

JAN 25 2006

S.B. NO. 2842

A BILL FOR AN ACT

RELATING TO STATE TORT LIABILITY.

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

1 SECTION 1. Chapter 662, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

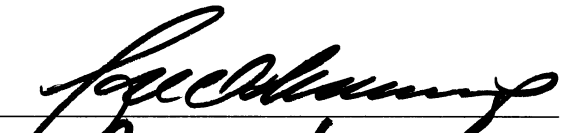
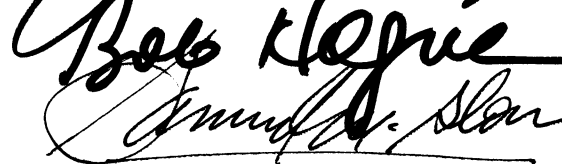
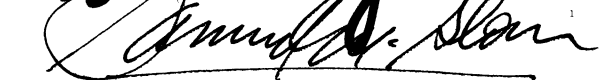
4 "§662- Defense of Highway Design. In any action wherein
5 a plaintiff alleges that the plaintiff was damaged by the
6 negligent, defective, or dangerous design or maintenance of a
7 highway or road, the State and its political subdivisions shall
8 be entitled to a defense which shall be a complete bar to
9 recovery when the State or its political subdivisions can prove
10 by a preponderance of the evidence that the alleged negligent,
11 defective, or dangerous design or maintenance reasonably
12 complied with highway and road design or maintenance standards
13 generally accepted at the time the highway or road was designed
14 or constructed."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY:

SB SMO 06-014



*Amir Mustafa Khan
April 2008*

Report Title:

State Tort Liability; Defense of Highway Design

Description:

Establishes an absolute defense for any claim based upon the design of a highway where the State and counties can prove beyond a preponderance of the evidence that the alleged defect complied with design standards at the time the highway was made.

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