the claim for civil damages results from a county lifeguard's gross negligence or wanton act or omission."

SECTION 2. Act 190, Session Laws of Hawaii 1996, as amended by Act 101, Session Laws of Hawaii 1999, is amended by amending section 7 to read as follows:

"SECTION 7. This Act shall take effect on July 1, 1996; provided that this Act shall be repealed on June 30, [~~2003.~~] 2007."

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

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval; provided that section 1 of this Act shall be repealed on June 30, 2007.

(Approved June 18, 2002.)

### Note

1. Edited pursuant to HRS §23G-16.5.