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# A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 662-16, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "§662-16 **Defense of state employees.** The attorney general  
4 may defend any civil action or proceeding brought in any court  
5 against any employee of the State for damage to property or for  
6 personal injury, including death, resulting from the act or  
7 omission of any state employee while acting within the scope of  
8 the employee's employment. The employee against whom such civil  
9 action or proceeding is brought shall deliver within the time  
10 after the date of service or knowledge of service as determined  
11 by the attorney general, all process or complaint served upon  
12 the employee or an attested true copy thereof to the employee's  
13 immediate superior or to whomever was designated by the head of  
14 the employee's department to receive such papers and such person  
15 shall promptly furnish copies of the pleadings and process  
16 therein to the department of the attorney general.



1 No judgment by default shall be entered against a state  
2 employee based on a cause of action arising out of an act or  
3 omission of such employee while acting within the scope of the  
4 employee's employment unless the department of the attorney  
5 general has received a copy of the complaint or other relevant  
6 pleadings and a period of twenty days has elapsed from the date  
7 of such receipt.

8 The attorney general [~~may also~~] shall defend any civil  
9 action or proceeding brought in any court against a county based  
10 on an allegedly negligent or wrongful act or omission of persons  
11 employed by a county as lifeguards and designated to provide  
12 lifeguard services at a designated state beach park under an  
13 agreement between the State and a county.

14 The attorney general may also defend any civil action or  
15 proceeding brought in any court against any provider of medical,  
16 dental, or psychological services pursuant to contract with the  
17 department of public safety when the provider is sued for acts  
18 or omissions within the contract's scope of work."

19 SECTION 2. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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



**Report Title:**

County Lifeguards; Attorney General; Defense

**Description:**

Requires the Attorney General to defend any civil action against the county based on negligence, wrongful act, or omission of a county lifeguard for services at a designated state beach park under an agreement between the State and a county. (SB562 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

