
A BILL FOR AN ACT

RELATING TO TORT ACTIONS.

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

1 SECTION 1. Section 663-10.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§663-10.5 Government entity as a tortfeasor; public**
4 **utility as tortfeasor; abolition of joint and several liability.**

5 Any other law to the contrary notwithstanding, including but not
6 limited to sections 663-10.9, 663-11 to 663-13, 663-16, 663-17,
7 and 663-31, in any case where a government entity is determined
8 to be a tortfeasor along with one or more other tortfeasors, the
9 government entity shall be liable for no more than that
10 percentage share of the damages attributable to the government
11 entity[; ~~provided that joint and several liability shall be~~
12 ~~retained for tort claims relating to the maintenance and design~~
13 ~~of highways pursuant to section 663-10.9]. In any case where a
14 public utility is one of the tortfeasors, the public utility
15 shall be liable for no more than that percentage share of the
16 damages attributable to the public utility.~~

17 For purposes of this section, "government entity" means any
18 unit of government in this [State,] state including the State



1 and any county or combination of counties, department, agency,
 2 institution, board, commission, district, council, bureau,
 3 office, governing authority, or other instrumentality of state
 4 or county government, or corporation or other establishment
 5 owned, operated, or managed by or on behalf of this State or any
 6 county[-] and any professional consultant licensed pursuant to
 7 chapter 464 contracted by the unit of government in this state.

8 For purposes of this section, "public utility" shall have
 9 the same meaning set forth in section 269-1.

10 For purposes of this section, the liability of a government
 11 entity or public utility shall include its vicarious liability
 12 for the acts or omissions of its officers and employees."

13 SECTION 2. This Act does not affect rights and duties that
 14 matured, penalties that were incurred, and proceedings that were
 15 begun, before its effective date.

16 SECTION 3. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

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

Report Title:

Tort Actions; Government Entity; Joint and Several Liability

Description:

Repeals government agency's joint and several liability in tort claims relating to maintenance and design of highways; limits liability to percentage share of damages attributable to the government agency. Includes utilities and consultants. (HB1175 HD1)

