

CONFERENCE COMMITTEE REP. NO. 65

Honolulu, Hawaii

April 26, 2007

RE: H.B. No. 1518  
H.D. 1  
S.D. 2  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1518, H.D. 1, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to minimize frivolous or fraudulent tort claims against engineers, architects, landscape architects, and surveyors by providing a Design Claim Conciliation Panel (Panel) to review claims.

Your Committee on Conference finds that design professionals have had fewer protections against frivolous lawsuits since the repeal in 2004 of the Design Professional Conciliation Panel Law established by Act 228, Session Laws of Hawaii 1981. This measure seeks to fill that void by establishing a new conciliation panel to review the merits of tort claims against design professionals and

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providing procedures to resolve these claims before resorting to litigation.

Your Committee on Conference has amended this measure by:

- (1) Requiring that the design professional that must be consulted by the claimant or the claimant's attorney prior to filing a claim with the Panel must also be knowledgeable and experienced in Hawaii building codes and construction practices and the professional standard of care in Hawaii;
- (2) Changing the effective date to January 1, 2008; and
- (3) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1518, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1518, H.D. 1, S.D. 2, C.D. 1.

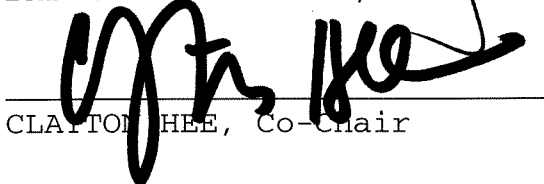
Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



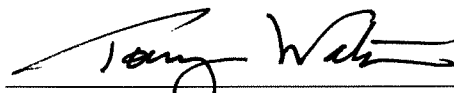
BRIAN T. TANIGUCHI, Chair



CLAYTON HEE, Co-Chair



ROBERT N. HERKES, Co-Chair



TOMMY WATERS, Co-Chair



