

Excerpt from Hawaii Revised Statutes,

Sections 128-18 and 128-19 on Immunities:

§128-18 Immunities; rights. (a) Neither:

- (1) The State;
- (2) Any political subdivision of the State;
- (3) Any public utility or vital facility;
- (4) Private agencies or entities; nor
- (5) Except in cases of wilful misconduct, persons engaged in civil defense functions pursuant to this chapter (including volunteers whose services are accepted by any authorized person),

shall be civilly liable for the death of or injury to persons, or property damage, as a result of any act or omission in the course of the employment or duties under this chapter.

(b) No act or omission shall be imputed to the owner of any vehicle by reason of the owner's ownership thereof; provided that nothing herein shall preclude recovery by any person for injury or damage sustained from the operation of any vehicle which may be insured under section 41D-8 to the extent of the insurance, and unless specifically provided, insurance effected under section 41D-8 shall not include coverage of such risk during a civil defense emergency period. The governor may insure vehicles owned by the State or in the custody and use of the civil defense agency, but insurance effected under section 41D-8 on vehicles used for purposes other than civil defense need not necessarily include coverage of the insured vehicle against the risk incurred or which would be incurred under this chapter as a result of the use of the insured vehicle for civil defense.

(c) Members of the United States army, air force, navy, marines, or coast guard on any duty or service done under or in pursuance of an order or call of the President of the United States or any proper authority, and the national guard from any other state ordered into service by any proper authority, to assist civil authorities engaged in civil defense functions pursuant to this chapter shall not be liable, civilly or criminally, for any act done or caused by them in pursuance of duty in such service. [L 1951, c 268, pt of §2; RL 1955, §359-18; HRS §128-18; gen ch 1985; am L 1992, c 87, §3; am L 2002, c 220, §2]

§128-19 Immunity from liability of private shelter. Any individual, partnership, firm, society, unincorporated association, joint venture group, hui, joint stock company, corporation, trustee, personal representative, trust estate, decedent's estate, trust, or other legal entity whether doing business for itself or in a fiduciary capacity, owning or controlling real property, who voluntarily and without compensation grants a license or privilege for, or otherwise permits, the designation by the director of civil defense for the use of the whole or any part of the property for the purpose of sheltering persons during an actual, impending, mock or practice attack shall, together with its successors in interest, if any, not be civilly liable for negligently causing the death of or injury to any person or damage to any personal property on the property of the licensor in connection with the use of the licensed premises for the purposes designated. For purposes of this section, the consideration paid by any guest or person for transient accommodation lodging shall not be considered compensation. [L 1965, c 24, §1; Supp, §359-18.5; HRS §128-19; am L 1976, c 200, pt of §1; gen ch 1985; am L 2002, c 220, §3]