

JAN 23 2009

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, 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
11 motorist. (a) Except as provided in subsection (c), in any
12 action to recover damages arising out of the operation or use of
13 a motor vehicle, a person shall not recover noneconomic damages
14 as 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,
17 and was 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
3 required by the financial responsibility laws of this
4 state; or

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

10 (b) Except as provided in subsection (c), an insurer shall
11 not be liable, directly or indirectly, under a policy of
12 liability or uninsured motorist insurance to indemnify for
13 noneconomic damages of a person injured as described in
14 subsection (a).

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

20 SECTION 2. New statutory material is underscored.

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

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Report Title:

Lawsuits by Convicted Felons, Uninsured or Chemically Impaired Motorists

Description:

Prevents recovery in negligence by persons injured during commission of or flight from a felony for which they have been convicted. Prevents recovery in negligence by persons who are uninsured or chemically impaired at the time of a motor vehicle accident.

