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# A BILL FOR AN ACT

RELATING TO LIABILITY OF STATE AND COUNTY GOVERNMENTS.

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

1           SECTION 1. The legislature finds that the limitations on  
2 state and county liability have proven to be beneficial to the  
3 state and county governments, as well as the public. The  
4 liability protections have reduced the exposure of the state and  
5 county governments to substantial damages and, as a result, have  
6 allowed the state and county governments to keep public beach  
7 parks with potentially dangerous conditions open to the public.  
8 The legislature further finds that state and county compliance  
9 with the statutorily required public warning of dangerous  
10 conditions at public beach parks has contributed to an  
11 improvement in public safety in these areas, which justifies  
12 making the current liability exemptions for state and county  
13 governments relating to public beach parks and actions of county  
14 lifeguards permanent.

15           The purpose of this Act is to make permanent certain  
16 liability protections for the state and county governments  
17 relating to public use of public beach parks. This Act also  
18 provides state and county governments with a permanent exception



1 from liability for the acts and omissions of county lifeguards  
2 while acting in the scope of employment.

3 SECTION 2. Act 190, Session Laws of Hawaii 1996, as  
4 amended by Act 101, Session Laws of Hawaii 1999, as amended by  
5 Act 170, Session Laws of Hawaii 2002, is amended by amending  
6 section 7 to read as follows:

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8 ~~provided that this Act shall be repealed on June 30, 2007]~~."

9 SECTION 3. Act 170, Session Laws of Hawaii 2002, is  
10 amended by amending section 5 to read as follows:

11 "SECTION 5. This Act shall take effect upon its approval[+  
12 ~~provided that section 1 of this Act shall be repealed on June~~  
13 ~~30, 2007]~~."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken.

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



**Report Title:**

Sovereign Immunity; Liability Protection

**Description:**

Makes certain temporary liability protections for the state and county governments relating to public use of public beach parks permanent; makes temporary liability protection for acts of lifeguards permanent. (HB38 HD2)

