
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 amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§663- Design professional as a tortfeasor; public
5 highways. (a) Any other law to the contrary notwithstanding,
6 including but not limited to sections 663-10.9, 663-11 to 663-13,
7 663-16, 663-17, and 663-31, in any case involving tort
8 claims relating to the maintenance and design of public highways,
9 where a design professional is determined to be a tortfeasor
10 along with one or more other tortfeasors, the design professional
11 shall be liable for no more than that percentage share of damages
12 attributable to the design professional, except when the design
13 professional's degree of negligence is twenty-five per cent or
14 more.

15 (b) For purposes of this section:

16 (1) "Design professional" means a professional engineer,
17 architect, surveyor, or landscape architect licensed
18 under chapter 464; and



1 (2) The liability of a design professional shall include
2 vicarious liability for the acts or omissions of the
3 design professional's officers and employees."

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 upon its approval.

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INTRODUCED BY:

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JAN 26 2009



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 25% or more.

