

JAN 21 2010

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

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

1 SECTION 1. The legislature finds that uninsured motorists
2 may recover damages for noneconomic loss (pain and suffering)
3 against insured motorists. However, insured motorists have
4 little recourse in recovering noneconomic damages against
5 uninsured motorists. This is an inherently unfair situation
6 that is a cost driver of insurance premiums.

7 The purpose of this Act is to clarify motor vehicle
8 insurance coverage for noneconomic losses.

9 SECTION 2. Chapter 431:10C, Hawaii Revised Statutes, is
10 amended by adding a new section to part III to be appropriately
11 designated and to read as follows:

12 "§431:10C- Bodily injury liability coverage; limitation
13 on recovery; noneconomic damages. (a) A motor vehicle operator
14 who is uninsured in violation of section 431:10C-104 shall not
15 be entitled to recover noneconomic damages, as defined in
16 section 663-8.5, against an insured driver's motor vehicle



1 insurance policy for an injury arising from a motor vehicle
2 accident involving the uninsured vehicle and the insured driver.

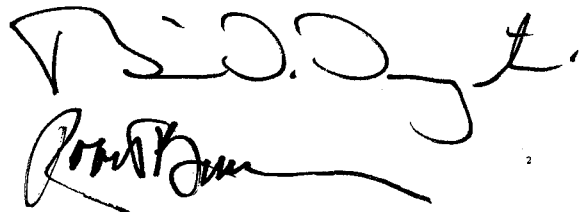
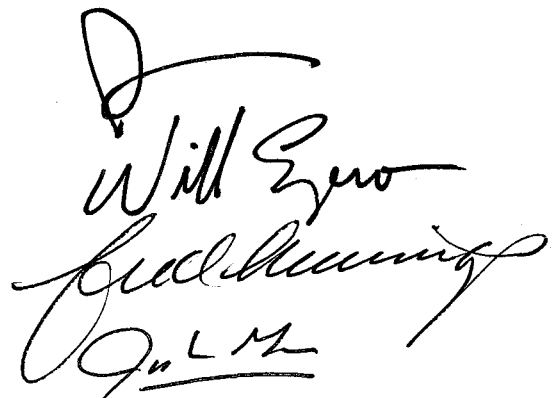
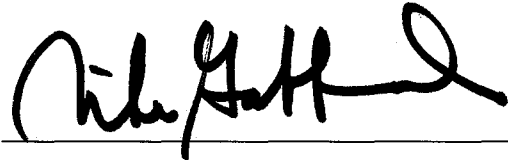
3 (b) An operator of a motor vehicle who, at the time of an
4 accident, is under the influence, as defined in section 291E-1,
5 or who operates the motor vehicle in the course of committing a
6 felony, as defined in section 701-107, shall not be entitled to
7 recover noneconomic damages, as defined in section 663-8.5,
8 against an insured driver's motor vehicle insurance policy for
9 an injury arising from a motor vehicle accident involving the
10 operator and an insured driver."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY:



Report Title:

Motor Vehicle Insurance; Noneconomic Damages

Description:

Excludes bodily injury coverage for noneconomic damages if the claimant/driver was uninsured, intoxicated, or committing a felony at the time of the accident.

