

STAND. COM. REP. NO.

344

Honolulu, Hawaii

FEB 15 2007

RE: S.B. No. 1650
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 S.B. No. 1650 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.

Testimony in support of this measure was received from ECS,
Inc.; the Coalition of Hawaii Engineering and Architectural
Professionals; Sam O. Hirota, Inc.; Fukunaga & Associates, Inc.;
Engineering Concepts, Inc.; Masa Fujioka & Associates; KAI Hawaii,
Inc.; Consulting Structural Hawaii, Inc.; Gray, Hong, Nojima &
Associates, Inc.; and the American Council of Engineering
Companies. Testimony in opposition to this measure was submitted
by the Department of Accounting and General Services and the
Consumer Lawyers of Hawaii.

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. Your Committee notes,



based upon some of the testimony received, that several other jurisdictions have adopted similar requirements.

Your Committee has amended this measure to change the effective date from upon approval to July 1, 2050, 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 S.B. No. 1650, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1650, 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



