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



1        (b) For purposes of this section:

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

5        "Public utility" means the same as defined in section 269-  
6 1."

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

9        SECTION 3. New statutory material is underscored.

10       SECTION 4. This Act shall take effect on January 1, 2020.



**Report Title:**

Joint and Several Liability; Design Professionals

**Description:**

Abolishes joint and several liability for design professionals and public utilities in tort claims relating to the maintenance and design of public highways, except when a design professional's or public utility's degree of negligence is 25% or more. Effective 01/01/2020. (HB1316 HD2)

