

JAN 22 2021

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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. The legislature finds that the liability  
2     protections afforded to lifeguards in Act 170, Session Laws of  
3     Hawaii 2002, were repealed on June 30, 2017. Act 170 provided  
4     liability protection for lifeguard services on the beach or in  
5     the ocean, except for gross negligence or wanton acts or  
6     omissions. This limited liability protection was made necessary  
7     because some counties would not provide lifeguard services at  
8     state beach parks, due to the fear of potential liability that  
9     might ensue. The legislature finds that Act 170 created a  
10    climate in which lifeguard services could be provided by the  
11    counties without fear of liability and, therefore, is a life  
12    saving measure that should be reestablished.

13           Accordingly, the purpose of this Act is to permanently  
14    reinstate the liability protections previously afforded for  
15    lifeguard services.



1 SECTION 2. 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) For the purposes of 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; provided that this exception  
16 from liability shall not apply when the claim for civil damages  
17 arises from a county lifeguard's alleged gross negligence or  
18 wanton act or omission."

19 SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.





# S.B. NO. 440

**Report Title:**

Kauai County Package; Tort Liability; Lifeguards

**Description:**

Permanently reinstates the liability protections previously afforded to county lifeguards.

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

