HOUSE OF REPRESENTATIVES TWENTY-NINTH LEGISLATURE, 2018 STATE OF HAWAII H.B. NO. 1975

### 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 The liability protections afforded to 2 lifequards in Act 170, Session Laws of Hawaii 2002 (Act 170), 3 was repealed on June 30, 2017.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 lifequard 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 lifequard 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 liability14 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:



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# H.B. NO. 15

1 Exception to liability for county lifeguard "§663-2 **services.** (a) For the purposes of this section: 3 "County lifequard" means a person employed as a lifequard 4 by a county of this State. 5 "Employing county" means the county employing a county 6 lifequard. 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 lifequard'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.

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SECTION 4. New statutory material is underscored.



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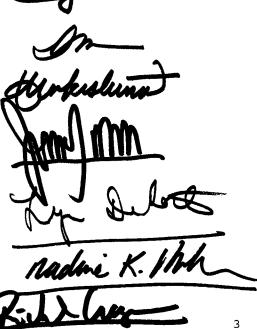
H.B. NO.1935

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

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INTRODUCED BY: ie/en Evan kister





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## H.B. NO. 195

**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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