

ACT 81

H.B. NO. 1040

A Bill for an Act Relating to Tort Liability.

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

PART I

SECTION 1. The liability protections afforded to lifeguards in Act 170, Session Laws of Hawaii 2002 (Act 170), will sunset on June 30, 2010. Act 170 provides liability protection for lifeguard services on the beach or in the ocean, except for gross negligence or wanton acts or omissions. This limited liability protection was made necessary because some counties would not provide lifeguard services at state beach parks, due to the fear of potential liability that might ensue. The legislature finds that Act 170 created a climate in which lifeguard services could be provided by the counties without fear of liability, and, therefore, is a life-saving measure that should be extended.

The purpose of this part is to extend the liability protections for lifeguard services.

SECTION 2. Act 170, Session Laws of Hawaii 2002, as amended by section 4 of Act 152, Session Laws of Hawaii 2007, is amended by amending section 5 to read as follows:

“SECTION 5. This Act shall take effect upon its approval; provided that section 1 of this Act shall be repealed on June 30, ~~[2010.]~~ 2014.”

PART II

SECTION 3. Act 82, Session Laws of Hawaii 2003, as amended by section 5 of Act 152, Session Laws of Hawaii 2007, is amended by amending section 8 to read as follows:

“SECTION 8. This Act shall take [~~affect~~] effect on July 1, 2003, and shall be repealed on June 30, [~~2010.~~] 2014.”

PART III

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved June 1, 2009.)