A BILL FOR AN ACT

RELATING TO PERSONAL INJURY PROTECTION BENEFITS.

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

SECTION 1. Section 431:10C-103, Hawaii Revised Statutes, is amended by amending the definition of "maximum limit" to read as follows:

"Maximum limit" means the total personal injury protection benefits payable for coverage under section 431:10C-103.5(a) shall be:

1. **$25,000** per person on account of accidental harm sustained by the person in any one motor vehicle accident regardless of the number of motor vehicles or policies involved; and
2. Optional additional amounts up to **$75,000** for medical expense coverage for an insured on account of accidental harm sustained by the insured in any one motor vehicle accident regardless of the number of motor vehicles or policies involved."

SECTION 2. Section 431:10C-103.5, Hawaii Revised Statutes, is amended as follows:
1. By amending subsection (a) to read:

"(a) Personal injury protection benefits, with respect to any accidental harm, means all appropriate and reasonable treatment and expenses necessarily incurred as a result of the accidental harm and which are substantially comparable to the medical care that is includable in determining medical expense deductions pursuant to section 213(d) of the Internal Revenue Code of 1986, as amended, and its related rules and regulations, including medical, hospital, surgical, professional, nursing, advanced practice nursing licensed pursuant to chapter 457, dental, optometric, naturopathic medicine, chiropractic, ambulance, prosthetic services, medical equipment and supplies, products and accommodations furnished, x-ray, psychiatric, physical therapy pursuant to prescription by a medical doctor, occupational therapy, rehabilitation, [and] therapeutic massage by a licensed massage therapist when prescribed by a medical doctor[–], and necessary medical travel to receive treatment."

2. By amending subsection (c) to read:

"(c) Personal injury protection benefits shall be subject to an aggregate limit of [$10,000] $25,000 per person for
services provided under this section[—]; provided that the
personal injury protection benefits for services provided under
this section to an insured shall include optional additional
amounts up to $75,000 for the insured's medical expense coverage
if the insured elects to have additional coverage. An insurer
[may] shall offer additional coverage in excess of [the $10,000]
a person's or insured's respective aggregate limit for services
provided under this section, or as provided by rule of the
commissioner."

SECTION 3. Section 431:10C-103.6, Hawaii Revised Statutes,
is amended as follows:

1. By amending its title to read:

"§431:10C-103.6 Personal injury protection benefits tied
to [prepaid health care plan] medical expenses under section
213(d) of the Internal Revenue Code of 1986, as amended, and its
related rules and regulations for description of coverage only."

2. By amending subsection (a) to read:

"(a) The benefits provided under section 431:10C-103.5
shall be substantially comparable to the requirements for
prepaid health care plans, as provided in chapter 393 and rules
of the department of labor and industrial relations, pertaining
to the Prepaid Health Care Act[-] and medical care that is
includable in determining medical expense deductions pursuant to
section 213(d) of the Internal Revenue Code of 1986, as amended,
and its related rules and regulations. The reference to the
Prepaid Health Care Act is only for purposes of describing the
coverages and exclusions, without regard to any specific insurer
or plan, and shall not be construed to transfer coverage to the
prepaid health care plans. The precise charges and utilization
rates shall be as contained in the workers' compensation
schedules as provided under section 431:10C-308.5, unless
modified by the commissioner by rule under chapter 91."

SECTION 4. This Act does not affect rights and duties that
matured, penalties that were incurred, and proceedings that were
begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2019.

INTRODUCED BY: [Signature]

JAN 23 2019
Report Title:
Personal Injury Protection; Maximum Limit

Description:
Increases maximum limit for personal injury protection coverage. Expands personal injury protection benefits to include services that are included in calculating medical expense deductions under the United States Internal Revenue Code, including necessary travel to receive medical treatment.

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