

STAND. COM. REP. NO. **2172**

Honolulu, Hawaii

Feb. 16, 2006

RE: S.B. No. 2242

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Business and Economic Development and Intergovernmental Affairs, to which was referred S.B. No. 2242 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT TORT LIABILITY,"

beg leave to report as follows:

The purpose of this measure is to make permanent the liability protections for warning signs in public beach cases and the liability protections in lifeguard cases.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; the Department of the Attorney General; the Department of the Corporation Counsel, City and County of Honolulu; the Honolulu Emergency Services Department, City and County of Honolulu; the Hawaiian Lifeguard Association; and a private individual. Your Committees received testimony in opposition to this measure from the Consumer Lawyers of Hawaii.

Act 190, Session Laws of Hawaii 1996, established a process to develop a legally adequate warning system at public beach parks. The enactment of Act 190 was intended to increase public safety, reduce ocean-related accidents, and protect the State and counties from the liabilities they faced with regard to activities in the ocean and at public beaches. As a result of Act 190, the design of the warning signs has been made uniform throughout the State and has served as a model for other government entities to use.

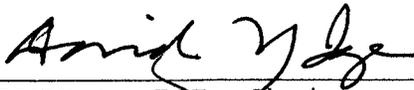


Act 170, Session Laws of Hawaii 2002, established liability protection for lifeguard services on the beach or in the ocean, except for gross negligence, wanton acts, or omissions. The limited liability protection was necessary because counties were not able to provide lifeguard services at public beach parks without fear of potential liability that might ensue. Presently, the warning sign liability protections in Act 190, as amended by Act 101, Session Laws of Hawaii 1999, and Act 170, and the liability protections afforded to lifeguards in Act 170, will sunset on June 30, 2007.

Your Committees find that the sunset provisions in Act 190, as amended by Act 101 and Act 170, need to be repealed and the Acts made permanent so that warning signs can continue to promote public safety and afford the State and counties liability protection at public beach parks, and the counties can continue to provide lifeguard services without fear of liability.

As affirmed by the records of votes of the members of your Committees on Business and Economic Development and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2242 and recommend that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committees on Business and
Economic Development and
Intergovernmental Affairs,



DAVID Y. IGE, Chair



WILL ESPERO, Chair



