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## A BILL FOR AN ACT

RELATING TO TORTS.

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

1           SECTION 1. Section 663-1.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§663-1.5 Exception to liability.** (a) Any person who in  
4 good faith renders emergency care, without remuneration or  
5 expectation of remuneration, at the scene of an accident or  
6 emergency to a victim of the accident or emergency shall not be  
7 liable for any civil damages resulting from the person's acts or  
8 omissions, except for such damages as may result from the  
9 person's gross negligence or wanton acts or omissions.

10           (b) No act or omission of any rescue team or physician  
11 working in direct communication with a rescue team operating in  
12 conjunction with a hospital or an authorized emergency vehicle  
13 of the hospital or the State or county, while attempting to  
14 resuscitate any person who is in immediate danger of loss of  
15 life, shall impose any liability upon the rescue team, the  
16 physicians, or the owners or operators of such hospital or  
17 authorized emergency vehicle, if good faith is exercised.



1           This section shall not relieve the owners or operators of  
2 the hospital or authorized emergency vehicle of any other duty  
3 imposed upon them by law for the designation and training of  
4 members of a rescue team or for any provisions regarding  
5 maintenance of equipment to be used by the rescue team or any  
6 damages resulting from gross negligence or wanton acts or  
7 omissions.

8           (c) Any physician licensed to practice under the laws of  
9 this State or any other state who in good faith renders  
10 emergency medical care in a hospital to a person, who is in  
11 immediate danger of loss of life, without remuneration or  
12 expectation of remuneration, shall not be liable for any civil  
13 damages, if the physician exercises that standard of care  
14 expected of similar physicians under similar circumstances.

15           (d) Any person or other entity who as a public service  
16 publishes written general first aid information dealing with  
17 emergency first aid treatment, without remuneration or  
18 expectation of remuneration for providing this public service,  
19 shall not be liable for any civil damages resulting from the  
20 written publication of such first aid information except as may  
21 result from its gross negligence or wanton acts or omissions.



1           (e) Any person who in good faith, without remuneration or  
2 expectation of remuneration, attempts to resuscitate a person in  
3 immediate danger of loss of life when administering any  
4 automated external defibrillator, regardless of where the  
5 automated external defibrillator that is used is located, shall  
6 not be liable for any civil damages resulting from any act or  
7 omission except as may result from the person's gross negligence  
8 or wanton acts or omissions.

9           Any person, including an employer, who provides for an  
10 automated external defibrillator shall not be vicariously liable  
11 for any civil damages resulting from any act or omission of the  
12 persons or employees who, in good faith and without remuneration  
13 or the expectation of remuneration, attempt to resuscitate a  
14 person in immediate danger of loss of life by administering an  
15 automated external defibrillator, except as may result from a  
16 person's or employer's gross negligence or wanton acts or  
17 omissions.

18           (f) Any physician who administers an automated external  
19 defibrillator program without remuneration or expectation of  
20 remuneration shall not be liable for any civil damages resulting  
21 from any act or omission involving the use of an automated



1 external defibrillator, except as may result from the  
2 physician's gross negligence or wanton acts or omissions.

3 (g) An owner of, or person in lawful possession of,  
4 agricultural lands shall not be liable for any civil damages  
5 resulting from any act or omission upon their agricultural lands  
6 if the injured party is found to have committed the offense of  
7 criminal trespass in the second degree pursuant to section 708-  
8 814 of the Hawaii Revised Statutes.

9 ~~[(g)]~~ (h) This section shall not relieve any person,  
10 physician, or employer of:

- 11 (1) Any other duty imposed by law regarding the  
12 designation and training of persons or employees;
- 13 (2) Any other duty imposed by provisions regarding the  
14 maintenance of equipment to be used for resuscitation;  
15 or
- 16 (3) Liability for any damages resulting from gross  
17 negligence, or wanton acts or omissions.

18 ~~[(h)]~~ (i) For the purposes of this section:

19 "Automated external defibrillator program" means an  
20 appropriate training course that includes cardiopulmonary  
21 resuscitation and proficiency in the use of an automated  
22 external defibrillator.



1 "Good faith" includes but is not limited to a reasonable  
2 opinion that the immediacy of the situation is such that the  
3 rendering of care should not be postponed.

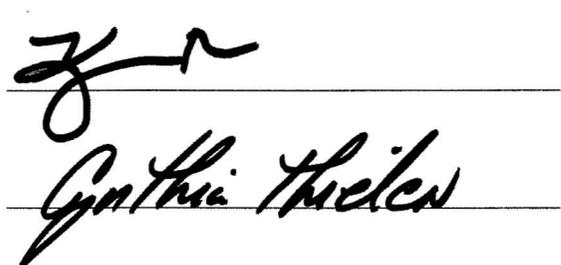
4 "Rescue team" means a special group of physicians, basic  
5 life support personnel, advanced life support personnel,  
6 surgeons, nurses, volunteers, or employees of the owners or  
7 operators of the hospital or authorized emergency vehicle who  
8 have been trained in basic or advanced life support and have  
9 been designated by the owners or operators of the hospital or  
10 authorized emergency vehicle to attempt to provide such support  
11 and resuscitate persons who are in immediate danger of loss of  
12 life in cases of emergency."

13 SECTION 2. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.  
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INTRODUCED BY:



*Jim Ward*

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JAN 23 2009



**Report Title:**

Torts; landowner liability; agricultural lands

**Description:**

Exempts agricultural land owners from tort liability for injury on their agricultural lands if injured party is convicted of criminal trespass.

