
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

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

1 SECTION 1. The purpose of this Act is to prohibit
2 governmental procurement contracts of less than \$1,000,000 that
3 are exclusively for the services of engineers, architects,
4 surveyors, or landscape architects, from requiring the
5 contractor to defend the governmental body against any liability
6 arising out of the contractor's performance under the contract.

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

10 "§103D- Defense of a governmental body. (a) No
11 contract of less than \$1,000,000 that is entered into by the
12 State or by any county, political subdivision of the State, or
13 state or county agency or official, that is exclusively for
14 services that may only lawfully be provided by a person licensed
15 under chapter 464, may require the contractor to defend the
16 State or county, or its officers, employees, or agents, from any
17 liability, damage, loss, or claim, action, or proceeding arising
18 out of the contractor's performance under the contract. Nothing



1 herein shall be construed to bar, limit, or interfere with the
2 right of the State or a county, or any of its officials or
3 agencies, to contractually require any person to indemnify or
4 hold harmless the State or county, and its officers, employees,
5 or agents, including from and against any liability, loss,
6 damage, cost, or expense."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

10 SECTION 4. New statutory material is underscored.

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



Report Title:

Procurement; Indemnification

Description:

Prohibits government contracts under \$1,000,000 and exclusively for the services of architects, engineers, surveyors, or landscape architects from requiring the contractor to defend the government from any liability arising out of the contractor's performance under the contract. (HB963 HD1)

