

ACT 298

S.B. NO. 3432

A Bill for an Act Relating to Schools.

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

SECTION 1. The purpose of this Act is to establish a consistent process authorizing the department of education to accept donations of equipment and fixtures, and to clarify responsibility for the repair and maintenance of these donations. The legislature finds that the State needs a consistent policy and procedure for these matters.

SECTION 2. Chapter 296, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§296- Donated school equipment and fixtures; repair and maintenance responsibility.** (a) The department of education shall have the authority to accept donations of school equipment or fixtures on behalf of the department of education, individual schools, or school complexes. Donations that meet current educational specifications or exceed existing educational specifications shall be deemed acceptable in instances where the donations enhance the school environment or improve the administration of school programs in accordance with criteria established by the department of education pursuant to chapter 91.

(b) In the case of fixtures that are to be installed in existing or new school facilities, the department of accounting and general services shall thereafter be responsible for the repair and maintenance of the donated fixtures. In the case of equipment that supports the school's curriculum and programs, the department of education shall thereafter be responsible for the repair and maintenance of the donated equipment.

(c) The department of education may accept a donation only if the equipment or fixture is useful to enhance the physical environment or safety of a school, or is a benefit to learning.

(d) The private source making a donation shall not be liable upon any claim for injury arising from the donated equipment or fixture; provided that this provision shall not affect the responsibility or liability of manufacturers of defective products nor shall it reflect the responsibilities of negligent persons who cause dangerous conditions which result in injury."

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect upon its approval.

(Approved June 29, 1992.)

**Note**

1. Edited pursuant to HRS §23G-16.5.