

JAN 19 2018

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# A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1           SECTION 1. Chapter 663, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§663-           Exception to liability for county lifeguard  
5 services. (a) Notwithstanding any other law to the contrary, a  
6 county lifeguard, the employing county, and the State shall not  
7 be liable for any civil damages resulting from any act or  
8 omission of a lifeguard while the lifeguard is providing rescue,  
9 resuscitative, or other lifeguard services on the beach or in  
10 the ocean that are within the lifeguard's scope of employment;  
11 provided that this exception to liability shall not apply when a  
12 claim for civil damages results from a county lifeguard's gross  
13 negligence or wanton act or omission.

14           (b) For the purpose of this section:

15           "County lifeguard" means a person employed as a lifeguard  
16 by a county of this State.



# S.B. NO. 2190

1        "Employing county" means the county employing a county  
2 lifeguard."

3        SECTION 2. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6        SECTION 3. New statutory material is underscored.

7        SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

*M. M. M.*  
By Request



# S.B. NO. 2190

**Report Title:**

Maui County Package; County Lifeguards; Civil Liability;  
Exception

**Description:**

Provides that a county lifeguard, the employing county, and the State shall not be liable for any civil damages resulting from any act or omission of a lifeguard during the provision of rescue, resuscitative, or other services within the lifeguard's scope of employment. Does not provide immunity when a claim for civil damages results from a county lifeguard's gross negligence or wanton act or omission.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

