

STAND. COM. REP. NO. 1260

Honolulu, Hawaii

MAR 23 2007

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

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

Madam:

Your Committee on Commerce, Consumer Protection, and Affordable Housing, to which was referred H.B. No. 1518, 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 for the failure to meet the standard of care.

This measure also requires the filing of a preliminary expert opinion affidavit.

Your Committee received testimony in support of this measure from the American Council of Engineering Companies of Hawaii; the American Society of Civil Engineers; the Coalition of Hawaii Engineering and Architectural Professionals; Fukunaga & Associates, Inc.; Masa Fujioka & Associates; Cedric D.O. Chong & Associates, Incorporated; Bow Engineering & Development, Inc.; Shigemura, Lau, Sakanashi, Higuchi & Associates, Inc.; Engineering Concepts, Inc.; Austin Tsutsumi & Associates, Inc.; Consulting Structural Hawaii, Inc.; and Engineering Solutions, Inc. The Department of Accounting and General Services and the Hawaii Consumer Lawyers submitted testimony in opposition to this measure.



Your Committee finds that the intent of this measure is to reduce the number of frivolous lawsuits against design professionals by requiring a plaintiff or their attorney to hire a qualified professional to certify that the case being brought has merit and that there is evidence of errors, omissions, or negligence on the part of the defendant. Based upon the testimony presented, your Committee finds that the creation of a Design Claims Conciliation Panel might better assist in reducing the number of frivolous lawsuits against design professionals.

Therefore, your Committee has amended this measure to remove the requirements of a certificate of merit and a preliminary expert opinion affidavit and replace them with the creation of a Design Claims Conciliation Panel based, in part, upon the existing Medical Claims Conciliation Panel. Your Committee has also amended the effective date of this measure to promote further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Affordable Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1518, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1518, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Commerce, Consumer Protection and Affordable Housing
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 1518 HD1</i>	<i>CPH, JDL</i>	<i>3/21/07</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IGE, David Y. (VC)				✓
ESPERO, Will	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman				✓
SLOM, Sam	✓			
TOTAL	<i>4</i>			<i>2</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Will Espero</i>				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

*Only one measure per Record of Votes