
A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1 SECTION 1. The liability protections afforded to
2 lifeguards in Act 170, Session Laws of Hawaii 2002 (Act 170),
3 was repealed on June 30, 2017. Act 170 provided liability
4 protection for lifeguard services on the beach or in the ocean,
5 except for gross negligence or wanton acts or omissions. This
6 limited liability protection was made necessary because some
7 counties would not provide lifeguard services at state beach
8 parks, due to the fear of potential liability that might ensue.
9 The legislature finds that Act 170 created a climate in which
10 lifeguard services could be provided by the counties without
11 fear of liability, and, therefore, is a life-saving measure that
12 should be extended.

13 The purpose of this Act is to make permanent the liability
14 protections for lifeguard services.

15 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§663- Exception to liability for county lifeguard
2 services. (a) For the purposes of this section:

3 "County lifeguard" means a person employed as a lifeguard
4 by a county of this State.

5 "Employing county" means the county employing a county
6 lifeguard.

7 (b) Notwithstanding any other law to the contrary, a
8 county lifeguard, the employing county, and the State shall not
9 be liable for any civil damages resulting from any act or
10 omission of the lifeguard while providing rescue, resuscitative,
11 or other lifeguard services on the beach or in the ocean in the
12 scope of employment as a county lifeguard. This exception from
13 liability, shall not apply when the claim for civil damages
14 results from a county lifeguard's gross negligence or wanton act
15 or omission."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.



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

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H.B. NO. 1935

Report Title:

State and County Tort Liability; Lifeguard Services

Description:

Makes an exemption from tort liability for the State and counties arising from lifeguard services, except for gross negligence or wanton acts or omissions.

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