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# A BILL FOR AN ACT

RELATING TO STATE TORT LIABILITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 661, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§661- Notification of class action. (a) No class  
5 action or de facto class action lawsuit or proceeding for claims  
6 against the State may be filed or prosecuted unless the class  
7 representative or its counsel transmits written notice of the  
8 class's intention to proceed to:

- 9           (1) The governor;  
10           (2) The president of the senate; and  
11           (3) The speaker of the house of representatives.

12           (b) A filed copy of the complaint and all relevant  
13 supporting and exculpatory materials in the possession of the  
14 proposed class representative or its counsel shall be served on  
15 the president of the senate and the speaker of the house of  
16 representatives not later than seven days after the filing of  
17 the complaint. The complaint shall remain under seal for at  
18 least sixty days after service upon the attorney general of the



1 complaint and all relevant supporting and exculpatory materials  
2 in the possession of the proposed class representative or its  
3 counsel."

4 SECTION 2. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun, before its effective date.

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on January 1, 2046.



**Report Title:**

State Tort Liability

**Description:**

Requires notification of pending class action against the State to the Governor, President of the Senate, and Speaker of the House prior to the filing of a lawsuit. Requires service of the complaint, together with supporting and exculpatory materials, to the Senate President and House Speaker within seven days of filing. Effective January 1, 2046. (HB382 HD1)

