

JAN 20 2017

A BILL FOR AN ACT

RELATING TO INDEMNIFICATION.

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

1 SECTION 1. Section 662-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§662-16 Defense of state employees.** The attorney general
4 may defend any civil action or proceeding brought in any court
5 against any employee of the State for damage to property or for
6 personal injury, including death, resulting from the act or
7 omission of any state employee while acting within the scope of
8 the employee's employment. The employee against whom such civil
9 action or proceeding is brought shall deliver within the time
10 after the date of service or knowledge of service as determined
11 by the attorney general, all process or complaint served upon
12 the employee or an attested true copy thereof to the employee's
13 immediate superior or to whomever was designated by the head of
14 the employee's department to receive such papers and such person
15 shall promptly furnish copies of the pleadings and process
16 therein to the department of the attorney general.



1 No judgment by default shall be entered against a state
2 employee based on a cause of action arising out of an act or
3 omission of such employee while acting within the scope of the
4 employee's employment unless the department of the attorney
5 general has received a copy of the complaint or other relevant
6 pleadings and a period of twenty days has elapsed from the date
7 of such receipt.

8 The attorney general may also defend any civil action or
9 proceeding brought in any court against a county based on an
10 allegedly negligent or wrongful act or omission of persons
11 employed by a county as lifeguards and designated to provide
12 lifeguard services at a designated state beach park under an
13 agreement between the State and a county. For such civil action
14 or proceeding against a county that the attorney general
15 defends, the State shall also indemnify that county.

16 The attorney general may also defend any civil action or
17 proceeding brought in any court against any provider of medical,
18 dental, or psychological services pursuant to contract with the
19 department of public safety when the provider is sued for acts
20 or omissions within the contract's scope of work."

21 SECTION 2. New statutory material is underscored.



S.B. NO. 303

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Kul Rhooh

~~Kul Rhooh~~ D.C. Smith



S.B. NO. 303

Report Title:

State Tort Liability Act; Lifeguards; Indemnity; County

Description:

Requires that if the attorney general defends against a civil action brought against a county for a negligent or wrongful act or omission by a county lifeguard who is designated to provide lifeguard services at a state beach park under an agreement between the State and that county, the State shall indemnify that county.

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

