

## ACT 112

H.B. NO. 237

A Bill for an Act Relating to Torts.

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

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

**“§663-10.5 Government entity as a tortfeasor; abolition of joint and several liability. [Notwithstanding] Any other law to the contrary notwithstanding, including but not limited to sections 663-10.9, 663-11 to 663-13, 663-16, 663-17, and [section] 663-31, in any case where a government entity is determined to be a tortfeasor along with one or more other tortfeasors, the government entity shall be liable for no more than that percentage share of the damages attributable to the government entity[-]; provided that joint and several liability shall be retained for tort claims relating to the maintenance and design of highways pursuant to section 663-10.9.**

For purposes of this section, “government entity” means any unit of government in this State, including the State and any county or combination of counties, department, agency, institution, board, commission, district, council, bureau, office, governing authority, or other instrumentality of state or county government, or corporation or other establishment owned, operated, or managed by or on behalf of this State or any county.

For purposes of this section, the liability of a government entity shall include its vicarious liability for the acts or omissions of its officers and employees.”

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SECTION 2. Statutory material to be repealed is bracketed and stricken.  
New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval and its provisions shall apply retroactively to the extent permitted by law.

(Approved May 19, 2006.)