

STAND. COM. REP. NO. 1076

Honolulu, Hawaii

March 2, 2007

RE: H.B. No. 1518

H.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1518 entitled:

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

begs leave to report as follows:

The purpose of this bill is to protect design professionals from frivolous lawsuits by requiring a claimant or the claimant's attorney to:

- (1) File a certificate of merit before making a claim against a design professional for failure to meet the standard of care; and
- (2) File a preliminary expert opinion affidavit.

The American Council of Engineering Companies, American Institute of Architects Hawaii State Council, American Society of Civil Engineers, Cedric D.O. Chong and Associates, Inc., Consulting Structural Hawaii, Inc., Engineering Concepts, Inc., Engineering Solutions, Inc., Kauahikaua & Chung / Architects, The Limtiaco Consulting Group, Masa Fujioka & Associates, Shimabukuro, Endo & Yoshizaki, Inc., Gray, Hong, Nojima & Associates, Inc., Finance Insurance, Ltd., and Coalition of Hawaii Engineering and Architectural Professionals testified in support of this bill. The Department of Accounting and General Services and Consumer Lawyers of Hawaii opposed this measure.

HB1518 HD1 HSCR JUD HMS 2007-2748

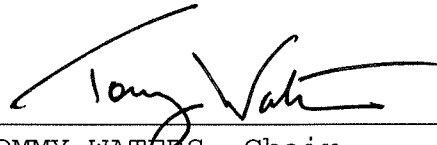


Your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 1518, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1518, H.D. 1.

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



TOMMY WATERS, Chair



HS CP 1076

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1518 (HSCR 437)		Date: 2/27/07		
Committee Referral: JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	/			
3. CALDWELL, Kirk	/			
4. EVANS, Cindy	/			
5. GREEN, Josh, M.D.	/			
6. ITO, Ken	/			
7. LUKE, Sylvia	/			
8. McKELVEY, Angus L.K.	/			
9. MORITA, Hermina M.	/			
10. SONSON, Alex M.	/	/		
11. SOUKI, Joseph M.	/			
12. TSUJI, Clift	/			
13. YAMANE, Ryan I.	/			
14. YAMASHITA, Kyle T.	/			
15. MARUMOTO, Barbara C.	/			
16. PINE, Kymberly Marcos	/			
17. THIELEN, Cynthia				/
TOTAL	15	1		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				