
A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

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

4 "§663- Exception to liability for county lifeguard
5 services. (a) Notwithstanding any other law to the contrary, a
6 county lifeguard, the employing county, and the State shall not
7 be liable for any civil damages resulting from any act or
8 omission of a lifeguard while the lifeguard is providing rescue,
9 resuscitative, or other lifeguard services on the beach or in
10 the ocean that are within the lifeguard's scope of employment;
11 provided that this exception to liability shall not apply when a
12 claim for civil damages results from a county lifeguard's gross
13 negligence or wanton act or omission.

14 (b) For the purpose of this section:

15 "County lifeguard" means a person employed as a lifeguard
16 by a county of this State.



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1 "Employing county" means the county employing a county
2 lifeguard."

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

6 SECTION 3. New statutory material is underscored.

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

8

INTRODUCED BY: _____



By Request

JAN 12 2018



H.B. NO. 1685

Report Title:

Maui County Package; County Lifeguards; Civil Liability;
Exception

Description:

Provides that a county lifeguard, the employing county, and the State shall not be liable for any civil damages resulting from any act or omission of a lifeguard during the provision of rescue, resuscitative, or other services within the lifeguard's scope of employment. Does not provide immunity when a claim for civil damages results from a county lifeguard's gross negligence or wanton act or omission.

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