
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.

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



1 owned, operated, or managed by or on behalf of this State or any
2 county.

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

6 The abolition of joint and several liability under this
7 section shall not apply to cases in which the subject matter of
8 the claim against the State is covered by a primary insurance
9 policy entered into by the State or any of its agencies."

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun, before its effective date.

15 SECTION 4. This Act shall take effect on July 1, 2050.



HB237,SD1

Report Title:

Joint and Several Liability

Description:

Amends section dealing with the abolition of joint and several liability for a government entity. (SD1)

