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## A BILL FOR AN ACT

RELATING TO PERSONAL INJURY PROTECTION BENEFITS.

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

1           SECTION 1. Section 431:10C-103, Hawaii Revised Statutes,  
2 is amended by amending the definition of "maximum limit" to read  
3 as follows:

4           "Maximum limit" means the total personal injury protection  
5 benefits payable for coverage under section 431:10C-103.5(a) [7]  
6 shall be:

7           (1) \$25,000 per person on account of accidental harm  
8 sustained by the person in any one motor vehicle  
9 accident [~~shall be \$10,000,~~] regardless of the number  
10 of motor vehicles or policies involved[-]; and

11           (2) Optional additional amounts up to \$75,000 for medical  
12 expense coverage for an insured on account of  
13 accidental harm sustained by the insured in any one  
14 motor vehicle accident regardless of the number of  
15 motor vehicles or policies involved."

16           SECTION 2. Section 431:10C-103.5, Hawaii Revised Statutes,  
17 is amended as follows:



1           1.    By amending subsection (a) to read:

2           " (a)   Personal injury protection benefits, with respect to  
3 any accidental harm, means all appropriate and reasonable  
4 treatment and expenses necessarily incurred as a result of the  
5 accidental harm and which are substantially comparable to [~~the~~  
6 ~~requirements for prepaid health care plans,~~] the medical care  
7 that is includable in determining medical expense deductions  
8 pursuant to section 213(d) of the Internal Revenue Code of 1986,  
9 as amended, and its related rules and regulations, including  
10 medical, hospital, surgical, professional, nursing, advanced  
11 practice nursing licensed pursuant to chapter 457, dental,  
12 optometric, naturopathic medicine, chiropractic, ambulance,  
13 prosthetic services, medical equipment and supplies, products  
14 and accommodations furnished, x-ray, psychiatric, physical  
15 therapy pursuant to prescription by a medical doctor,  
16 occupational therapy, rehabilitation, [~~and~~] therapeutic massage  
17 by a licensed massage therapist when prescribed by a medical  
18 doctor[~~-~~], and necessary medical travel to receive treatment."

19           2.    By amending subsection (c) to read:

20           " (c)   Personal injury protection benefits shall be subject  
21 to an aggregate limit of [~~\$10,000~~] \$25,000 per person for



1 services provided under this section[-]; provided that the  
 2 personal injury protection benefits for services provided under  
 3 this section to an insured shall include optional additional  
 4 amounts up to \$75,000 for the insured's medical expense coverage  
 5 if the insured elects to have additional coverage. An insurer  
 6 [~~may~~] shall offer additional coverage in excess of [~~the \$10,000~~]  
 7 a person's or insured's respective aggregate limit for services  
 8 provided under this section, or as provided by rule of the  
 9 commissioner."

10 SECTION 3. Section 431:10C-103.6, Hawaii Revised Statutes,  
 11 is amended as follows:

12 1. By amending its title to read:

13 "§431:10C-103.6 Personal injury protection benefits tied  
 14 to [~~prepaid health care plan~~] medical expenses under section  
 15 213(d) of the Internal Revenue Code of 1986, as amended, and its  
 16 related rules and regulations for description of coverage only."

17 2. By amending subsection (a) to read:

18 "(a) The benefits provided under section 431:10C-103.5  
 19 shall be substantially comparable to the requirements for  
 20 prepaid health care plans, as provided in chapter 393 and rules  
 21 of the department of labor and industrial relations, pertaining



1 to the Prepaid Health Care Act [-] and medical care that is  
 2 includable in determining medical expense deductions pursuant to  
 3 section 213(d) of the Internal Revenue Code of 1986, as amended,  
 4 and its related rules and regulations. The reference to the  
 5 Prepaid Health Care Act is only for purposes of describing the  
 6 coverages and exclusions, without regard to any specific insurer  
 7 or plan, and shall not be construed to transfer coverage to the  
 8 prepaid health care plans. The precise charges and utilization  
 9 rates shall be as contained in the workers' compensation  
 10 schedules as provided under section 431:10C-308.5, unless  
 11 modified by the commissioner by rule under chapter 91."

12 SECTION 4. This Act does not affect rights and duties that  
 13 matured, penalties that were incurred, and proceedings that were  
 14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2019.

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INTRODUCED BY: Ray A. Aldi (BR)  
 JAN 23 2019



# H.B. NO. 1233

**Report Title:**

Personal Injury Protection; Maximum Limit

**Description:**

Increases maximum limit for personal injury protection coverage. Expands personal injury protection benefits to include services that are included in calculating medical expense deductions under the United States Internal Revenue Code, including necessary travel to receive medical treatment.

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

