A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

SECTION 1. The liability protections afforded to
lifeguards in Act 170, Session Laws of Hawaii 2002, as amended
("Act 170"), were repealed on June 30, 2017. Act 170 provided
liability protection for lifeguard services on the beach or in
the ocean, except for gross negligence or wanton acts or
omissions. This limited liability protection was made necessary
because some counties would not provide lifeguard services at
state beach parks due to concerns about liability. The
legislature finds that Act 170 created a climate in which
lifeguard services could be provided by the counties without
fear of liability and, therefore, was a life-saving measure that
should be reestablished.

The purpose of this Act is to permanently reinstate the
liability protections previously afforded for lifeguard
services.
SECTION 2. Chapter 663, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§663- Exception to liability for county lifeguard services. (a) For the purpose of this section:

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

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

(b) Notwithstanding any other law to the contrary, neither a county lifeguard, nor the employing county, nor the State shall be liable for any civil damages resulting from any act or omission of the lifeguard while providing rescue, resuscitative, or other lifeguard services on the beach or in the ocean in the scope of employment as a county lifeguard; provided that this exception from liability shall not apply when the claim for civil damages arises from a county lifeguard's alleged gross negligence or wanton act or omission."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.
SECTION 4. New statutory material is underscored.
SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: By Request
Report Title:
County of Maui Package; State and County Tort Liability; Lifeguard Services

Description:
makes an exemption from tort liability for the State and counties arising from lifeguard services, except for gross negligence or wanton acts or omissions.

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