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## A BILL FOR AN ACT

RELATING TO HEALTH INSURANCE.

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

1           SECTION 1. Chapter 431, article 10A, Hawaii Revised  
2 Statutes, is amended by adding a new section to part I to be  
3 appropriately designated and to read as follows:

4           "§431:10A-A Coverage of servicing and repairs to motorized  
5 wheelchairs and electronic convenience vehicles. Each policy of  
6 accident and health or sickness insurance, providing coverage  
7 for health care, including long-term care, that is issued or  
8 renewed in this State, shall provide coverage of servicing and  
9 repairs to motorized wheelchairs and electronic convenience  
10 vehicles; provided that:

11           (1) The motorized wheelchair or electronic convenience  
12 vehicle is medically necessary; and

13           (2) The motorized wheelchair or electronic convenience  
14 vehicle is prescribed by a health care professional  
15 authorized to prescribe such a device."

16           SECTION 2. Chapter 431, article 10A, Hawaii Revised  
17 Statutes, is amended by adding a new section to part II to be  
18 appropriately designated and to read as follows:



1           "§431:10A-B Coverage of servicing and repairs to motorized  
2 wheelchairs and electronic convenience vehicles. Each policy of  
3 group or blanket disability insurance, providing coverage for  
4 health care, including long-term care, that is issued or renewed  
5 in this State, shall provide coverage of servicing and repairs  
6 to motorized wheelchairs and electronic convenience vehicles;  
7 provided that:

8           (1) The motorized wheelchair or electronic convenience  
9 vehicle is medically necessary; and

10           (2) The motorized wheelchair or electronic convenience  
11 vehicle is prescribed by a health care professional  
12 authorized to prescribe such a device."

13           SECTION 3. Chapter 432, article 1, Hawaii Revised  
14 Statutes, is amended by adding a new section to part VI to be  
15 appropriately designated and to read as follows:

16           "§432:1-C Coverage of servicing and repairs to motorized  
17 wheelchairs and electronic convenience vehicles. Each  
18 individual and group hospital and medical service corporation  
19 contract providing coverage for health care, including long-term  
20 care, that is issued or renewed in this State, shall provide  
21 coverage of servicing and repairs to motorized wheelchairs and  
22 electronic convenience vehicles; provided that:



1        (1) The motorized wheelchair or electronic convenience  
2        vehicle is medically necessary; and

3        (2) The motorized wheelchair or electronic convenience  
4        vehicle is prescribed by a health care professional  
5        authorized to prescribe such a device."

6        SECTION 4. Chapter 481B, Hawaii Revised Statutes, is  
7        amended by adding a new section to part I to be appropriately  
8        designated and to read as follows:

9        **"§481B-D Motorized wheelchairs and electronic convenience**

10 **vehicles.** (a) It shall be an unlawful practice under this  
11 chapter for any person engaged in the business of selling or  
12 leasing motorized wheelchairs or electronic convenience vehicles  
13 to fail provide customers, through warranty or otherwise,  
14 directly or through a contractor, with on-call repair services  
15 at any time of the day or night, seven days a week, to service  
16 an emergency breakdown affecting a motorized wheelchair or  
17 electronic convenience vehicle.

18        (b) It shall further be an unlawful practice under this  
19 chapter for any person who engages in the business of servicing  
20 or repairing motorized wheelchairs or electronic convenience  
21 vehicles to fail to provide customers with loaners or rentals



1 while the motorized wheelchair or electronic convenience vehicle  
2 is being serviced or repaired.

3 (c) The term "person" shall have the same meaning ascribed  
4 to the term in section 481B-21."

5 SECTION 5. Section 432D-23, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§432D-23 Required provisions and benefits.**

8 Notwithstanding any provision of law to the contrary, each  
9 policy, contract, plan, or agreement issued in the State after  
10 January 1, 1995, by health maintenance organizations pursuant to  
11 this chapter, shall include benefits provided in sections  
12 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-  
13 116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, 431:10A-121,  
14 431:10A-125, 431:10A-126, [~~and~~] 431:10A-122, and 431:10A-A, and  
15 chapter 431M."

16 SECTION 6. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19 SECTION 7. In codifying the new sections added by sections  
20 1 to 4 of this Act, the revisor of statutes shall substitute  
21 appropriate section numbers for the letters used in designating  
22 the new sections in this Act.



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1           SECTION 8. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 9. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:           *Calvin K. Ray*          

JAN 21 2011



**Report Title:**

Motorized Wheelchairs

**Description:**

Requires health insurers and like entities to provide coverage for the repair and servicing of motorized wheelchairs and electronic convenience vehicles. Makes it an unfair and deceptive practice for vendors to not provide emergency repairs or for repair persons to not provide loaners or rentals during servicing or repairs.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

