

# Resolution

No. 17-161

APPROVING FOR INCLUSION IN THE 2018  
MAUI COUNTY LEGISLATIVE PACKAGE A  
STATE BILL TO REINSTATE AND  
REAUTHORIZE LIABILITY PROTECTION FOR  
COUNTY LIFEGUARD SERVICES

WHEREAS, liability protection for county lifeguard services is an important matter affecting all four counties, such that a proposed State bill entitled “A BILL FOR AN ACT RELATING TO TORT LIABILITY” was approved for inclusion in the 2018 Hawaii State Association of Counties Legislative Package; and

WHEREAS, Act 170, Session Laws of Hawaii 2014, relating to tort liability was amended and repealed on June 30, 2017 which makes the proposed State bill in its current form insufficient; and

WHEREAS, Chapter 663, Hawaii Revised Statutes, should be amended by adding a new section to provide an exception to liability for county lifeguard services; and

WHEREAS, liability protection for county lifeguards providing rescue, resuscitative, or other lifeguard services on the beach or in the ocean in the scope of employment, notwithstanding gross negligence or wanton act or omission as a county lifeguard, is a serious matter; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit “A”, to reinstate and reauthorize liability protection for county lifeguard services, is approved for inclusion in the 2018 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

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# A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

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

3           "§663- Exception to liability for county lifeguard services. (a) For the  
4 purpose of this section:

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

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

8           (b) Notwithstanding any other law to the contrary, a county lifeguard, the  
9 employing county, and the State shall not be liable for any civil damages resulting  
10 from any act or omission of the lifeguard while providing rescue, resuscitative, or  
11 other lifeguard services on the beach or in the ocean in the scope of employment as  
12 a county lifeguard. This exception from liability, however, shall not apply when the  
13 claim for civil damages results from a county lifeguard's gross negligence or wanton  
14 act or omission."

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

EXHIBIT "A"

\_\_\_\_.B. NO. \_\_\_\_\_

1 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_

\_\_\_\_.B. NO. \_\_\_\_\_

**Report Title:**

State and County Tort Liability

**Description:**

Re-establishes the liability exceptions for county lifeguards.

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

paf:ske:17-254c

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 17-161** was adopted by the Council of the County of Maui, State of Hawaii, on the 17th day of November, 2017, by the following vote:

MEMBERS	Michael B. WHITE Chair	Robert CARROLL Vice-Chair	Alika ATAY	Eleanora COCHRAN	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Kelly T. KING	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	Excused	Excused	Excused	Aye	Aye

  
\_\_\_\_\_  
COUNTY CLERK