

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO TORT ACTIONS.

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

1           SECTION 1. Chapter 663, Part I, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4           "§663- Injuries related to commission of felony. In any  
5 action for damages based on negligence, a person may not recover  
6 any damages if the plaintiff's injuries were in any way  
7 proximately caused by the plaintiff's commission of any felony,  
8 or immediate flight therefrom, and the plaintiff has been duly  
9 convicted of that felony.

10           §663- Damages; uninsured or chemically impaired motorist.

11           (a) Except as provided in subdivision (c), in any action to  
12 recover damages arising out of the operation or use of a motor  
13 vehicle, a person shall not recover non-economic losses as  
14 defined in section 663-8.5 if any of the following applies:

15           (1) The injured person was at the time of the accident  
16 operating the vehicle in violation of section 291E-61, and was  
17 convicted of that offense.



1       (2) The injured person was the owner of a vehicle involved  
2 in the accident and the vehicle was not insured as required by  
3 the financial responsibility laws of this state.

4       (3) The injured person was the operator of a vehicle  
5 involved in the accident and the operator cannot establish his  
6 or her financial responsibility as required by the financial  
7 responsibility laws of this state.

8       (b) Except as provided in subdivision (c), an insurer shall  
9 not be liable, directly or indirectly, under a policy of  
10 liability or uninsured motorist insurance to indemnify for non-  
11 economic losses of a person injured as described in subdivision  
12 (a).

13       (c) In the event a person described in paragraph (2) of  
14 subsection (a) was injured by a motorist who at the time of the  
15 accident was operating his or her vehicle in violation of  
16 section 291E-61, and was convicted of that offense, the injured  
17 person shall not be barred from recovering non-economic  
18 damages."

19       SECTION 2. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

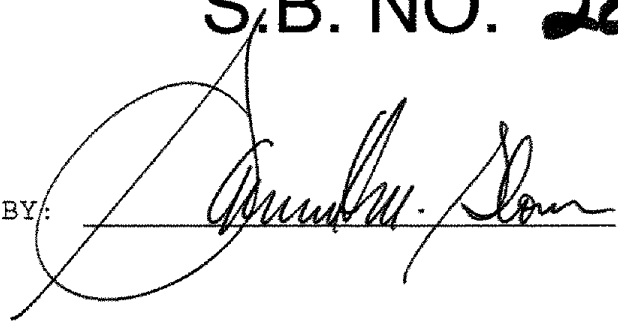
21       SECTION 3. This Act shall take effect upon its approval.

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# S.B. NO. 203

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Amador J. Gomez", is written over a horizontal line. The signature is fluid and cursive, with a large initial 'A'.



S.B. NO. **203**

**Report Title:**

Lawsuits by Uninsured or Chemically Impaired Motorists

**Description:**

Prevents recovery in negligence by drivers who are uninsured or chemically impaired at the time of the accident.

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