
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 two new sections to be appropriately
3 designated and to read as follows:
4 "§663- Design professional as a tortfeasor. (a) Any
5 other law to the contrary notwithstanding, including but not
6 limited to sections 663-10.9, 663-11, 663-12, 663-13, 663-16,
7 663-17, and 663-31, in any case where a design professional is
8 determined to be a tortfeasor along with one or more other
9 tortfeasors, the design professional shall be liable for no more
10 than that percentage share of damages attributable to the design
11 professional for tort claims relating to the maintenance and
12 design of public highways, except when the design professional's
13 degree of negligence is twenty-five per cent or more.
14 (b) For purposes of this section:
15 (1) "Design professional" means a professional engineer,
16 architect, surveyor, or landscape architect licensed
17 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 §663- Liability of public utility companies limited in
5 highway cases. Notwithstanding sections 663-10.9, 663-11 to
6 663-13, 663-16 and 663-31, public utility companies that place
7 and maintain their utility poles or facilities on or within
8 public highways shall not be held jointly and severally liable
9 for recovery of economic or non-economic damages in motor
10 vehicle accidents involving tort actions relating to maintenance
11 and design of highways unless the public utility's degree of
12 negligence is twenty-five per cent or more. The liability of a
13 public utility shall include its vicarious liability for the
14 acts or omissions of its officers and employees. For purposes
15 of this section, "public utility" shall have the meaning set
16 forth in section 269-1."

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

19 SECTION 3. New statutory material is underscored.

20 SECTION 4. This Act shall take effect July 1, 2030.

Report Title:

Joint and Several Liability; Design Professionals; Public Utilities

Description:

Abolishes joint and several liability for design professionals for tort claims relating to maintenance and design of public highways except when the design professional's degree of negligence is 25% or more. Also provides protection from joint and several liability for public utilities in tort actions involving highway maintenance and design. (SD1)