

ACT 244

S.B. NO. 2068

A Bill for an Act Relating to School Repair And Maintenance.

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

SECTION 1. In the regular session of 2001, the legislature passed Act 309, which established the Hawaii school repair and maintenance fund as a separate fund of Helping Hands Hawaii, a Hawaii nonprofit organization. The Act authorized Helping Hands Hawaii to expend moneys from the fund in the form of either grants to organizations or contracts with private vendors for the repair and maintenance of public schools in Hawaii. The legislature intended that the public and private sectors work together as partners in securing contributions for the fund and that Helping Hands Hawaii, through its project, Hawaii 3R's, assist the public and private sectors in reviewing and investigating all potential funding sources.

The legislature finds, however, that some professionals in the construction industry have indicated their reluctance to contribute their services to Hawaii 3R's because of their fear of being held liable for damages. These professionals believe that their work, which is performed either pro bono or at a reduced cost, should be viewed as that of a volunteer, or a "good Samaritan", and that they should not be held responsible for damages. Moreover, although many of these professionals have their own insurance, they are concerned that if a lawsuit or claim is filed against them, they may incur additional costs in the form of higher premiums, even if they are found not at fault.

Accordingly, the purpose of this Act is to afford volunteer status to providers of construction or project-related professional services that contract with Helping Hands Hawaii through Hawaii 3R's to perform pro bono or reduced-cost services for the repair and maintenance of public schools in Hawaii, as of January 1, 2002.

SECTION 2. Act 309, Session Laws of Hawaii 2001, is amended by adding a new section to be appropriately designated and to read as follows:

"SECTION . Providers of construction or project-related professional services for the repair and maintenance of public schools; volunteer status. Pursuant to chapter 90, the department of accounting and general services shall accept as volunteers qualified professional providers of construction or project-related professional services who are under contract with Helping Hands Hawaii in its Hawaii 3R's project. The department of accounting and general services shall maintain a list of volunteers so accepted, and shall provide the professional providers with appropriate guidance, supervision, and control to reasonably protect members of the public from injury or damage. Once accepted as a volunteer by the department of accounting and general services, the professional provider shall be entitled to protection from liability for volunteers under chapter 90, unless the injury or damage is caused by or is the result of the professional provider's wilful and wanton act or omission."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2002.

(Approved June 28, 2002.)