

ACT 144

S.B. NO. 975

A Bill for an Act Relating to Government.

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

SECTION 1. The legislature finds that there is strong public demand for public facilities designed for skateboarding. Such activities pose a substantial risk of injury to the users of such facilities due to the inherently dangerous nature of these activities. The legislature further finds that there are no design standards for such facilities to mitigate against the inherently dangerous activities or uses that may occur in skateboard parks. The legislature also finds that such facilities may not be typically monitored or supervised by public employees, that signs warning of dangers of skateboarding activity make no sense because of the inherent danger of the activities, and that persons with recreational equipment other than skateboards may use the facilities in a manner for which the facilities were not designed and sustain injury as a result.

The purpose of this Act is to balance the public demand for public facilities designed for skateboarding with concerns raised by counties, the State, and volunteers, regarding exposure to liability for injuries sustained by users of such facilities.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§46- Counties’ limited liability for skateboard activities at public skateboard parks. (a) No public entity or public employee shall be liable to any person for injury or damage sustained when using a public skateboard park, except when injury or damage is caused by a condition resulting from the public entity’s failure to maintain or repair the skateboard park.

(b) Counties shall maintain a record of all known or reported injuries incurred by skateboard users in a public skateboard park and all claims paid for such injuries and shall submit a report to the legislature on or before twenty days before the convening of the 2008 legislative session, along with any recommendations regarding the need for further immunity from liability.”

SECTION 3. Chapter 662, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§662- Limited liability for skateboarding activities in public skateboard parks. (a) No public entity or public employee shall be liable to any person for injury or damage sustained when using a public skateboard park, except when injury or damage is caused by a condition resulting from the public entity’s failure to maintain or repair the skateboard park.

(b) Public entities that own or maintain public skateboard parks shall maintain a record of all known or reported injuries incurred by skateboard users in a public skateboard park and all claims paid for such injuries and shall submit a report to the legislature on or before twenty days before the convening of the 2008 legislative session, along with any recommendations regarding the need for further immunity from liability.”

SECTION 4. Chapter 662D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§662D- Limited liability for volunteers for activities at public skateboard parks. (a) A volunteer who designs, constructs, maintains, or repairs a skateboard park for a governmental entity shall not be liable to any person for injury or damage sustained when using a public skateboard park, except for injury or damages resulting from gross negligence or intentional misconduct.

(b) No nonprofit organization or nonprofit corporation that provides volunteers to a governmental entity to design, construct, maintain, or repair a public skateboard park shall be liable to any person for injury or damage sustained when using a public skateboard park, except under the doctrine of respondeat superior.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were initiated, before its effective date.

SECTION 6. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved June 4, 2003.)

Note

1. Edited pursuant to HRS §23G-16.5.