

STAND. COM. REP. NO. 749 -08

Honolulu, Hawaii

Feb 29, 2008

RE: H.B. No. 2997
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2997 entitled:

"A BILL FOR AN ACT RELATING TO TORTS,"

begs leave to report as follows:

The purpose of this bill is to ensure the availability of design professional services in highway construction by providing that design professionals, including engineers, architects, surveyors, and landscape architects, are liable only for the percentage of damages attributable to the design professional in tort claims relating to the maintenance and design of public highways, except when the design professional's degree of negligence is at least 25 percent.

The American Council of Engineering Companies of Hawaii, American Society of Civil Engineers, Coalition of Hawaii Engineering and Architectural Professionals, Consulting Structural Hawaii, Inc., Engineering Concepts, Inc., Engineering Solutions, Inc., KAI Hawaii Inc., and Masa Fujioka & Associates testified in support of this bill. The Consumer Lawyers of Hawaii opposed this measure. Hawaiian Electric Company, Inc., Hawaii Electric Light Company, and Maui Electric Company provided comments.



Your Committee understands that the participation of design professionals is crucial to the implementation of public work projects and that excessive liability may discourage them from taking on such work. Your Committee is concerned, however, that this measure may result in a disproportionate shift in liability for payment of damages to the State. Accordingly, your Committee has amended this bill by changing the effective date to January 1, 2112, to encourage further discussion.

This bill has also been amended by making technical, nonsubstantive amendments for style, clarity, and consistency.

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. 2997, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2997, H.D. 1.

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



A handwritten signature in black ink, appearing to read "Tommy Waters", is written over a horizontal line.

TOMMY WATERS, Chair



