

JAN 22 2026

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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

PART I

SECTION 1. While it is the policy of the legislature to encourage the private sector to assist in emergencies or disasters, the legislature finds that there is an added need to encourage the private sector to assist in providing emergency shelter during emergencies or disasters. In many cases, the private entity is reluctant to make facilities or property available to a person for use as a shelter because of liability concerns.

The purpose of this part is to prohibit the denial of emergency shelter by public establishments, compensate owners of public establishments to repair damages caused by persons sheltered, and clarify that public establishments and their agents and employees are protected from liability when providing emergency shelter.



1       SECTION 2. Chapter 127A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4       "§127A-   Public establishments; prohibition against  
5 denial of shelter. (a) Whenever the State, or any portion  
6 thereof, is the subject of any emergency alert that advises the  
7 public to immediately seek shelter, including an alert of an  
8 incoming missile, to the extent reasonably practicable and  
9 compliant with law, no public establishment shall deny shelter  
10 to any person who is inside the public establishment or who is  
11 in the immediate vicinity of the public establishment during the  
12 public establishment's normal business hours. This prohibition  
13 shall not extend to pets.

14       (b) The prohibition under subsection (a) shall remain in  
15 effect until a federal, state, or county emergency management  
16 official advises the public that the emergency condition no  
17 longer exists and that it is safe to resume normal activities.

18       (c) Except in cases of wilful misconduct, gross  
19 negligence, or recklessness, no public establishment or any of  
20 its agents or employees that provide shelter pursuant to  
21 subsection (a) shall be civilly liable for the death of or



1 injury to persons, or property damage, that results from any act  
2 or omission in the course of providing shelter.

3 (d) An owner of a public establishment shall be  
4 financially compensated or reimbursed by the State for repairing  
5 any documented property damage to the owner's public  
6 establishment or its contents, or both, that is caused by a  
7 person who sought shelter at the public establishment during the  
8 emergency alert.

9 (e) A complaint involving an alleged violation of  
10 subsection (a) shall be made directly to the department of the  
11 attorney general.

12 (f) The department of the attorney general shall  
13 investigate complaints involving public establishments that have  
14 allegedly denied shelter to persons, in violation of this  
15 section.

16 (g) For the purposes of this section:

17 "Owner" has the same meaning as in section 663-10.7.

18 "Public establishment" means a business, accommodation,  
19 refreshment, entertainment, recreation, or transportation  
20 facility of any kind that is constructed with safe concrete and  
21 whose goods, services, facilities, privileges, advantages, or



1 accommodations are extended, offered, sold, or otherwise made  
2 available to the general public as customers, clients, or  
3 visitors. "Public establishment" includes but is not limited to  
4 the following:

5 (1) A facility providing services relating to travel or  
6 transportation;

7 (2) An inn, hotel, motel, or other establishment that  
8 provides lodging to transient guests;

9 (3) A common area within a project that consists entirely  
10 of time share units. For the purposes of this  
11 paragraph, "project" and "time share unit" have the  
12 same meanings as defined in section 514E-1, and  
13 "common area" includes roofs, halls, sidewalks,  
14 corridors, lobbies, stairs, stairways, fire escapes,  
15 entrances and exits, recreational facilities, parking  
16 areas, and reception areas;

17 (4) A restaurant, cafeteria, lunchroom, lunch counter,  
18 soda fountain, or other facility principally engaged  
19 in selling food for consumption on the premises of a  
20 retail establishment;



- 1        (5) A shopping center or any establishment that sells  
2        goods or services at retail;
- 3        (6) An establishment licensed under chapter 281 doing  
4        business under a class 4, 5, 8, 9, 10, 11, or 12  
5        license, as defined in section 281-31;
- 6        (7) A motion picture theater, other theater, auditorium,  
7        convention center, lecture hall, concert hall, sports  
8        arena, stadium, or other place of exhibition or  
9        entertainment;
- 10       (8) A barber shop, beauty shop, bathhouse, swimming pool,  
11       gymnasium, reducing or massage salon, or other  
12       establishment conducted to serve the health,  
13       appearance, or physical condition of persons;
- 14       (9) A park, campsite, or trailer facility, or other  
15       recreation facility;
- 16       (10) A comfort station;
- 17       (11) A mortuary or undertaking establishment; and
- 18       (12) An establishment that is physically located within the  
19       premises of an establishment otherwise covered by this  
20       definition, or within the premises of which is  
21       physically located a covered establishment, and which



1           holds itself out as serving patrons of the covered  
2           establishment.

3 "Public establishment" does not include hospitals and health  
4 care facilities."

## 5 PART II

SECTION 3. The legislature finds that section 663-10.7, Hawaii Revised Statutes, exempts a private property owner who provides emergency access to land, shelter, or subsistence to a person during a disaster without remuneration or expectation of remuneration from civil liability for injury or damage suffered by that person. The false alert of an inbound ballistic missile on January 13, 2018, raised the issue that this protection may not apply to certain businesses because those sheltering there may be paying guests or tenants. The legislature finds that there is a need to clarify that the remuneration paid to these property owners does not disqualify them from the protections afforded under the law.

18           The false alert also raised the issue that there may be  
19   circumstances where emergency access to land, shelter, or  
20   subsistence is provided to the public by owners of private  
21   facilities or properties who are also in the business of selling



1 services or commodities and that the liability protection may  
2 not apply to these owners if they attempt to sell services or  
3 incidental commodities to those people during a disaster. The  
4 legislature finds that there is a need to clarify that during a  
5 disaster, the owner of private property providing emergency  
6 access to land, shelter, or subsistence may sell services or  
7 incidental commodities during the property's use in a disaster.

8 The purpose of this part is to clarify that remuneration or  
9 expectation of remuneration paid to owners of private property  
10 for goods or services other than emergency access to land,  
11 shelter, or subsistence, including services or incidental  
12 commodities to the emergency access, does not void the exemption  
13 from civil liability afforded to these owners except where  
14 owners increase the sale price of incidental commodities.

15 SECTION 4. Section 663-10.7, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§663-10.7[+] **Exemption for providing emergency access**  
18 **to land, shelter, and subsistence during a disaster.** (a) Any  
19 owner of private property who in good faith provides emergency  
20 access to land, shelter, or subsistence, including food and  
21 water, to a person during a disaster without remuneration or



1 expectation of remuneration[7] for the emergency access to land,  
2 shelter, or subsistence, shall be exempt from civil liability  
3 for any injury or damage suffered by the person that resulted  
4 from the owner providing such emergency access to land, shelter,  
5 or subsistence, unless the injury or damage was caused by the  
6 gross negligence or intentional or wanton acts or omissions of  
7 the owner.

8 (b) If an owner of private property who, while providing a  
9 person with emergency access to land, shelter, or subsistence  
10 without remuneration or expectation of remuneration for the  
11 emergency access, receives any remuneration for providing the  
12 person with a service or incidental commodity during the  
13 disaster, that remuneration shall not diminish or void the  
14 exemption from civil liability under subsection (a); provided  
15 that if the owner of the private property increases the sale  
16 price of any service or incidental commodity, whether at retail  
17 or wholesale, on the private property during the disaster, the  
18 exemption from liability shall be void.

19 ~~(b)~~ (c) For the purposes of this section:

20 "Disaster" means a nonroutine event that exceeds the  
21 capacity of persons in the affected area to respond to it in



1 such a way as to save lives, preserve property, or to maintain  
2 the social, ecological, economic, or political stability of the  
3 affected area.

4 "Emergency" means a situation in which the life or health  
5 of a person is in jeopardy due to a disaster requiring immediate  
6 assistance.

7 "Incidental commodity" means a good necessary for the  
8 health, safety, and welfare of the people of the State that is  
9 not emergency access to land, shelter, or subsistence but is  
10 incidental to the emergency access to land, shelter, or  
11 subsistence. "Incidental commodity" includes but is not limited  
12 to materials, merchandise, supplies, equipment, resources, and  
13 other articles of commerce including food, water, ice,  
14 medication, chemicals, or petroleum products.

15 "Owner" means the possessor of a fee interest, or a tenant,  
16 lessee, occupant, person, group, club, partnership, family,  
17 organization, entity, or corporation that has control,  
18 possession, or use of the land, and its members, agents,  
19 partners, representatives, shareholders, and employees."

20 PART III



# S.B. NO. 2482

1       SECTION 5. 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 6. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10       SECTION 7. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12       SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: Mike Gabbert



# S.B. NO. 2482

**Report Title:**

Emergencies; Disasters; Public Establishments; Shelter; Civil Liability Exemption

**Description:**

Prohibits public establishments from denying shelter to any person when an emergency alert advises the public to immediately seek shelter during the establishments' normal business hours, under certain conditions. Clarifies that remuneration or expectation of remuneration paid to owners of private property for goods or services other than emergency access to land, shelter, or subsistence, including services or incidental commodities to the emergency access, does not void the exemption from civil liability afforded to these owners except where owners increase the sale price of the service or incidental commodities.

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

