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## A BILL FOR AN ACT

RELATING TO TAXATION.

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

1           SECTION 1. The purpose of this Act is to amend the  
2 definition of "person totally disabled" for tax purposes by  
3 deleting the requirement that the disability results in the  
4 person's inability to engage in any substantial gainful business  
5 or occupation. The legislature intends that the amended  
6 definition be used in the application of sections 235-54(c),  
7 237-17, and 237-24(13), Hawaii Revised Statutes.

8           SECTION 2. Section 235-1, Hawaii Revised Statutes, is  
9 amended by amending the definition of "person totally disabled"  
10 to read as follows:

11           "Person totally disabled" means a person who is totally and  
12 permanently disabled, either physically or mentally [~~which~~  
13 ~~results in the person's inability to engage in any substantial~~  
14 ~~gainful business or occupation~~].

15           The disability shall be certified to by a:

16           (1) [~~a physician~~] Physician licensed under chapter 453 or  
17           460 [~~]~~ or both [~~]~~;



1 (2) [~~a qualified~~] Qualified out-of-state physician who is  
2 currently licensed to practice in the state in which  
3 the physician resides[~~r~~]; or

4 (3) [~~a commissioned~~] Commissioned medical officer in the  
5 United States Army, Navy, Marine Corps, or Public  
6 Health Service, engaged in the discharge of one's  
7 official duty.

8 Certification shall be on forms prescribed by the  
9 department of taxation."

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken.

12 SECTION 4. This Act shall take effect upon its approval  
13 and shall apply to taxable years beginning after December 31,  
14 2007.

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INTRODUCED BY:

Calvin K. Boy  
BY REQUEST

JAN 15 2008



**Report Title:**

Person Totally Disabled; Income Tax

**Description:**

Amends the definition of "person totally disabled" for tax purposes, by deleting the requirement that the disability results in the person's inability to engage in any substantial gainful business or occupation.

