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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 Act 170, Session  
2 Laws of Hawaii, 2002 provided liability protection for county  
3 lifeguards providing services at state beach parks or in the  
4 ocean, except in cases of gross negligence or wanton acts or  
5 omissions. Providing this limited liability protection was  
6 necessary because some counties would not provide lifeguard  
7 services at state beach parks due to the fear of potential  
8 liability. The legislature further finds that the liability  
9 protections afforded to lifeguards in Act 170 were repealed on  
10 June 30, 2017. Reinstating the liability protections of Act 170  
11 will allow the counties to continue to provide lifeguard  
12 services without fear of liability and is therefore a measure  
13 that will help protect the lives of the State's residents and  
14 visitors.

15           Accordingly, the purpose of this Act is to permanently  
16 reinstate the liability protections previously afforded to



1 county lifeguards for services provided on the beach or in the  
2 ocean.

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

6 "§663- Exception to liability for county lifeguard  
7 services. (a) Notwithstanding any other law to the contrary,  
8 neither a county lifeguard, the employing county, nor the State  
9 shall be liable for any civil damages resulting from any act or  
10 omission of the lifeguard while providing rescue, resuscitative,  
11 or other lifeguard services on the beach or in the ocean in the  
12 scope of employment as a county lifeguard; provided that this  
13 exception from liability shall not apply when the claim for  
14 civil damages arises from a county lifeguard's alleged gross  
15 negligence or wanton act or omission.

16 (b) For the purposes of this section:

17 "County lifeguard" means a person employed as a lifeguard  
18 by a county of the State.

19 "Employing county" means the county employing a county  
20 lifeguard."



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

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Tort Liability; Lifeguards

**Description:**

Permanently reinstates the liability protections previously afforded to county lifeguards providing services at state beach parks or in the ocean. (SD1)

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

