

ACT 302

H.B. NO. 3289

A Bill for an Act Relating to Liability.

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

SECTION 1. Chapter 486K, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§486K- Hotelkeeper’s liability for provision of certain recreational equipment.** (a) Notwithstanding section 663-1.54, a hotelkeeper shall have no duty to instruct or train a user of recreational equipment or to supervise the use of such equipment where the recreational equipment is in fact used without supervision and, at the time of such use, is not part of an activity guided or managed by representatives of the hotelkeeper.

(b) As used in this section, “recreational equipment” includes skin diving masks, snorkels, swim fins, bodysurfing boards, surfboards, canoes, kayaks, bicycles, skates, tennis or golf equipment, weights and exercise equipment, air mattresses, and flotation devices provided by the hotel. “Recreational equipment” does not include:

- (1) Any water or land vehicle powered by an engine, motor, or the wind;
- (2) Any device, other than a snorkel, that permits a person to breathe while submerged;
- (3) Parachutes, parasails, or any equipment designed for flight, gliding, or controlled descent in the air;
- (4) Any firearm, airgun, archery equipment; or
- (5) Any edged weapon.

(c) Nothing in this section shall bar liability of a hotelkeeper:

- (1) For negligence in the maintenance of recreational equipment; or
- (2) When a loss or injury is suffered by a hotel guest and is caused by the hotelkeeper’s failure to warn against a hazardous condition on a beach or in the ocean, known, or which should have been known to a reasonably prudent hotelkeeper, as specified in section 486K-5.5.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

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

(Approved July 20, 1998.)

**Note**

1. Edited pursuant to HRS §23G-16.5.