

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

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

1           SECTION 1. Section 431:10C-408, Hawaii Revised Statutes,  
2 is amended by amending subsection (a) to read as follows:

3           "(a) Each person sustaining accidental harm, or ~~[such]~~ the  
4 person's legal representative, ~~[may]~~ except as provided in  
5 subsection (b), may obtain the motor vehicle insurance benefits  
6 through the plan ~~[whenever]~~ if:

7           (1) No ~~[liability or uninsured motorist]~~ insurance  
8 benefits under motor vehicle insurance policies are  
9 applicable to the accidental harm;

10          (2) No ~~[such]~~ insurance benefits applicable to the  
11 accidental harm can be identified; or

12          (3) The only identifiable insurance benefits under motor  
13 vehicle insurance policies applicable to the  
14 accidental harm will not be paid in full because of  
15 financial inability of one or more self-insurers or  
16 insurers to fulfill their obligations."



# S.B. NO. 57

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 Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY: *Rossly H. Baker*



**Report Title:**

Motor Vehicle Insurance

**Description:**

Clarifies eligibility to make a claim for coverage under the joint underwriting plan.

