

JAN 19 2018

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) As used in this section:

6 "County lifeguard" means a person employed as a lifeguard
7 by a county of this State.

8 "Employing county" means the county employing a county
9 lifeguard.

10 (b) Notwithstanding any other law to the contrary, neither
11 a county lifeguard, the employing county, nor the State shall be
12 liable for any civil damages resulting from any act or omission
13 of the lifeguard while providing rescue, resuscitative, or other
14 lifeguard services on the beach or in the ocean in the scope of
15 employment as a county lifeguard. This exception from
16 liability, however, shall not apply when the claim for civil



S.B. NO. 2195

1 damages results from a county lifeguard's gross negligence or
2 wanton act or omission."


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.

8

INTRODUCED BY: _____


By Request



S.B. NO. 2195

Report Title:

Kauai County Package; Lifeguards; State and County Tort Liability

Description:

Reestablishes the liability exceptions for county lifeguards.

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