
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 Statutory material to be repealed is bracketed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.



HB 237
HO 3
SP 1
CD 1

Report Title:

Joint and Several Liability

Description:

Amends abolishing joint and several liability for a government entity by specifically retaining joint and several liability for claims relating to the maintenance and design of highways.

(HB237 CD1)

