
A BILL FOR AN ACT

RELATING TO ARCHITECTS.

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

1 SECTION 1. Chapter 662D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§662D- Limited liability for volunteer engineers and
5 architects. (a) Notwithstanding any other provision of law to
6 the contrary, an engineer or architect, licensed under chapter
7 464 or the laws of any other state, that voluntarily provides
8 building structural or building systems evaluation services
9 affecting life or safety, shall not be liable to any person for
10 injury or damage sustained, except for injury or damages
11 resulting from gross negligence or intentional misconduct. The
12 limited liability shall apply only when all of the following
13 conditions occur:

14 (1) The services are rendered without compensation except
15 as provided under section 90-4;

16 (2) The services are provided in response to a natural
17 disaster and under the direction of, or in connection
18 with, a community disaster response team of a state or



1 county governmental entity or the Federal Emergency
2 Management Agency; and

3 (3) Services are provided within ninety days after a state
4 of emergency has been declared by the governor.

5 (b) The limited liability of this section shall apply to
6 services rendered in conjunction with public or privately owned
7 structures or property."

8 SECTION 2. Chapter 103D, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 **"§103D- Defense of a governmental entity for public**

12 **works.** (a) If a governmental entity enters into a public works
13 projects contract with a person for professional services to be
14 performed by one or more professionals licensed pursuant to
15 chapter 464, the contract shall not require the person to defend
16 the governmental entity, its officers, employees, or agents from
17 any liability, damage, loss, claim, action, or proceeding.

18 (b) Notwithstanding subsection (a), the contract may
19 require a person to indemnify and hold harmless the governmental
20 entity, and its officers and employees, from and against any
21 liability, loss, damage, cost, and expense, including reasonable
22 attorneys' fees, and all claims, suits, and demands therefore,



1 arising out of or resulting from the negligent acts, errors, or
 2 omissions of the person, the persons' employees, officers,
 3 agents, or subcontractors in the performance of their
 4 professional services.

5 (c) The defense of a governmental entity provision of any
 6 contract between a governmental entity and a person in violation
 7 of subsection (a) is contrary to the public policy of this State
 8 and is void.

9 (d) As used in this section:

10 (1) "Public works projects" means the same as in section
 11 464-4 and shall also includes facilities and highways
 12 as those terms are defined in section 128-2.

13 (2) "Person" means any individual, partnership,
 14 organization, limited liability company, association,
 15 corporation, or other entity conducting business in
 16 the State."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act does not affect rights and duties that
 19 matured, penalties that were incurred, and proceedings that were
 20 begun, before its effective date.



H.B. NO. 1577

1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Architects

Description:

Provides limited liability for architects and engineers that provide services during a state of emergency. Absolves contractors for professional services under the state procurement code from contractual liability to indemnify the governmental body.

