

Honolulu, Hawaii

March 2, 2006

RE: H.B. No. 1947

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1947 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to encourage the decision to select or apply flexible highway design guidelines (flexible guidelines) to highway construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation projects by providing that the decision makers cannot be sued, including the State, Department of Transportation (DOT), counties, and any officers, employees, or agents.

DOT, the Consumer Lawyers of Hawaii, Hanalei Road Committee, and a concerned individual testified in support of this bill.

Flexible guidelines could provide for an enriched driving experience by taking into consideration, among other factors, the environmental, scenic, and historic impacts. This bill substitutes the immunity-from-liability language in Act 186, Session Laws of Hawaii 2005 (Act 186), with language that provides that the decision to select or apply flexible guidelines shall not give rise to a cause of action against the decision-makers.




681-06

All of the stakeholders involved in the finalization of Act 186 agreed to the language that is contained in this current bill. However, the Act 186 final version contained different language. This bill corrects and clarifies Act 186 by inserting the language that was originally agreed upon by all of the parties involved in this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1947 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


for SYLVIA LUKE, Chair



