

Honolulu, Hawaii

MAR 24 2006

RE: H.B. No. 1417
H.D. 1
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing,
to which was referred H.B. No. 1417, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DESIGN PROFESSIONALS,"

begs leave to report as follows:

The purpose of this measure is to require the filing of a
certificate of merit with any complaint filed against a design
professional, as well as require the filing of a preliminary
expert opinion with restrictions on discovery.

Testimony in support of this measure was submitted by
Environet, Inc.; Masa Fujioka & Associates; The Limitiaco
Consulting Group; Engineering Solutions, Inc.; Cedric D.O. Chong &
Associates, Incorporated; ControlPoint Surveying, Inc.; Miyasato
Kuniyoshi Engineers LLC; the American Institute of Architects
Hawaii State Council; the American Council of Engineering
Companies of Hawaii; and the Coalition of Hawaii Engineering and
Architectural Professionals. Testimony in opposition to this
measure was submitted by the Department of Accounting and General
Services, Consumer Lawyers of Hawaii, and one individual.

Your Committee finds that claims against design professionals
were protected by a certificate of consultation screening process
under the Design Professional Panel Law that was repealed as part
of the Right to Repair Law enacted in 2004. This measure would
reinstate the requirement of a certificate of consultation to
discourage the filing of frivolous claims. Both those in support



and in opposition to the measure agree that the procedure for certificates of consultation used by the Medical Claims Collection Panel is proven and effective in screening frivolous claims.

Your Committee further finds that matters relating to expert opinions and discovery are subject to existing court rules and are best addressed by the courts at this time.

Your Committee has amended this measure by:

- (1) Requiring the filing of a certificate of consultation during a procedure based upon the procedure used by the Medical Claims Conciliation Panel;
- (2) Deleting provisions relating to the filing of a certificate of merit with a complaint filed against a design professional; and
- (3) Deleting provisions related to the filing of expert opinions and discovery.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1417, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1417, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Housing,



RON MENOR, Chair



