

ACT 291

H.B. NO. 2686

A Bill for an Act Relating to Civil Liability.

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

SECTION 1. Chapter 663, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§663- Exemption for providing emergency access to land, shelter, and subsistence during a disaster. (a) Any owner of private property who in good faith provides emergency access to land, shelter, or subsistence, including food and water, to a person during a disaster without remuneration or expectation of remuneration, shall be exempt from civil liability for any injury or damage suffered by the person that resulted from the owner providing such emergency access to land, shelter, or subsistence, unless the injury or damage was caused by the gross negligence or intentional or wanton acts or omissions of the owner.

(b) For the purposes of this section:

“Disaster” means a nonroutine event that exceeds the capacity of persons in the affected area to respond to it in such a way as to save lives, preserve property, or to maintain the social, ecological, economic, or political stability of the affected area.

“Emergency” means a situation in which the life or health of a person is in jeopardy due to a disaster requiring immediate assistance.

“Owner” means the possessor of a fee interest, or a tenant, lessee, occupant, person, group, club, partnership, family, organization, entity, or corporation that has control, possession, or use of the land, and its members, agents, partners, representatives, shareholders, and employees.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.¹

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

(Approved July 9, 2012.)

Note

1. Edited pursuant to HRS §23G-16.5.