

A Bill for an Act Relating to Design Professional Conciliation Panel.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 672-4, Hawaii Revised Statutes, is amended to read as follows:

“§672-4 Review by panel required; notice; presentation of claims[.]; termination. (a) Any person or his representative claiming that a tort has been committed by the design professional or entities employing such design professionals shall file a claim [to] with the department of commerce and consumer affairs before a suit based on the claim may be commenced in any court of [this] the State. All claims shall be submitted to the department of commerce and consumer affairs in writing on forms provided by [this] the department. If the claim is presented orally, the department of commerce and consumer affairs shall reduce the claim to writing. The claimant shall set forth facts upon which the claim is or may be based and shall include the names of all parties against whom the claim is or may be made who are known to the claimant. Within five business days thereafter, the panel shall give notice of the claim, by certified mail, to all architects, engineers or surveyors and others who are or may be parties to the claim and shall furnish copies of written claims to such persons. Such notice shall set forth a date, not more than twenty days after mailing the notice, within which any design professional against whom a claim is made may file a written response to the claim, and a date and time, not less than five days following the date for filing a response, for a hearing of the panel. Such notice shall describe the nature and purpose of the panel’s proceedings and shall designate the place of the hearing. The times originally set forth in the notice may be changed by the [chairperson,] chairman, on due notice to all parties, for good cause.

(b) At any time, by mutual consent of the parties involved, the department of commerce and consumer affairs, prior to the appointment of the chairman, or the chairman after his appointment, may terminate the proceedings and the claimant may proceed in accordance with section 672-8.”

SECTION 2. Chapter 672, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designed and to read as follows:

“§672- Retroactive application. This chapter shall apply to any claim arising prior to June 22, 1981 if a suit based on the claim has not been filed in a court of competent jurisdiction prior to the effective date of this Act.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved May 28, 1983.)

Note

1. Edited pursuant to HRS §23G-16.5.