
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 statutes
2 providing state and county immunity on certain public lands have
3 proven to be beneficial to the state and county governments as
4 well as the general public. The liability protections have
5 reduced the exposure of the state and county governments to
6 substantial damages and, as a result, allowed the state and
7 county governments to keep recreational areas with potentially
8 dangerous conditions open to the public. Furthermore, the
9 warning signage required by the statutes has promoted public
10 safety by informing users of the recreational areas of
11 potentially dangerous conditions.

12 The purpose of this Act is to extend the sunset dates of
13 three statutes that provide the state and county governments
14 with liability protection for public use of certain state or
15 county recreational areas.

16 SECTION 2. Act 170, Session Laws of Hawaii 2002, is
17 amended by amending section 2 to read as follows:



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

5 "SECTION 7. This Act shall take effect on July 1, 1996;
6 provided that this Act shall be repealed on June 30, [~~2007-~~
7 2010."]

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

10 "SECTION 5. This Act shall take effect upon its approval;
11 provided that section 1 of this Act shall be repealed on
12 June 30, [~~2007-~~ 2010."]

13 SECTION 4. Act 82, Session Laws of Hawaii 2003, is amended
14 by amending section 8 to read as follows:

15 "SECTION 8. This Act shall take effect on July 1, 2003,
16 and shall be repealed on June 30, [~~2008-~~ 2010."]

17 SECTION 5. (a) There shall be established a task force to
18 examine the effectiveness of, collect sufficient data relating
19 to, and provide to the legislature information on Act 190,
20 Session Laws of Hawaii 1996; Act 170, Session Laws of Hawaii
21 2002; and Act 82, Session Laws of Hawaii 2003.

22 (b) The task force shall include members as follows:



- 1 (1) The attorney general or the attorney general's
- 2 designee as chair of the task force;
- 3 (2) The president of the Hawaii state association of
- 4 counties or the president's designee;
- 5 (3) The mayor of the city and county of Honolulu or the
- 6 mayor's designee;
- 7 (4) The mayor of the county of Maui or the mayor's
- 8 designee;
- 9 (5) The mayor of the county of Hawaii or the mayor's
- 10 designee;
- 11 (6) The mayor of the county of Kauai or the mayor's
- 12 designee; and
- 13 (7) The executive director of the Consumer Lawyers of
- 14 Hawaii or the executive director's designee.
- 15 (c) The task force shall:
- 16 (1) Collect data on and examine the effectiveness of
- 17 providing lifeguards conditional liability protection
- 18 for lifeguard services at state beach parks, except
- 19 for gross negligence, wanton acts, or omissions;
- 20 (2) Collect data on and examine the effectiveness and
- 21 adequacy of warning signs at public beach parks in
- 22 increasing public safety, reducing ocean-related



1 accidents, and protecting the State and counties from
2 unlimited liability with regard to activities in the
3 ocean and at public beaches; and

4 (3) Collect data on and examine the effectiveness and
5 adequacy of warning signs at public recreational lands
6 in increasing public safety, and protecting the State
7 and counties from unlimited liability arising out of
8 recreational activities on public lands.

9 (d) The task force shall submit its findings and
10 recommendations, including any proposed legislation, to the
11 legislature no later than twenty days prior to the convening of
12 the 2008 regular session.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on June 29, 2007.



Report Title:

Sovereign Immunity; Liability Protection

Description:

Makes certain temporary liability protections for the state and county governments relating to public use of public beaches and state parks permanent; makes temporary liability protection for acts of lifeguards permanent. (SD1)

