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## A BILL FOR AN ACT

RELATING TO TORT ACTIONS.

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

1 SECTION 1. Section 663-10.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§663-10.5 Government entity as a tortfeasor; abolition of**  
4 **joint and several liability.** Any other law to the contrary  
5 notwithstanding, including but not limited to sections 663-10.9,  
6 663-11 to 663-13, 663-16, 663-17, and 663-31, in any case where  
7 a government entity is determined to be a tortfeasor along with  
8 one or more other tortfeasors, the government entity shall be  
9 liable for no more than that percentage share of the damages  
10 attributable to the government entity[; ~~provided that joint and~~  
11 ~~several liability shall be retained for tort claims relating to~~  
12 ~~the maintenance and design of highways pursuant to section 663-~~  
13 ~~10.9].~~

14 For purposes of this section, "government entity" means any  
15 unit of government in this State, including the State and any  
16 county or combination of counties, department, agency,  
17 institution, board, commission, district, council, bureau,  
18 office, governing authority, or other instrumentality of state



1 or county government, or corporation or other establishment  
2 owned, operated, or managed by or on behalf of this State or any  
3 county.

4 For purposes of this section, the liability of a government  
5 entity shall include its vicarious liability for the acts or  
6 omissions of its officers and employees."

7 SECTION 2. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun, before its effective date.

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken.

12 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Calvin K. H. Boy

**BY REQUEST**

JAN 22 2007



**Report Title:**

Tort Actions; Government Entity; Joint and Several Liability

**Description:**

Repeals government agency's joint and several liability in tort claims relating to maintenance and design of highways; limits liability to percentage share of damages attributable to the government agency.

