

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009

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NOTICE OF HEARING

DATE: Tuesday, March 03, 2009  
TIME: 2:00 p.m.  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

A G E N D A

HB 575, HD1  
(HSCR504)  
Status

RELATING TO MEDICAL TORTS.  
Requires claimants who reject the medical claim conciliation panel's award of damages and pursue litigation to pay the health care provider's attorneys' fees, costs, and cost of the provider's time under certain conditions. Establishes the medical claim conciliation hearing office and the positions of executive director and hearing officer. Directs the hearing officer to conduct hearings on medical claims in accordance with the administrative procedure act. Makes opinions issued by the hearing officer binding upon the parties. Repeals the medical claim conciliation panel. (HB575 HD1)

HLT, JUD

HB 1310, HD1  
(HSCR420)  
Status

RELATING TO OCEAN RECREATION.  
Deletes: (i) prohibition of commercial operation of thrill craft, water sledding, parasailing, or high speed boating in Maunaloa Bay, Oahu, on Saturdays; (ii) requirement that permits be issued at public auction; and (iii) maximum term of permit issue of 20 years. (HB1310 HD1)

WLO, JUD

HB 1229  
Status

RELATING TO NOTICE.  
Permits service by publication of notice of hearing on petition for injunction against harassment and of injunction after hearing.

JUD

HB 869  
(HSCR281)  
Status

RELATING TO RENTAL MOTOR VEHICLES.  
Requires that the owner of a rental motor vehicle, upon notice that the rental motor vehicle has been involved in a violation, provide the court with the name and address of the lessee within 60 days of the mailing of the notice.

TRN, JUD



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HB 355, HD1  
(HSCR295)  
Status RELATING TO CONDOMINIUMS. CPC, JUD  
Limits any late fee for delinquent condominium common expense assessments to 20% of the monthly maintenance fee per month that any such assessment remains unpaid. Requires an association to give a unit owner 10 business days notice of any delinquent assessments before taking any action for which attorneys' fees may be assessed. Effective 01/01/2020. (HB355 HD1)

HB 951  
(HSCR213)  
Status RELATING TO LANDOWNER LIABILITY. WLO, JUD  
Relieves landowner of liability for any damage, injury, or harm to persons or property outside the boundaries of the landowner's land caused by naturally occurring land failure originating on unimproved land.

HB 1417, HD1  
(HSCR301)  
Status RELATING TO MOBILE BILLBOARDS. EEP, JUD  
Amends the restrictions on the use of mobile billboards. Exempts businesses using vehicles with advertising in the daily function of the advertised business. (HB1417 HD1)

HB 1035  
Status RELATING TO APPEALS. JUD  
Authorizes immediate appeals from certain court orders regarding injunctions and denials of sovereign, absolute, or qualified immunity.

DECISION MAKING TO FOLLOW

DECISION MAKING ONLY ON THE FOLLOWING MEASURES:

Previously heard on **Tuesday, February 24, 2009.**

No public testimony will be accepted.

HB 1514, HD1  
(HSCR447)  
Status RELATING TO MEDICAL TORTS. HLT, JUD  
Places a ceiling on non-economic damages in medical torts involving neurologists and neurosurgeons and reduces insurance premiums for malpractice liability coverage. Requires a health care provider to disclose to patients adverse events relating to their medical treatment. Requires the Hawaii medical board to collect and publish information about physicians licensed in the state to allow consumers to make informed decisions in selecting physicians. Establishes a medical malpractice damages task force to provide support in implementing the provisions of this Act. (HB1514 HD1)

HB 1636  
(HSCR461)  
Status RELATING TO EMERGENCY MEDICAL PHYSICIANS. HLT, JUD  
Provides additional protection for physicians who render medical services in genuine emergency situations involving an immediate threat of death or serious bodily injury.



<u>HB 1784, HD1</u> <u>(HSCR505)</u> <u>Status</u>	RELATING TO MEDICAL TORTS. Limits the amount awarded for non-economic damages in medical tort cases to \$250,000 per physician specialist. Sets the award limit for non-economic damages in cases of gross negligence at \$3,000,000. Requires a health care provider to disclose to patients adverse events relating to their medical treatment. Requires the Hawaii medical board to collect and publish information about physicians licensed in the state to allow consumers to make informed decisions in selecting physicians. (HB1784 HD1)	HLT, JUD
<u>HB 310, HD1</u> <u>(HSCR462)</u> <u>Status</u>	RELATING TO MEDICAL TORTS. In medical tort litigation authorizes the court to impose sanctions on a party whose rejection of the Medical Claim Conciliation Panel's decision resulted in the trial and who at trial fails to improve on the panel's award by increasing or decreasing it by at least 30 percent. (HB310 HD1)	HLT, JUD
<u>HB 730</u> <u>Status</u>	RELATING TO CRUELTY TO ANIMALS. Repeals existing prohibition against dog fighting and enacts more comprehensive prohibition of dog fighting and related conduct. Provides enhanced penalties.	JUD
<u>HB 1422</u> <u>(HSCR560)</u> <u>Status</u>	RELATING TO ABANDONED VEHICLES. Allows counties to remove abandoned motor vehicles from private roads.	TRN, JUD
<u>HB 1593</u> <u>(HSCR603)</u> <u>Status</u>	RELATING TO REAL PROPERTY. Clarifies provisions contained in long-term commercial and industrial ground leases.	EBM, JUD

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing with a transmittal cover indicating:

- Testifier's name with position/title and organization;
- The Committee the comments are directed to;
- The date and time of the hearing;
- Measure number; and
- The number of copies the Committee is requesting.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the hearing or improperly identified or directed to the incorrect office, may be distributed to the Committee after the hearing.

Submit testimony in ONE of the following ways:

PAPER: 1 (one) copies (including an original) to Room 302 in the State Capitol;

FAX: For comments less than 5 pages in length, transmit to 586-8494 (Oahu) or 1-800-535-3859 (Neighbor Islands); or

EMAIL: For comments less than 5 pages in length, transmit to [JUDtestimony@Capitol.hawaii.gov](mailto:JUDtestimony@Capitol.hawaii.gov).


Testimony submitted will be placed on the Legislative Web site after the hearing adjourns. This public posting of testimony on the Web site should be considered when including personal information in your testimony.

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-8490 or email your request for an interpreter to [HouseInterpreter@Capitol.hawaii.gov](mailto:HouseInterpreter@Capitol.hawaii.gov) at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

Hearing JUD 03-03-09.docx



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Rep. John Riki Karamatsu  
Chair

