



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 16, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: House Bill No. 1316 HD2 SD1 CD1

On July 15, 2009, House Bill No. 1316, entitled "A Bill for an Act Relating to Torts" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to provide a limitation on the liability for design professionals engaged in work on highway projects where a design professional is determined to be a joint tortfeasor along with one or more other joint tortfeasors, the degree of negligence is ten percent or less, and the contract value was \$1,000,000 or less.

This bill raises concerns because it gives a negligent design professional more protection from liability than the law affords the developer, the State of Hawaii, the counties, or the construction entities, who rely on the expertise of the design professional when building the highway.

This bill amends by law previous contracts between design professionals and the developers, the State of Hawaii, the counties, or the construction entities. I am concerned that this allows the professional to avoid contractual duties and obligations they fairly and voluntarily entered into.

The State recognizes that some design professionals elect not to bid on State highway projects as a result of the liability exposure that might accrue as a result of working on these projects. We believe the more appropriate approach would be to enact meaningful tort reform in Hawaii that would cover most professions and also put reasonable limits on the financial exposure of the State and the counties.

The Honorable Colleen Hanabusa, President
and Members of the Senate

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For the foregoing reasons, I allowed House Bill No. 1316 to become law as Act 179,
effective July 15, 2009, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda Lingle', with a large, stylized loop at the end of the name.

LINDA LINGLE