

JAN 23 2009

A BILL FOR AN ACT

RELATING TO TORTS.

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

1 SECTION 1. Section 663-8.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§663-8.5[+]~~ **Noneconomic damages; defined.** ~~[(a)~~
4 ~~Noneconomic damages which are recoverable in tort actions~~
5 ~~include damages for pain and suffering, mental anguish,~~
6 ~~disfigurement, loss of enjoyment of life, loss of consortium,~~
7 ~~and all other nonpecuniary losses or claims.~~

8 ~~(b) Pain and suffering is one type of noneconomic damage~~
9 ~~and means the actual physical pain and suffering that is the~~
10 ~~proximate result of a physical injury sustained by a person.]~~

11 "Noneconomic damages" which are recoverable in tort actions
12 means damages for physical and emotional pain, suffering,
13 inconvenience, physical impairment, mental anguish,
14 disfigurement, loss of enjoyment of life, loss of society and
15 companionship, loss of consortium other than loss of domestic
16 service, hedonic damages, injury to reputation, and all other
17 nonpecuniary losses of any kind."



1 SECTION 2. Section 663-8.7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§663-8.7[+] **Limitation on pain and suffering.** Damages
4 recoverable for [~~pain and suffering~~] noneconomic damages as
5 defined in section 663-8.5 shall be limited to a maximum award
6 of [~~\$375,000;~~] \$250,000; provided that this limitation shall not
7 apply to tort actions enumerated in section 663-10.9(2)."

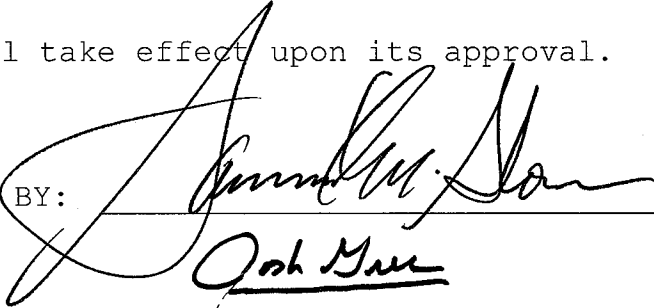

8 SECTION 3. This Act does not affect rights and duties
9 matured, penalties that were incurred, and proceedings that were
10 begun, before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY:



Report Title:

Noneconomic Damages; Definition

Description:

Redefines noneconomic damages for purposes of tort actions.
Limits the amount recoverable for noneconomic damages to
\$250,000.

