

TESTIMONY OF  
CONSUMER LAWYERS OF HAWAII  
IN OPPOSITION TO S.B. No. 2403

Consumer Lawyers of Hawaii (“CLH”) appreciates this opportunity to testify in opposition to S.B. No. 2403.

This measure gives no hint as to its purpose or issue that it seeks to address. Its language makes no sense given the situations and potential parties affected by its provisions.

Paragraph (1) appears to apply to all claims involving negligence by county employees and officials. It renders Chapter 663 inapplicable to county liability cases. This makes no sense because it would eliminate county protections and immunities contained in Chapter 663, including the following:

- Firefighter immunity (663-1.55)
- Immunity for withdrawing blood or urine at the direction of police (663-1.9)
- Government immunity against joint and several liability (663-10.5)
- Limitations on wrongful death damages (663-8)
- Limitations on pain and suffering (663-8.7)
- Limitations on emotional distress related to property damage (663-8.9)
- Limitations on defibrillator and Good Samaritan emergency care (663-1.5)
- Limitations on recovery where there is comparative negligence (663-31)
- Protections for Good Faith settlements (663-15.5)

Paragraph (4) of the measure exempts a broad range of claims from limitations and protections afforded by Chapter 663, including tort reform provisions

affecting joint and several liability, limitations on damages and others discussed above.

CLH asks that this measure be held.