A BILL FOR AN ACT

RELATING TO COUNTIES.

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

- SECTION 1. The legislature finds that the counties of the 1 State are best positioned to determine how each county should be 2 served with notice of claims for damages for any injury to 3 persons or property while on public property or by reason of 4 negligence of any official or employee of the county. 5 The purpose of this Act is to allow each county to 6 establish, through its county charter, the individual to be 7 served with notice of claims for damages arising from conditions 8 on public property or the negligence of any official or employee 9 10 of the county. SECTION 2. Section 46-72, Hawaii Revised Statutes, is 11 amended to read as follows: 12 "§46-72 Liability for damages; notice of injuries. Before the county shall be liable for damages to any person for
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- injuries to person or property received upon any of the streets, 15
- avenues, alleys, sidewalks, or other public places of the 16
- county, or on account of any negligence of any official or 17
- employee of the county, the person so injured, or the owner or 18

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- 1 person entitled to the possession, occupation, or use of the
- property so injured, or someone in the person's behalf, [shall,]
- 3 within six months after the injuries are received, shall give
- 4 the individual identified in the respective county's charter, or
- 5 if none is specified, then the chairperson of the council of the
- 6 county or the [city] clerk of [Honolulu] the county, notice in
- 7 writing of the injuries and the specific damages resulting,
- 8 stating fully in the notice when, where, and how the injuries
- 9 occurred, the extent thereof, and the amount claimed therefor."
- 10 SECTION 3. Statutory material to be repealed is bracketed
- 11 and stricken. New statutory material is underscored.
- 12 SECTION 4. This Act shall take effect upon its approval.

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HB. No. 3251

Report Title:

Torts; Counties; Notice of Claim

Description:

Permits the counties to identify, by charter, the person to whom claimant should give notice of claim for injuries or damage sustained on public property or as a result of the negligence of county official or employee.