# A BILL FOR AN ACT

RELATING TO NONECONOMIC DAMAGES.

HB LRB 07-0749.doc

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

1 SECTION 1. Section 663-8.5, Hawaii Revised Statutes, is 2 amended to read as follows: "[+]\$663-8.5[+] Noneconomic damages; defined. (a) 3 4 Noneconomic damages which are recoverable in tort actions include damages for pain and suffering, mental anguish, 5 6 disfigurement, loss of enjoyment of life, loss of consortium, 7 and all other nonpecuniary losses or claims. 8 Pain and suffering [is one type of noneconomic damage 9 and] means the actual physical pain and suffering that is the 10 proximate result of [a physical injury sustained by a person.] 11 the following types of injuries: 12 (1) Death; 13 (2) Dismemberment; 14 (3) Significant disfigurement; 15 (4) Fractures; 16 (5) Loss of a fetus; 17 (6) Permanent loss of use of a body organ, member, 18 function, or system;

# H.B. NO. 84

1	(7)	Permanent consequential limitation of use of a body
2		organ or member;
3	(8)	Significant limitation of use of a body organ or
4		member; or
5	<u>(9)</u>	A medically determined injury of a non-permanent
6		nature which prevents the injured person from
7		performing substantially all of the material acts
8		which constitute that person's usual and customary
9		daily activities for not less than ninety days during
10		the one hundred eighty days immediately following the
11		occurrence of the injury or impairment."
12	SECTION 2. This Act does not affect rights and duties that	
13	matured, penalties that were incurred, and proceedings that were	
14	begun, before its effective date.	
15	SECTION 3. Statutory material to be repealed is bracketed	
16	and stricken. New statutory material is underscored.	
17	SECT	ION 4. This Act shall take effect upon its approval.
18		
		INTRODUCED BY:
		JAN 1 7 2007

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## Report Title:

Noneconomic Damages

### Description:

Establishes verbal thresholds limiting lawsuits for noneconomic damages.

