

JAN 18 2008

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

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

1 SECTION 1. The legislature finds that uninsured motorists
2 may recover damages for noneconomic loss (pain and suffering)
3 against insured motorists. However, insured motorists have
4 little recourse in recovering noneconomic damages against
5 uninsured motorists. This is an inherently unfair situation
6 that is a cost driver of insurance premiums.

7 The purpose of this Act is to clarify motor vehicle
8 insurance coverage for noneconomic losses.

9 SECTION 2. Chapter 431:10C, Hawaii Revised Statutes, is
10 amended by adding a new section to part III to be appropriately
11 designated and to read as follows:

12 "§431:10C- Bodily injury liability coverage; limitation
13 on recovery; noneconomic damages. (a) An uninsured motorist
14 shall not be entitled to recover noneconomic damages, as defined
15 in section 663-8.5, against an insured driver's motor vehicle
16 insurance policy for an injury arising from a motor vehicle
17 accident involving the uninsured vehicle and the insured driver.



1 (b) An operator of a motor vehicle who, at the time of the
2 accident, was:

3 (1) Under the influence, as defined in section 291E-1; or

4 (2) Operating the motor vehicle in the course of
5 committing a felony,

6 shall not be entitled to recover noneconomic damages, as defined
7 in section 663-8.5, against an insured driver's motor vehicle
8 insurance policy for an injury arising from a motor vehicle
9 accident involving the uninsured vehicle and the insured
10 driver."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY: Mike Hubbard
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Report Title:

Motor Vehicle Insurance; Noneconomic Damages

Description:

Excludes bodily injury coverage for noneconomic damages if the claimant was uninsured, intoxicated, or committing a felony at the time of the accident.

