

JAN 27 2016

A BILL FOR AN ACT

RELATING TO INDEPENDENT MEDICAL EXAMINATIONS.

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

1 SECTION 1. Section 431:10-211, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§431:10-211 Content of policies in general. (a) A
4 policy shall specify:

- 5 (1) The names of the parties to the contract. The
6 insurer's name shall be clearly shown in the policy;
- 7 (2) The subject of the insurance;
- 8 (3) The risks insured against and the amount of insurance;
- 9 (4) The time at which the insurance under the policy takes
10 effect, and the period during which the insurance is
11 to continue or the method of determining the period;
- 12 (5) A statement of the premium or premium rate; and
- 13 (6) The conditions pertaining to the insurance.

14 (b) If under the contract the exact amount of premiums is
15 determinable only at termination of the contract or at periodic
16 intervals of the contract, a statement of the basis and rates
17 upon which the final premium is to be determined and paid shall



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1 be furnished any policy examining bureau having jurisdiction or
2 to the insured upon request.


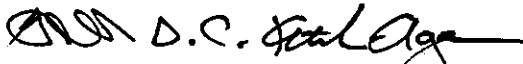

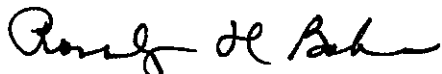
3 (c) This section shall not apply to surety insurance or to
4 group insurance contracts.

5 (d) Every liability policy shall specify that when an
6 examination of an injured party is requested by the insurance
7 company, the selection of the examining doctor shall be by
8 mutual agreement; provided that if no agreement is reached, the
9 selection shall be submitted to the insurance commissioner or a
10 circuit court. The examining doctor shall be of the same
11 specialty as the provider whose treatment is being reviewed
12 unless otherwise agreed by the parties. All records and charges
13 relating to an independent medical examination shall be made
14 available to the plaintiff upon request."

15 SECTION 2. New statutory material is underscored.

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

17

INTRODUCED BY: 
 D.C. Seal





S.B. NO. 3052

Report Title:

Independent Medical Examinations; Tort Actions

Description:

Requires all liability insurance policies to specify that when an examination of an injured party is requested by the insurance company, the selection of the examining doctor is made by mutual agreement. Authorizes the insurance commissioner or circuit court to select an independent medical examiner in the event a mutual agreement is not reached.

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

