

STAND. COM. REP. NO.

841

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 562

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 562 entitled:

"A BILL FOR AN ACT RELATING TO TORT LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to make permanent
the limited liability protection established under Act 170,
Session Laws of Hawaii 2002, as amended, for county lifeguards and
counties providing lifeguard services on beaches or in the ocean.

Your Committee received testimony in support of this measure
from the Department of the Attorney General, Department of Land
and Natural Resources, Hawaii State Association of Counties, Maui
County Council, City and County of Honolulu, Hawaiian Lifeguard
Association, Drowning Prevention and Aquatic Injury Steering
Committee of the Injury Prevention Advisory Committee, Maui Hotel
& Lodging Association, and twenty-two individuals. Your Committee
received testimony in opposition to this measure from the Hawaii
Association for Justice. Your Committee received comments on this
measure from one individual.

Your Committee finds that providing lifeguard services at
beaches and in the ocean is vital to the health, safety, and
welfare of the public. Because the threat of potential tort
liability made some counties reluctant to provide lifeguard
services at some beaches, the Legislature provided limited tort



liability protection for county lifeguards and counties providing lifeguard services on beaches or in the ocean until June 30, 2017, except in cases of gross negligence or wanton acts or omissions.

Your Committee has amended this measure by:

- (1) Extending the sunset date to June 30, 2021, rather than repealing it;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 562, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 562, S.D. 1.

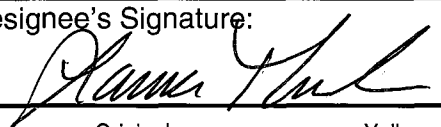
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 562	Committee Referral: PSM, JDL	Date: 3/1/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
RHOADS, Karl (VC)				/
GABBARD, Mike				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes