

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 1315
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Transportation and Culture and the Arts, to which was referred S.B. No. 1315 entitled:

"A BILL FOR AN ACT RELATING TO ABOLITION OF JOINT AND SEVERAL LIABILITY FOR GOVERNMENT ENTITIES IN HIGHWAY-RELATED CIVIL ACTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Abolish joint and several liability for government entities in claims and cases relating to the maintenance and design of highways; and
- (2) Make government entities liable only for the percentage share of the damages actually attributable.

Your Committee received testimony in support of this measure from the Department of Transportation and Department of the Attorney General.

Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that under state law, government entities are currently subject to joint and severable liability in claims and cases relating to the maintenance and design of



highways including actions involving guardrails, utility poles, street and directional signs, and any other highway-related device. "Joint and severable liability" means that when multiple parties are responsible for harm, each individual party can be held fully liable for the entire amount of damages incurred, even if that party was only partially responsible for the harm involved. This measure will address this issue by abolishing joint and several liability in cases relating to the maintenance and design of highways, so that government entities are liable only for the share of the damages actually attributable to them.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation and Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1315, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1315, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Culture and the Arts,



CHRIS LEE, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* SB 1315	Committee Referral: TCA, JDC	Date: 2-11-2025
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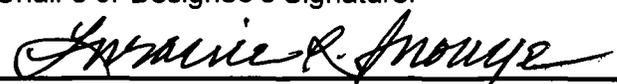
The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
KANUHA, Dru Mamo	✓			
DECORTE, Samantha	✓			
TOTAL	5			

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**