

## ACT 173

H.B. NO. 1993-86

A Bill for an Act Relating to Exceptions to the State Tort Liability Act.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 662-15, Hawaii Revised Statutes, is amended to read as follows:

**“§662-15 Exceptions.** This chapter shall not apply to:

- (1) Any claim based upon an act or omission of an employee of the State, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state officer or employee, whether or not the discretion involved has been abused;
- (2) Any claim arising in respect of the assessment or collection of any tax, or the detention of any goods or merchandise by law enforcement officers;
- (3) Any claim for which a remedy is provided elsewhere in the laws of the State;
- (4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;
- (5) Any claim arising out of the combatant activities of the Hawaii national guard and Hawaii state guard during time of war[.], or during the times the Hawaii national guard is engaged in federal service pursuant to sections 316, 502, 503, 504, or 505 of Title 32 of the United States Code;
- (6) Any claim arising in a foreign country[.]; or
- (7) Any claim arising out of the acts or omissions of any boating enforcement officer appointed under section 267-6.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 17, 1986.)