

JAN 19 2012

A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. The legislature finds that the counties have
2 established public skateboard parks to meet the demand of
3 skateboarders in their jurisdictions. There is also a public
4 demand for public facilities for bicycle motocross activities.
5 Allowing the use of bicycle motocross at existing skateboard
6 parks provides children and young adults a safe place to ride
7 and socialize while keeping them physically active, out of the
8 streets, and out of trouble.

9 The legislature further finds that the counties currently
10 have the power to allow bicycle motocross activities at public
11 skateboard parks under their jurisdiction but may choose to
12 prohibit such use because of concerns with liability for damages
13 or injuries that result from bicycle motocross activities at
14 public skateboard parks. The counties may also choose not to
15 construct bicycle motocross parks because there are currently no
16 provisions that would limit liability for use of such
17 facilities.



1 The purpose of this Act is to encourage the counties to
2 allow bicycle motocross activities in existing public skateboard
3 parks or create separate bicycle motocross parks by limiting the
4 liability of the counties, the State, and volunteers for damages
5 or injuries that result from bicycle motocross activities at
6 public skateboard parks and bicycle motocross parks.

7 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
8 by adding a new section to be appropriately designated and to
9 read as follows:

10 "~~\$46-~~ Bicycle motocross in public skateboard parks. (a)
11 All counties may provide for bicycle motocross activities in
12 existing public skateboard parks.

13 (b) Nothing in this section shall prohibit a county from
14 constructing or designating county facilities for bicycle
15 motocross parks."

16 SECTION 3. Section 46-72.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§46-72.5[+] Counties' limited liability for skateboard
19 and bicycle motocross activities at public skateboard and
20 bicycle motocross parks. (a) No public entity or public
21 employee shall be liable to any person for injury or damage
22 sustained when using a public skateboard or bicycle motocross



1 park, except when injury or damage is caused by a condition
2 resulting from the public entity's failure to maintain or repair
3 the skateboard or bicycle motocross park.

4 (b) Counties shall maintain a record of all known or
5 reported injuries incurred by skateboard and bicycle motocross
6 users in a public skateboard or bicycle motocross park and all
7 claims paid for such injuries and shall submit a report to the
8 legislature [~~on or before~~] no later than twenty days before the
9 convening of the [~~2008~~] 2015 legislative session, along with any
10 recommendations regarding the need for further immunity from
11 liability."

12 SECTION 4. Section 662-19, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[~~§~~§662-19[~~§~~] **Limited liability for skateboarding and**
15 **bicycle motocross activities in public skateboard and bicycle**
16 **motocross parks.** (a) No public entity or public employee shall
17 be liable to any person for injury or damage sustained when
18 using a public skateboard or bicycle motocross park, except when
19 injury or damage is caused by a condition resulting from the
20 public entity's failure to maintain or repair the skateboard or
21 bicycle motocross park.



(b) Public entities that own or maintain public skateboard or bicycle motocross parks shall maintain a record of all known or reported injuries incurred by skateboard and bicycle motocross users in a public skateboard or bicycle motocross park and all claims paid for such injuries and shall submit a report to the legislature ~~[on or before]~~ no later than twenty days before the convening of the ~~[2008]~~ 2015 legislative session, along with any recommendations regarding the need for further immunity from liability."

SECTION 5. Section 662D-4, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~662D-4~~]~~ Limited liability for volunteers for activities at public skateboard and bicycle motocross parks.

(a) A volunteer who designs, constructs, maintains, or repairs a skateboard or bicycle motocross park for a governmental entity shall not be liable to any person for injury or damage sustained when using a public skateboard or bicycle motocross park, except for injury or damages resulting from gross negligence or intentional misconduct.

(b) No nonprofit organization or nonprofit corporation that provides volunteers to a governmental entity to design, construct, maintain, or repair a public skateboard or bicycle



1 motocross park shall be liable to any person for injury or
2 damage sustained when using a public skateboard or bicycle
3 motocross park, except under the doctrine of respondeat
4 superior."

5 SECTION 6. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 7. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect upon its approval.

11

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Report Title:

Counties; Bicycle Motocross; Skateboard Parks; Liability

Description:

Provides that counties may allow bicycle motocross activities at public skateboard parks. Specifies that counties are not prohibited from constructing or designating county facilities for bicycle motocross parks. Limits the liability of the counties, the State, and volunteers for damages or injuries that result from bicycle motocross activities at public skateboard parks and bicycle motocross parks.

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