
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Section 386-94, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§386-94 [Attorneys, physicians,]~~ Physicians, other health
4 care providers, and other fees. Claims for services shall not
5 be valid unless approved by the director or, if an appeal is
6 had, by the appellate board or court deciding the appeal. Any
7 claim so approved shall be a lien upon the compensation in the
8 manner and to the extent fixed by the director, the appellate
9 board, or the court.

10 ~~[In approving fee requests, the director, appeals board, or~~
11 ~~court may consider factors such as the attorney's skill and~~
12 ~~experience in state workers' compensation matters, the amount of~~
13 ~~time and effort required by the complexity of the case, the~~
14 ~~novelty and difficulty of issues involved, the amount of fees~~
15 ~~awarded in similar cases, benefits obtained for the claimant,~~
16 ~~and the hourly rate customarily awarded attorneys possessing~~



1 ~~similar skills and experience. In all cases, reasonable~~
2 ~~attorney's fees shall be awarded.]~~

3 Any person who receives any fee, other consideration, or
4 gratuity on account of services so rendered, without approval,
5 in conformity with the preceding paragraph, shall be fined by
6 the director not more than \$10,000."

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 Statutory material to be repealed is bracketed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

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

10

INTRODUCED BY: *Alan Sir*

JAN 23 2020



H.B. NO. 2641

Report Title:

Workers' Compensation; Attorney's Fees

Description:

Removes the guidelines for determining attorney's fees for claimants in workers' compensations claims.

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