
A BILL FOR AN ACT

RELATING TO TORTS.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- Design professional as a tortfeasor. (a) Any
5 other law to the contrary notwithstanding, including sections
6 663-10.9, 663-11 to 663-13, 663-16, 663-17, and 663-31, in any
7 case where a design professional is determined to be a
8 tortfeasor along with one or more other tortfeasors, the design
9 professional shall be liable for no more than that percentage
10 share of damages attributable to the design professional for
11 tort claims relating to the maintenance and design of public
12 highways, except when the design professional's degree of
13 negligence is twenty-five per cent or more. The liability of a
14 design professional shall include vicarious liability for the
15 acts or omissions of the design professional's officers and
16 employees.

17 (b) For purposes of this section:



1 "Design professional" means a professional engineer,
2 architect, surveyor, or landscape architect licensed under
3 chapter 464."

4 SECTION 2. The provisions of this Act shall apply
5 retroactively to the extent permitted by law.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on January 1, 2112.



Report Title:

Joint and Several Liability; Design Professionals

Description:

Abolishes joint and several liability for design professionals except when design professional's degree of negligence is twenty-five per cent or more. (HB2297 HD1)

