



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. 642

May 19, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on May 19, 2006, the following bill was signed into law:

HB237 HD3 SD1 CD1

A BILL FOR AN ACT RELATING TO TORTS.
(ACT 112)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2005
STATE OF HAWAII

H.B. NO. 237
H.D. 3
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO TORTS.

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

1 SECTION 1. Section 663-10.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§663-10.5 Government entity as a tortfeasor; abolition of
4 joint and several liability. [~~Notwithstanding~~] Any other law to
5 the contrary notwithstanding, including but not limited to
6 sections 663-10.9, 663-11 to 663-13, 663-16, 663-17, and
7 [~~section~~] 663-31, in any case where a government entity is
8 determined to be a tortfeasor along with one or more other
9 tortfeasors, the government entity shall be liable for no more
10 than that percentage share of the damages attributable to the
11 government entity[-]; provided that joint and several liability
12 shall be retained for tort claims relating to the maintenance
13 and design of highways pursuant to section 663-10.9.

14 For purposes of this section, "government entity" means any
15 unit of government in this State, including the State and any
16 county or combination of counties, department, agency,
17 institution, board, commission, district, council, bureau,
18 office, governing authority, or other instrumentality of state



1 or county government, or corporation or other establishment
2 owned, operated, or managed by or on behalf of this State or any
3 county.

4 For purposes of this section, the liability of a government
5 entity shall include its vicarious liability for the acts or
6 omissions of its officers and employees."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval
10 and its provisions shall apply retroactively to the extent
11 permitted by law.

APPROVED this 19 day of MAY, 2006



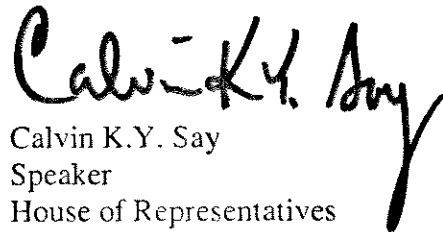
GOVERNOR OF THE STATE OF HAWAII



THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say
Speaker
House of Representatives



Patricia Mau-Shimizu
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda
President of the Senate



Paul Kawaguchi
Clerk of the Senate