HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

H.B. NO. ¹⁵¹⁸ H.D. 1 S.D. 2 C.D. 1

A BILL FOR AN ACT

RELATING TO DESIGN PROFESSIONALS.

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

SECTION 1. The purpose of this Act is to provide a design
 claims conciliation panel.

The design professional conciliation panel, established by Act 228, Session Laws of Hawaii 1981, was repealed by the legislature in 2004. The lack of a conciliation panel has left the design professional community with no protection against frivolous lawsuits.

This Act establishes a design claims conciliation panel 8 modeled after the existing medical claims conciliation panel 9 established by Act 219, Session Laws of Hawaii 1976. The 10 purpose of the design claims conciliation panel is to provide 11 the parties with advisory determinations of the relative merits 12 of any claim brought against a design professional licensed 13 under chapter 464, Hawaii Revised Statutes. The design claims 14 conciliation panel will assist the parties in evaluating whether 15 the claims should be pursued through the judicial system. The 16 design claims conciliation panel will also provide opportunities 17



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for the parties to exchange information in a relatively
expedited and inexpensive manner, which in turn provides for
opportunities for the parties to explore the conciliation of
meritorious claims prior to the claims being brought before the
courts. Lastly, the requirements of exchanging information
between the parties, and making conscientious and thorough
presentations to the design claims conciliation panel,
discourage the pursuit of frivolous or fraudulent claims, prior
to further legal proceedings being taken by the parties.
SECTION 2. The Hawaii Revised Statutes is amended by
adding a new chapter to be appropriately designated and to read
as follows:
"CHAPTER
DESIGN CLAIMS CONCILIATION PANEL
§ -1 Definitions. As used in this chapter:
"Department" means the department of commerce and consumer
affairs.
"Design professional" means a professional engineer,
architect, surveyor, or landscape architect licensed under
chapter 464.
"Director" means the director of commerce and consumer

affairs.



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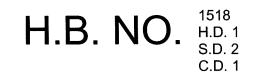
§ -2 Administration of chapter. The director shall be
 responsible for the implementation and administration of this
 chapter and shall adopt rules, in conformity with chapter 91,
 necessary for the purposes of this chapter.

§ -3 Design claim conciliation panels; composition,
selection, compensation. (a) There are established design
claim conciliation panels that shall review and render findings
and advisory opinions on the issues of liability and damages in
tort claims against design professionals licensed to practice
under chapter 464.

(b) If all parties to a tort claim against a design professional licensed to practice under chapter 464 agree, the design claim conciliation panel shall not review and render findings and advisory opinions on the issues of liability and damages in the tort claim against the design professional licensed to practice under chapter 464.

(c) A design claim conciliation panel shall be formed for each claim filed pursuant to section -5 and after each panel renders its decision or the claim is otherwise disposed of, the panel shall be disbanded. Each design claim conciliation panel shall consist of one chairperson selected from among persons who are familiar with and experienced in the claims settlement

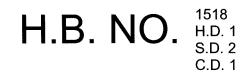




process, one attorney licensed to practice in the courts of the 1 State and experienced in trial practice, and one design 2 professional licensed to practice under chapter 464. The 3 chairperson shall be appointed by the director from a list of 4 eligible persons approved by the chief justice of the supreme 5 court of Hawaii. The attorney shall be appointed by the 6 chairperson from a list of not less than thirty-five attorneys 7 experienced in trial practice submitted annually by the supreme 8 The design professional shall be appointed by the 9 court. chairperson and shall be currently licensed and in good standing 10 under chapter 464. 11

The chairperson shall preside at the meetings of the 12 (d) panel. The chairperson, all panel members, and any consultant 13 14 called by the panel to appear before the panel shall be compensated at the rate of \$300 per claim, which will become 15 payable when the decision of the panel is submitted. At the 16 discretion of the director, the chairperson, panel members, and 17 18 any consultant called by the panel to appear before the panel, may be compensated at one-half the amount of compensation 19 specified in this section, if the claim is disposed of by any 20 means prior to the hearing by the panel. The chairperson, all 21 panel members, and any consultant called by the panel to appear 22 HB1518 CD1 HMS 2007-4100





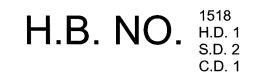
before the panel also shall be paid allowances for travel and
 living expenses that may be incurred as a result of the
 performance of their duties on or for the panel. These costs
 shall be paid by the department of commerce and consumer affairs
 from the filing fees paid by the parties.

The claimant shall pay a filing fee of \$450 to the 6 (e) department upon the filing of the claim and the failure to do so 7 shall result in the claim being rejected for filing. Each party 8 to the claim shall pay a filing fee of \$450 to the department 9 10 within twenty days of being served with the claim. Each party to a claim shall be assessed a non-refundable processing fee by 11 the department in the amount of \$50. The non-refundable 12 processing fee shall be retained from each party's filing fee, 13 14 and shall be used to defray the administrative costs of the 15 design claims conciliation panel program.

(f) After the panel has made a final decision on a claim, or after a final disposition of the claim has been made without a hearing before the panel, the department shall return any moneys remaining after all panel costs have been paid, to the respective parties on a pro rata basis.

(g) The office and meeting space, secretarial and clerical
assistance, office equipment, and office supplies for the panel





shall be furnished by the department. The chairperson may 1 designate any alternative meeting place or site for the hearing. 2 The board of professional engineers, architects, 3 (h) surveyors, and landscape architects shall each prepare a list of 4 design professionals along with their respective specialties. 5 These design professionals shall be eligible to serve as 6 consultants to the panel in their respective fields. Panel 7 members may consult with other legal, design, and insurance 8 9 specialists.

10 S -4 Waiver of filing fee. (a) If any party to a claim 11 cannot pay the required filing fee, the party may file with the 12 director a motion to waive the filing fee. The motion to waive 13 the filing fee shall be accompanied by an affidavit in a format 14 prescribed by the department, showing in detail:

15 (1) The party's inability to pay the filing fee;
16 (2) The party's belief that the party is entitled to
17 redress; and
18 (3) A statement of the issues that the party intends to

19 present at the hearing before a design claims20 conciliation panel.



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(b) The director shall decide on the motion to waive the
 filing fee as expeditiously as possible, and no oral arguments
 shall be permitted.

4 (c) If the director grants the motion to waive the filing 5 fee, the party may proceed without further application to the 6 director or panel, and without payment of the filing fee. If 7 the motion is denied, the director shall state the reasons for 8 the denial in writing. The director shall promptly provide the 9 party with a filed copy of the director's order granting or 10 denying the motion.

11 (d) If a motion to waive the filing fee is denied by the 12 director, the party may seek judicial review under section 13 91-14.

(e) If the director denies a party's motion to waive the
filing fee, the party shall pay the filing fee within thirty
days after the denial of the motion, unless the party has filed
an appeal under section 91-14. If the party has filed an appeal
under section 91-14, the party may proceed without payment of
the filing fee, until such time as a final judicial

20 determination is rendered.

(f) If the party files an appeal under section 91-14, and the court upholds the director's denial of the aggrieved party's HB1518 CD1 HMS 2007-4100



1 motion to waive the filing fee, the party shall pay the filing 2 fee within thirty days after the court's affirmation of the 3 denial. If the court determines that the party's motion for 4 waiver of the filing fee was improperly denied, the party shall 5 be entitled to proceed without payment of the filing fee.

-5 Review by panel required; notice; presentation of 6 S claims; request for a more definite statement of the claim. (a) 7 Effective January 1, 2008, any person or the person's 8 representative claiming that a tort has been committed by a 9 design professional shall submit a statement of the claim to the 10 design claim conciliation panel before a suit based on the claim 11 may be commenced in any court of this State. Claims shall be 12 submitted to the design claim conciliation panel in writing. 13 The claimant shall set forth facts upon which the claim is based 14 and shall include the names of all parties against whom the 15 claim is or may be made who are then known to the claimant. 16

(b) Within five business days thereafter the panel shall
give notice of the claim and the statement of the claim, by
certified mail, to all design professionals and others who are
or may be parties to the claim and shall furnish copies of
written claims to these persons. The notice shall set forth a
date, not more than twenty days after mailing the notice, within HB1518 CD1 HMS 2007-4100

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which any design professional against whom a claim is made shall 1 file a written response to the claim, and a date and time, not 2 3 less than fourteen days following the last date for filing a response, for a hearing of the panel. The notice shall describe 4 the nature and purpose of the panel's proceedings and shall 5 designate the place of the meeting. The times originally set 6 7 forth in the notice may be enlarged by the chairperson, on due notice to all parties, for good cause. 8

If the statement of the claim in the notice is so 9 (C) vague or ambiguous that any party receiving notice of the claim 10 11 cannot reasonably be required to frame a written response, the party may submit a written request to the chairperson for a more 12 13 definite statement before filing the written response. Copies of the request shall be provided to the panel, the claimant, and 14 15 other affected parties. The request, which shall be ex parte 16 and stay the proceedings of the panel until notice of the 17 chairperson's decision is given to the panel and all parties, 18 shall specify the defects complained of and the details desired. 19 The chairperson may deny, grant, or modify the request at the chairperson's own discretion, without the necessity of a 20 hearing, although the chairperson may reach a decision after 21 consulting with the panel or the claimant. The chairperson 22 HB1518 CD1 HMS 2007-4100



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shall provide notice of the decision to the panel, the claimant,
 and other affected parties. If the request is granted and the
 claimant fails to provide a more definite statement of the claim
 within five days after notice of the decision, the panel may
 make an order as it deems just. This subsection shall not be
 used as a tactic to delay the proceedings.

7 § -6 Certificate of consultation. (a) Any claim filed
8 with the design claim conciliation panel under this chapter
9 shall be accompanied by a certificate that declares one of the
10 following:

11 (1)That the claimant or the claimant's attorney has consulted with a design professional who is licensed 12 to practice in this State or any other state, who is 13 knowledgeable and experienced in Hawaii building codes 14 15 and construction practices and the professional standard of care in Hawaii, and who is knowledgeable 16 and experienced in the same specialty as the design 17 18 professional against whom the primary claim is made, 19 and that the claimant or claimant's attorney has concluded on the basis of the consultation that there 20 is a reasonable and meritorious cause for filing the 21 If the claimant or the claimant's attorney is 22 claim.



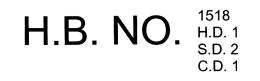
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not able to consult with a design professional in the 1 same specialty as the design professional against whom 2 the primary claim is made, the claimant or claimant's 3 attorney may consult with a design professional who is 4 licensed in this State or in any other state, who is 5 knowledgeable and experienced in Hawaii building codes 6 and construction practices and the professional 7 standard of care in Hawaii, and who is knowledgeable 8 and experienced in a specialty that is as closely 9 related as practicable to the specialty of the design 10 professional against whom the primary claim is made. 11 The design professional consulted by the claimant or 12 the claimant's attorney may not be a party to the 13 case, nor be compelled to testify or otherwise 14 participate in the hearing before the design claim 15 conciliation panel; 16

17 (2) That the claimant or the claimant's attorney was
18 unable to obtain the consultation required by
19 paragraph (1) because a statute of limitations would
20 impair the action and that the certificate required by
21 paragraph (1) could not be obtained before the
22 impairment of the action. If a certificate is





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executed pursuant to this paragraph, the certificate 1 required by paragraph (1) shall be filed by the 2 claimant or the claimant's attorney within ninety days 3 after filing the claim; or 4 That the claimant or the claimant's attorney was (3) 5 unable to obtain the consultation required by 6 paragraph (1) after the claimant or the claimant's 7 attorney had made a good faith attempt to obtain the 8 consultation and the design professional contacted 9 would not agree to such a consultation. For purposes 10 of this paragraph, "good faith attempt" refers to the 11 responsibility of a claimant or claimant's attorney to 12 make reasonable efforts to contact a design 13 professional for the purpose of reviewing the 14 circumstances upon which a claim is based. The 15 claimant or claimant's attorney may contact design 16 professionals by letter, telephone, facsimile, or 17 other electronic means of communication. If the 18 design professional does not respond within a 19 reasonable time, the claimant or claimant's attorney 20 may submit its claim to the design claim conciliation 21 panel along with a certificate declaring the 22



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nonresponse to claimant's good faith attempt. A "good
faith attempt" shall ultimately be evaluated in light
of the goal of having a qualified design professional
assist the claimant or claimant's attorney in
understanding the basis of the claim, and the
determination shall depend upon the circumstances of
each individual case.

(b) For the purposes of this section, the claimant or the 8 claimant's attorney shall not be required to disclose the names 9 of any design professional consulted to fulfill the requirements 10 of subsection (a) to any of the other parties to the claim. 11 The design claims conciliation panel may require the claimant or the 12 claimant's attorney to disclose the name of any design 13 professional consulted to fulfill the requirements of subsection 14 15 (a). No disclosure of the name of any design professional consulted to fulfill the requirements of subsection (a) shall be 16 made to any of the other parties to the claim; provided that the 17 design claim conciliation panel may contact the design 18 professional to determine if the requirements of subsection (a) 19 20 were met.



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(c) Unless a certificate is filed pursuant to subsection
 (a), the claim shall not be received for filing by the design
 claim conciliation panel.

-7 Design claim conciliation panel hearing; fact-4 S finding; evidence; voluntary settlement. (a) Every claim of a 5 tort against a design professional shall be heard by the design 6 claim conciliation panel within thirty days after the last date 7 for filing a response. No persons other than the panel, 8 witnesses, and consultants called by the panel, and the persons 9 10 listed in section -8 shall be present except with the permission of the chairperson. The panel, in its discretion, 11 may conduct an inquiry of a party, witness, or consultant 12 without the presence of any or all parties. 13

The hearing shall be informal. Chapters 91 and 92 14 (b) shall not apply. The panel may require a stenographic record of 15 all or part of its proceedings for the use of the panel, but the 16 record shall not be made available to the parties. The panel 17 may receive any oral or documentary evidence. Questioning of 18 parties, witnesses, and consultants may be conducted by the 19 panel, and the panel, in its discretion, may permit any party, 20 21 or any counsel for a party to question other parties, witnesses, 22 or consultants. The panel may designate who, among the parties, HB1518 CD1 HMS 2007-4100



shall have the burden of going forward with the evidence with
 respect to the issues as it may consider, and unless otherwise
 designated by the panel, the burden shall initially rest with
 the claimant at the commencement of the hearing.

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The panel may require by subpoena the appearance and 5 (C) testimony of witnesses and the production of documentary 6 evidence. When subpoena power is utilized, notice shall be 7 given to all parties. The testimony of witnesses may be taken 8 either orally before the panel or by deposition. In cases of 9 refusal to obey a subpoena issued by the panel, the panel may 10 invoke the aid of any circuit court in the State, which may 11 issue an order requiring compliance with the subpoena. Failure 12 to obey the order may be punished by the court as a contempt 13 thereof. Any member of the panel, the director, or any person 14 designated by the director may sign subpoenas. Any member of 15 the panel may administer oaths and affirmations, examine 16 witnesses, and receive evidence. Notwithstanding these powers, 17 18 the panel shall attempt to secure the voluntary appearance, 19 testimony, and cooperation of parties, witnesses, and consultants without coercion. 20

21 (d) At the hearing of the panel and in arriving at its22 opinion the panel shall consider, but not be limited to,



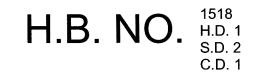
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statements or testimony of witnesses, project records, and other 1 records kept in the usual course of the practice of the design 2 professional without the necessity for other identification or 3 authentication, statement of fact, or opinion on a subject 4 contained in a published treatise, periodical, book, or 5 pamphlet, or statements of experts without the necessity of the 6 experts appearing at the hearing. The panel, upon the 7 application of any party or upon its own decision, may appoint 8 as a consultant, an impartial and qualified design professional, 9 or other professional person or expert to testify before the 10 panel or to conduct any necessary professional or expert 11 examination of the claimant or relevant evidentiary matter and 12 to report to or testify as a witness thereto. Such a consultant 13 shall not be compensated or reimbursed except for travel and 14 living expenses to be paid as provided in section -3. Except 15 for the production of records kept in the usual course of the 16 practice of the design professional, discovery by the parties 17 shall not be allowed. 18

19 During the hearing and at any time prior to the rendition 20 of an advisory decision pursuant to section -9, the panel may 21 encourage the parties to settle or otherwise dispose of the case 22 voluntarily.



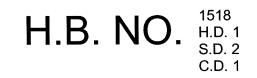


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-8 Design claim conciliation panel hearing; persons 1 S attending. Unless excluded or excused by the panel, the 2 following persons shall attend hearings before the panel: 3 The party or parties making the claim; 4 (1)The design professional against whom the claim is made (2)5 or representatives thereof; other than counsel, 6 authorized to act for the design professional; or 7 8 (3)Counsel for the parties, if any. -9 Design claim conciliation panel hearing; decisions. 9 S Within thirty days after the completion of a hearing, the 10 (a) design claim conciliation panel shall file a written advisory 11 12 decision with the department and shall thereupon mail copies to all parties concerned, and their counsel. The panel shall 13 decide the issue of liability and shall state its conclusions in 14 writing. 15 After a finding of liability, the design claim 16 (b) conciliation panel shall decide the amount of damages, if any, 17 which should be awarded in the case. The decision as to damages 18 shall include in simple, concise terms a division as to which 19 portion of the damages recommended are attributable to the 20 design professional, economic losses and noneconomic losses; 21

22 provided the panel may not recommend punitive damages.





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The decision shall be signed by all members of the 1 (C) design claim conciliation panel; provided that any member of the 2 panel may file a written concurring or dissenting opinion. 3 The advisory decision required by this section need 4 (d) not be filed if the claim is settled or otherwise disposed of 5 before the decision is written or filed. 6 -10 Expungement of records; liability insurance rates. 7 S Upon a decision by the design claim conciliation panel 8 (a) finding for the design professional pursuant to section 9 -9(a), the design professional may apply to the panel for 10 expungement of all records of the related proceedings. The 11 panel shall expunge all records if a majority of the panel finds 12 13 that the complaint is fraudulent or frivolous. No insurer providing professional liability insurance 14 (b) for a design professional shall increase any premium rate for 15 the design professional on the basis of the filing of a tort 16 claim against the design professional that is determined by the 17 design claims conciliation panel to be fraudulent or frivolous. 18 -11 Subsequent litigation; excluded evidence. The 19 S claimant may institute litigation based upon the claim in an 20

appropriate court only after a party to a design claim



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conciliation panel hearing rejects the decision of the panel, or 1 after the twelve-month period under section -15 has expired. 2 No statement made in the course of the hearing of the 3 design claim conciliation panel shall be admissible in evidence 4 either as an admission, to impeach the credibility of a witness, 5 or for any other purpose in any trial of the action; provided 6 that the statements may be admissible for the purpose of section 7 No decision, conclusion, finding, or recommendation of 8 -16. the design claim conciliation panel on the issue of liability or 9 on the issue of damages shall be admitted into evidence in any 10 subsequent trial, nor shall any party to the design claim 11 conciliation panel hearing, or the counsel or other 12 representative of the party, refer or comment thereon in an 13 opening statement, an argument, or at any other time, to the 14 court or jury; provided that the decision, conclusion, finding, 15 or recommendation may be admissible for the purpose of section 16 -16. 17

18 S -12 Arbitration; subsequent litigation. Any person or
19 the person's representative claiming that a tort has been
20 committed by a design professional or any design professional
21 against whom a claim has been made may elect to bypass the court
22 annexed arbitration program under section 601-20 after the claim
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has been submitted to the design claim conciliation panel and
 the panel has rendered a decision or has not reached a decision
 within the tolling period of the statute of limitations under
 section -15.

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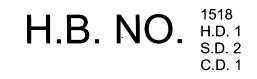
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-13 Submission of claim to an alternative dispute 5 S 6 resolution provider. (a) Any claim initially filed with the design claim conciliation panel may be subsequently submitted to 7 8 an alternative dispute resolution provider upon the written agreement of all of the parties to the claim and with the 9 10 written approval of the director. The director shall approve the alternative dispute resolution provider and the alternative 11 dispute resolution procedures. 12

(b) The parties shall comply with the procedures
established by the alternative dispute resolution provider and
approved by the director. If a party does not comply with those
procedures, any other party may file a motion with the director
to have the claim resubmitted to the design claim conciliation
panel.

(c) Within thirty days after the completion of the alternative dispute resolution process, the alternative dispute resolution provider shall notify all parties concerned, their counsel, and the representative of each design professional's HB1518 CD1 HMS 2007-4100



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liability insurance carrier authorized to act for the carrier,
 as appropriate, that the alternative dispute resolution process
 has been completed.
 (d) The claimant may institute litigation based upon the

5 claim in an appropriate court only if:

6 (1) The parties were not able to resolve the entire claim
7 through the alternative dispute resolution process and
8 the matter has not been resubmitted to the design
9 claim conciliation panel pursuant to subsection (b);
10 or

The claim has not been resolved through the (2) 11 alternative dispute resolution process after twelve 12 13 months from the date the claim was filed with the approved alternative dispute resolution provider. 14 No statement made in the course of the approved 15 (e) alternative dispute resolution process shall be admissible in 16 17 evidence as an admission, to impeach the credibility of a witness, or for any other purpose in any trial of the action. 18 No decision, conclusion, finding, or recommendation of the 19 approved alternative dispute resolution provider on the issue of 20 liability or on the issue of damages shall be admitted into 21 evidence in any subsequent trial, nor shall any party to the 22





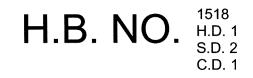
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approved alternative dispute resolution hearing, their counsel,
 or other representative of the party, refer or comment thereon
 in an opening statement, in an argument, or at any time, to the
 court or jury.

-14 Immunity of panel members from liability. No 5 S member of a design claim conciliation panel shall be liable in 6 damages for libel, slander, or other defamation of character of 7 any party to a design claim conciliation panel proceeding for 8 any action taken or any decision, conclusion, finding, or 9 recommendation made by the member while acting within the 10 member's capacity as a member of a design claim conciliation 11 panel under this chapter. 12

-15 Statute of limitations tolled. The filing of the 13 S claim with the design claim conciliation panel or with an 14 approved alternative dispute resolution provider shall toll any 15 applicable statute of limitations, and any such statute of 16 limitations shall remain tolled until sixty days after the date 17 of the decision of the panel or the notification of completion 18 from the approved alternative dispute resolution provider is 19 mailed or delivered to the parties. If a decision by the design 20 claim conciliation panel is not reached within twelve months, or 21 the alternative dispute resolution process is not completed 22





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within twelve months, the statute of limitations shall resume
 running and the party filing the claim may commence a suit based
 on the claim in any appropriate court of this State. The panel
 or the approved alternative dispute resolution provider shall
 notify all parties in writing of this provision.

6 -16 Duty to cooperate; assessment of costs and fees. S It shall be the duty of every person who files a claim with the 7 design claim conciliation panel, every design professional 8 against whom the claim is made, and every insurance carrier or 9 10 other person providing professional tort liability insurance for the design professional, to cooperate with the design claim 11 conciliation panel for the purpose of achieving a prompt, fair, 12 and just disposition or settlement of the claim; provided that 13 14 cooperation shall not prejudice the substantive rights of those 15 persons.

Any party may apply to the panel to have the costs of the action assessed against any party for failure to cooperate with the panel. The panel may award costs, or a portion thereof, including attorney's fees, witness fees, including those of expert witnesses, filing fees, and costs of the design claim conciliation panel hearing to the party applying therefor.

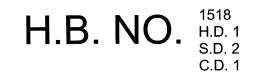


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1	In determining whether any person has failed to cooperate		
2	in good faith, the panel shall consider, but is not limited to,		
3	the following:		
4	(1)	The attendance of the persons at the hearing of the	
5		design claim conciliation panel;	
6	(2)	The extent to which representatives of parties and	
7		counsel representing parties came to panel hearings	
8		with knowledge of the claims and defenses and	
9		authority to negotiate a settlement or other	
10		disposition of the claim;	
11	(3)	The testimony of members of the panel as to the facts	
12		of the person's participation in the panel hearing;	
13	(4)	The extent of the person's cooperation in providing	
14		the panel with documents and testimony called for by	
15		the panel;	
16	(5)	The reasons advanced by the person so charged for not	
17		fully cooperating or negotiating; and	
18	(6)	The failure of the person to submit any required fees	
19		to the department, as required by this chapter.	
20	The	party against whom costs are awarded may appeal the	
21	award to the circuit court. The court may affirm or remand the		
22	case with instructions for further proceedings, or it may		
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reverse or modify the award if the substantial rights of the
 petitioners may have been prejudiced because the award is
 characterized as an abuse of discretion.

-17 Annual report. The director shall prepare and 4 S submit to the legislature annually, no later than twenty days 5 prior to the convening of each regular session, a report 6 containing the director's evaluation of the operation and 7 effects of this chapter. The report shall include a summary of 8 the claims brought before the design claim conciliation panel 9 and the disposition of the claims, a description and summary of 10 the work of the panel under this chapter, an appraisal of the 11 effectiveness of this chapter in securing prompt and fair 12 disposition of design tort claims, a review of the number and 13 14 outcomes of claims brought under section -5 and recommendations for changes, modifications or repeal of this 15 chapter or parts thereof with accompanying reasons and data." 16 SECTION 3. This Act does not affect rights and duties that 17 matured, penalties that were incurred, and proceedings that were 18

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SECTION 4. This Act shall take effect on January 1, 2008.



begun, before its effective date.

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Report Title:

Design Professionals; Design Claims Conciliation Panel

Description:

Provides for a design claims conciliation panel, which would render an advisory determination on any claim against a design professional for failure to meet the standard of care. (HB1518 CD1)

