

STAND. COM. REP. NO.

2964

Honolulu, Hawaii

MAR 19 2018

RE: H.B. No. 2693
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2693, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the denial of emergency shelter by places of public accommodation when an emergency alert advises the public to immediately seek shelter;
- (2) Establish that places of public accommodation and their agents and employees are protected from liability when providing emergency shelter when an emergency alert advises the public to immediately seek shelter; and
- (3) Clarify that for certain facilities providing emergency access to land, shelter, and subsistence during a disaster, certain compensation or consideration received by those facilities, or paid for commodities while the facilities provide emergency access to land, shelter, and subsistence during a disaster, shall not disqualify those properties from civil liability protections.



Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and Retail Merchants of Hawaii. Your Committee received comments on this measure from the Hawaii Association for Justice and the Maui Chamber of Commerce.

Your Committee finds that ensuring that citizens have access to adequate land, shelter, and subsistence during a disaster is essential to public safety and welfare. This measure prohibits places of public accommodation from denying shelter to those who are in or in the immediate vicinity of a public accommodation that may provide shelter and amends existing law to adequately provide liability protections for places of public accommodation and their agents and employees when providing emergency shelter.

Moreover, your Committee finds that given the finite amount of available public resources, there is also a need to encourage owners of private property to assist in times of emergencies or disasters by providing emergency shelter to the public. However, in many cases, owners of private property are reluctant to make their property or facilities available to the general public for use as emergency shelter due to concerns about liability. Under existing law, it is unclear whether a property owner who provides shelter during a disaster is exempt from civil liability if the persons being sheltered are paying guests, tenants, or buyers of commodities sold by the property owner. Accordingly, this measure clarifies this ambiguity to ensure that the receipt of certain types of compensation received by an owner of private property who in good faith provides access to the property to members of the public during a disaster or emergency does not disqualify the property owner from civil liability for resulting injuries or damage.

Your Committee has amended this measure by:

- (1) Deleting the exceptions to the definition of remuneration; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2693, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2693, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



