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H.B. NO. 1564

A Bill for an Act Relating to Statutory Revision: Amending, Reenacting, or Repealing Various Provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the Purpose of Correcting Errors, Clarifying Language, Correcting References, and Deleting Obsolete or Unnecessary Provisions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 9-13, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The appeal process in the foundation’s rules adopted pursuant to section [9-2] 9-5 shall be available for any applicant.”

SECTION 2. Section 9-15, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Payment of funds shall be made within sixty days after a contract is executed. Contracts shall be executed in accordance with the foundation’s rules adopted pursuant to section [9-2] 9-5 and no later than ninety days after receipt of a foundation-approved revised service proposal or foundation-approved certification that there have been no programmatic or budgetary changes to the application.”

SECTION 3. Section 11-175, Hawaii Revised Statutes, is amended by amending the title to read as follows:

“**§11-175 Powers of [courts;] supreme court; costs.**”

SECTION 4. Section 26-14.6, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a “sheriff”, “sheriffs”, a “sheriff’s deputy”, “sheriff’s deputies”, a “deputy sheriff”, “deputy sheriffs”, or a “deputy”, under sections 21-8, 47-18, 88-51, 105-4, 134-11, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 325-80, [329-55,] 353-11, 360-5, 360-14, 383-71, 438-5, 445-37, 482E-4, 485-6, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, [653-6,] 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety.”

SECTION 5. Section 47-5, Hawaii Revised Statutes, is amended to read as follows:

“**§47-5 Use of proceeds.** The proceeds of the bonds issued under this chapter shall be exclusively devoted to the purposes for which the same are issued; provided, however, that:

- (1) By an affirmative vote of two-thirds of all of the members of the governing body, that part of the proceeds which is determined to be in excess of the amounts required for the purposes for which the bonds

were initially issued, or which may not be applied to those purposes, or which the governing body deems should not be applied to those purposes, may be applied to those other public improvements or authorized purposes of the county as the governing body may determine, or may be applied to the redemption [of] or retirement of bonds of the county issued pursuant to this chapter;

- (2) A determination by the governing body that the proceeds of a particular series or issue of bonds should not be applied to a particular purpose shall not prohibit the application of the proceeds of a subsequent series or issue of bonds to such purpose; and
- (3) The actual use and application of the proceeds of bonds issued pursuant to this chapter shall not in any way affect the validity or legality of those bonds."

SECTION 6. Section 88-211, Hawaii Revised Statutes, is amended to read as follows:

"§88-211 Definitions. For the purposes of this part:

- (1) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that the term shall not include that part of the remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that Act;
- (2) The term "employment" means any service performed by an employee in the employ of the State, or any political subdivision thereof, for such employer except
 - (A) Service which in the absence of an agreement entered into under this part would constitute "employment" as defined in the Social Security Act; or
 - (B) Service which under the Social Security Act may not be included in an agreement between the State and the Department of Health, Education, and Welfare entered into under this part. Service which under the Social Security Act may be included in an agreement only upon certification by the governor in accordance with section 218(d)(3) of that Act shall be included in the term "employment" if and when the governor issues, with respect to such service, a certificate to the Secretary of Health, Education, and Welfare pursuant to section 88-219;
- (3) The term "employee" includes an officer of the State or political subdivision thereof;
- (4) The term "state agency" means the [secretary] administrator of the state employees retirement system;
- (5) The term "Secretary of Health, Education, and Welfare" includes an individual to whom the Secretary of Health, Education, and Welfare has delegated any of the secretary's functions under the Social Security Act with respect to coverage under the Act of employees of the states and territories and their political subdivisions;
- (6) The term "political subdivision" includes an instrumentality of the State, of one or more of its political subdivisions, or of the State and one or more of its political subdivisions, but only if the instrumentality is a juristic entity which is legally separate and distinct from the State or subdivision and only if its employees are not by virtue of their relation to the juristic entity employees of the State or subdivision;

- (7) The term "Social Security Act" means the Act of Congress approved August 14, 1935, chapter 531, 49 Statutes At Large 620, officially cited as the "Social Security Act," (including regulations and requirements issued pursuant thereto), as such Act has been and may from time to time be amended;
- (8) The term "Federal Insurance Contributions Act" means subchapter A of chapter 9 of the Federal Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the Federal Internal Revenue Code of 1954, as such Codes have been and may from time to time be amended; and the term "employee tax" means the tax imposed by section 1400 of the Code of 1939 and section 3101 of the Code of 1954."

SECTION 7. Section 132-12, Hawaii Revised Statutes, is amended by amending the title to read as follows:

"§132-12 Court aid[; notices; rehearings; appeals; record]."

SECTION 8. Section 189G-1, Hawaii Revised Statutes, is amended to read as follows:

"[§189G-1] Establishment of the Hawaii aquaculture advisory council; membership. There is established within the department of land and natural resources the Hawaii aquaculture advisory council, hereinafter referred to as the council, for the purpose of advising the board of land and natural resources on matters relating to aquaculture and the coordination of aquaculture activities among the various federal, state, and county agencies and private industry. The council shall be composed of thirteen voting members, and no more than ten nonvoting members, as follows:

- (1) Six shall be voting ex officio members to consist of the chairperson of the board of land and natural resources, the director of [planning and] business, economic development, and tourism, the chairperson of the board of agriculture, the dean of the college of tropical agriculture and human resources, the director of the sea grant college program, and the chairperson of the Hawaiian homes commission; or their designated representatives.
- (2) Six shall be voting members representing state aquaculture producers and private aquaculture consultants and appointed by the governor pursuant to section 26-34.
- (3) One shall be a voting member appointed by the governor pursuant to section 26-34 and selected from the State's aquaculture support industries such as feed manufacturing, marketing, and aquaculture equipment engineering.
- (4) There shall be no more than ten nonvoting ex officio members to consist of the respective economic development officers or other officials as designated by the respective mayors of the city and county of Honolulu, the county of Hawaii, the county of Maui, and the county of Kauai, and may include the director of health, the director of the University of Hawaii's Hawaii institute of marine biology, the director of the aquatic resources division of the department of land and natural resources, the state marine affairs advisor, the administrator of the office of Hawaiian affairs, and such other members as deemed appropriate by the chairperson of the Hawaii aquaculture coordinating council.

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The chairperson of the board of land and natural resources shall serve as the chairperson of the council. All members of the council shall serve without compensation but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of duties and responsibilities of the council."

SECTION 9. Section 286-116, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Every licensee shall have a valid driver's license in the licensee's immediate possession at all times, and a valid no-fault or liability insurance identification card applicable to the motor vehicle operated as required under section 431:10C-107 and section 431:10G-106, when operating a motor vehicle, and shall display the same upon demand of a police officer. Every police officer or law enforcement officer when stopping a vehicle or inspecting a vehicle for any reason shall demand that the driver or owner display the driver's or owner's driver's license and insurance identification card. No person charged with violating this section shall be convicted if the person produces in court, or proves from the proper official or other records that the person was the holder of a driver's license or a no-fault or liability insurance identification card and policy conforming to article 10C and article 10G of chapter 431 or a certificate of self-insurance issued by the insurance commissioner [of motor vehicle insurance] pursuant to section 431:10C-107 and 431:10G-103, theretofore issued to the person and valid at the time of the person's arrest."

SECTION 10. Section 287-36, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The deposit shall be held by the administrator to satisfy, in accordance with this chapter any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after the deposit was made. Money or bonds so deposited shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for damages as aforesaid."

SECTION 11. Section 287-40, Hawaii Revised Statutes, is amended to read as follows:

"§287-40 Duration of proof; when proof may be canceled or returned. The administrator shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the administrator shall return to the person entitled thereto any money or bonds deposited pursuant to this chapter as proof of financial responsibility, or the administrator shall waive the requirement of filing proof, in any of the following events:

- (1) At any time after three years from the date the proof was required when, during the three-year period preceding the request, the administrator has not received record of a conviction which would require or permit the suspension or revocation of the license or nonresident's operating privilege of the person by or for whom the proof was furnished;

- (2) In the event of [[]the death of[]] the person on whose behalf the proof was filed or the permanent incapacity of the person to operate a motor vehicle;
- (3) In the event the person who has given proof surrenders the person's license to the administrator;

Provided, that the administrator shall not consent to the cancellation of any bond or the return of any money or bonds in the event any action for damages upon a liability covered by the proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed the bond or deposited the money or bonds, has, within one year immediately preceding the request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that the applicant has been released from all of the applicant's liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the administrator.

Whenever any person whose proof has been canceled or returned under paragraph (3) of this section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant reestablishes the proof for the remainder of the three-year period."

SECTION 12. Part IX of chapter 321, Hawaii Revised Statutes, is amended by amending the title to read as follows:

**"PART IX. [VISION AND HEARING SCREEING AND EDUCATION]
SYSTEMATIC HEARING AND VISION PROGRAM"**

SECTION 13. Section 353-63, Hawaii Revised Statutes, is amended by amending the title to read as follows:

"§353-63 Service of Hawaii paroling authority members; compensation; expenses."

SECTION 14. Section 373F-2, Hawaii Revised Statutes, is amended to read as follows:

"[§373F-2] Tourism training council; establishment; composition. There is established within the department of labor and industrial relations a tourism training council. The members of the council shall be appointed by the governor for staggered terms of four years in accordance with section 26-34. Each term shall commence on July 1 of the year of appointment. The council shall consist of at least ten but not more than fifteen members representing organizations for visitor industry management; labor unions representing visitor industry workers; public and private visitor industry education and training programs; and the [state] advisory commission on employment and human resources. The director of labor and industrial relations shall serve as an ex officio member. The council shall elect a chairperson from among its members. The council members shall serve without compensation but shall be allowed personal expenses, at the rates specified in section 78-15, while attending council meetings or while on official business when such council meetings or official business requires a member to leave the island upon which the member resides."

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SECTION 15. Section 386-154.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) For the calendar year 1972 only, insurers of employers as defined in section 386-121(a)(1) shall pay a special assessment of one and one-quarter per cent on gross premiums as defined in section [431-318(a)] 431:7-202(a) and in accordance with the provisions of section 386-153. For the calendar year 1973 only, such insurers shall pay a special assessment established by rule of the director not to exceed 1.6 times the 1972 special assessment.”

SECTION 16. Section 394-5, Hawaii Revised Statutes, is amended to read as follows:

“**§394-5 Administration.** The department of labor and industrial relations is authorized, with the advice of the [state] advisory commission on employment and human resources, to plan and administer human resource development and training programs under this chapter. The department shall process the payment of weekly compensation as provided under this chapter.”

SECTION 17. Section 394B-2, Hawaii Revised Statutes, is amended by amending the definition of “relocation” to read as follows:

““Relocation” means the removal of all or substantially all of the industrial, commercial, or business operations in a covered establishment to a location outside the State of Hawaii.”

SECTION 18. Section 431:9B-104, Hawaii Revised Statutes, is amended by amending the title to read as follows:

“**[§431:9B-104] Books and records; reinsurance [intermediary brokers.] intermediary-brokers.**”

SECTION 19. Section 431:9B-106, Hawaii Revised Statutes, is amended by amending the title to read as follows:

“**[§431:9B-106] Required contract provisions; reinsurance [intermediary; managers.] intermediary-managers.**”

SECTION 20. Section 431:10C-304, Hawaii Revised Statutes, is amended to read as follows:

“**§431:10C-304 Obligation to pay no-fault benefits.** Every no-fault and self-insurer shall provide no-fault benefits for accidental harm as follows:

(1) Except as otherwise provided in section 431:10C-305(d):

(A) In the case of injury arising out of a motor vehicle accident, the insurer shall pay, without regard to fault, to the following persons who sustain accidental harm as a result of the operation, maintenance or use of the vehicle, an amount equal to the no-fault benefits payable for wage loss and other expenses to that person under section 431:10C-103(10)(A)(iii) and (iv) as a result of the injury:

- (i) Any person, including the owner, operator, occupant, or user of the insured motor vehicle;
- (ii) Any pedestrian (including a bicyclist); or

- (iii) Any user or operator of a moped as defined in section 249-1;
 - (B) In the case of injury arising out of a motor vehicle accident, the insurer shall pay, without regard to fault, to a provider of services on behalf of the persons listed in item (1)(A) charges for services covered under section 431:10C-103(10)(A)(i) and (ii); or
 - (C) In the case of death of any person listed in item (1)(A), arising out of a motor vehicle accident, the insurer shall pay, without regard to fault, to the legal representatives of such person who sustains accidental harm as a result of the operation, maintenance or use of the vehicle, for the benefit of the surviving spouse and any []dependent[], as defined in section 152 of the Internal Revenue Code of 1954, as amended, an amount equal to the no-fault benefits payable to the spouse and dependent as a result of the death of such person, subject to the provisions of section 431:10C-103(10);
- Provided that subparagraphs (A), (B), and (C) shall not apply in the case of injury to or death of any operator of a motorcycle or motor scooter as defined in section 286-2 arising out of a motor vehicle accident.
- (2) Payment of no-fault benefits shall be made as the benefits accrue, except that in the case of death, payment of benefits under section 431:10C-103(10)(A)(iii) and (iv) may be made immediately in a lump sum payment, at the option of the beneficiary.
 - (3) (A) Payment of no-fault benefits shall be made within thirty days after the insurer has received reasonable proof of the fact and amount of benefits accrued, and demand for payment thereof.
 - (B) Subject to section 431:10C-308.6, relating to peer review, if the insurer elects to deny a claim for benefits in whole or in part, the insurer shall within thirty days notify the claimant in writing of the denial and the reasons for the denial. The denial notice shall be prepared and mailed by the insurer in triplicate copies and be in a format approved by the commissioner. In the case of benefits for services specified in section 431:10C-103(10)(A)(i) and (ii), the insurer shall also mail a copy of the denial to the provider.
 - (C) If the insurer cannot pay or deny the claim for benefits because additional information or loss documentation is needed, the insurer shall, within the thirty days, forward to the claimant an itemized list of all the required documents. In case of benefits for services specified in section 431:10C-103(10)(A)(i) and (ii), the insurer shall also forward the list to the service provider.
 - (4) Amounts of benefits which are unpaid thirty days after the insurer has received reasonable proof of the fact and the amount of benefits accrued, and demand for payment thereof, after the expiration of the thirty days, shall bear interest at the rate of one and one-half per cent per month.
 - (5) No part of no-fault benefits paid shall be applied in any manner as attorney's fees in the case of injury or death for which the benefits are paid. The insurer shall pay, subject to section 431:10C-211, in addition to the no-fault benefits due, all attorney's fees and costs of settlement or suit necessary to effect the payment of any or all no-fault benefits found due under the contract. Any contract in violation of this

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provision shall be illegal and unenforceable. It shall constitute an unlawful and unethical act for any attorney to solicit, enter into or knowingly accept benefits under any such contract.

- (6) Any insurer who violates the provisions of this section shall be subject to the provisions of section 431:10C-117(b) and (c)."

SECTION 21. Section 431N-6, Hawaii Revised Statutes, is amended to read as follows:

"[§431N-6] Reporting, continued funding. The department of health shall report to the legislature on or about October 1, 1989, on the progress made in implementation of this [act,] chapter, including:

- (1) Establishment of an advisory committee to review: the scope of the work to be done by a consultant, the input from the committee and the community to the consultant, and the schedule of work of the advisory committee;
- (2) Final scope of work for the consultant, selection of the consultant, and the consultant's workplan;
- (3) Involvement of the departments of labor and industrial relations, human services, and other departments needed to successfully develop the program;
- (4) Required data collection efforts to successfully develop the program.

The department of health, in collaboration with the health care contractors, shall submit reports to the legislature and the governor no later than twenty days prior to the convening of each and every legislative session regarding program activities and expenditures, needed resources, participant demographics, evaluations, and such other information as may be necessary to determine the usefulness of and continued need for the state health insurance program.

The purchase of insurance shall not proceed without the formal approval of the governor and a review by the legislature during the 1990 regular session. Implementation is predicated upon the successful completion of the consultant's reports and findings. The legislature, by concurrent resolution, may opt to withhold funding appropriated for implementation if not satisfied with the plan, provided that such a concurrent resolution must be passed within thirty days after completion of the implementation plan or March 1, 1990, whichever occurs last."

SECTION 22. Section 448H-4, Hawaii Revised Statutes, is amended by amending the title to read as follows:

"§448H-4 Meetings[; quorum]."

SECTION 23. Section 486I-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The commission shall publish annually and submit to the governor and the legislature twenty days prior to the first day of the current [legislature] legislative session a summary, an analysis, and an interpretation of the information submitted to it pursuant to section 486I-3. Any person may submit comments in writing regarding the accuracy or sufficiency of the information submitted."

SECTION 24. Section 580-10, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Whenever it is made to appear to the court after the filing of any complaint, that there are reasonable grounds to believe that a party thereto may inflict physical abuse upon, threaten by words or conduct, or harass the other party, the court may issue a restraining order to prevent such physical abuse, threats, or harassment, and shall enjoy in respect thereof the powers pertaining to a court of equity. Where necessary, the order may require either or both of the parties involved to leave the marital residence during the period of the order, and may also restrain the party to whom it is directed from contacting, threatening, or physically abusing the children or other relative of the spouse who may be residing with that spouse at the time of the granting of the restraining order. The order may also restrain a party’s agents, servants, employees, attorneys, or other persons in active concert or participation with the respective party.

- (1) A knowing or intentional violation of a restraining order issued pursuant to this section is a misdemeanor. The court shall sentence a violator to appropriate counseling and shall sentence a person convicted under this section as follows:
 - (A) For a first conviction for violation of the restraining order the person shall serve a mandatory minimum jail sentence of forty-eight hours;
 - (B) For the second and any subsequent conviction for violation of the restraining order the person shall serve a mandatory minimum jail sentence of thirty days.

The court may suspend any jail sentence, except for the mandatory sentences under [paragraphs (1) and (2),] subparagraphs (A) and (B), upon appropriate conditions such as that the defendant remain alcohol and drug-free, conviction-free or complete court-ordered assessments or counseling. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor offense. All remedies for the enforcement of judgments, equitable as well as legal, including civil contempt, shall apply to this section.

- (2) Any law enforcement officer shall enforce a restraining order issued pursuant to this subsection, including lawfully ordering the restrained party to voluntarily leave for a three-hour cooling off period, or, with or without a warrant, where the law enforcement officer has reasonable grounds to believe that the restrained party has violated the restraining order, arresting the restrained party.”

SECTION 25. Section 626-1, Hawaii Revised Statutes, is amended by amending subsection (b) of rule 608 to read as follows:

“(b) Specific instances of conduct. Specific instances of the conduct of a witness, for the purpose of attacking the witness’ credibility, may, if probative of untruthfulness, be inquired into on cross-examination of the witness and may, in the discretion of the court, be [provided] proved by extrinsic evidence. When a witness testifies to the character of another witness under [paragraph] subsection (a), relevant specific instances of the other witness’ conduct may be inquired into on cross-examination but may not be proved by extrinsic evidence.

The giving of testimony, whether by an accused or by any other witness, does not operate as a waiver of the witness’ privilege against self-incrimination when examined with respect to matters which relate only to credibility.”

SECTION 26. Section 672-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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“(b) A design professional conciliation panel, hereafter called “the panel”, shall be formed for each claim filed pursuant to section 672-4 and, after each panel renders its decision or the claim is otherwise disposed of, it shall be disbanded. Each design professional conciliation panel shall consist of one chairperson selected from among persons who are familiar with and experienced in the tort claims settlement process, one attorney licensed to practice in the courts of the State and experienced in trial practice, and one architect, engineer, surveyor, or landscape architect licensed to practice under chapter 464. The chairperson shall be appointed by the director of commerce and consumer affairs from a list of eligible persons approved by the chief justice of the supreme court of Hawaii. The attorney shall be appointed by the chairperson from a list of not less than thirty-five attorneys experienced in trial practice submitted annually by the supreme court. The architect, engineer, surveyor, or landscape architect shall be appointed by the chairperson from a list of not less than thirty-five design professionals submitted annually by the board [of registration] of professional engineers, architects, surveyors, and landscape architects.

The chairperson shall preside at the meetings of the panel. The chairperson and all panel members shall be compensated at the rate of \$300 per claim which will become payable when the decision of the panel is submitted. At the discretion of the director of commerce and consumer affairs, the chairperson and all panel members may be compensated at one-half of the amount of compensation specified in this section, when and if the claim is disposed of by any means prior to the hearing before the panel. The chairperson and all panel members shall also be paid allowances for travel and living expenses which may be incurred as a result of the performance of their duties. These costs shall be paid by the department of commerce and consumer affairs from funds collected from the parties, to be shared equally. The claimant shall deposit \$450 with the department upon the filing of the claim and the failure to do so shall result in the claim being rejected for filing. Each design professional shall deposit \$450 with the department within twenty days of being served with the claim and the failure to do so shall result in termination of proceedings under this chapter, allowing the claimant to proceed in accordance with section 672-8. If the claim is withdrawn, determined to be unsuitable for proceedings under this chapter, or otherwise terminated without participation by a panel, the department shall return all moneys collected to the respective parties. Any moneys remaining after all costs have been paid shall be returned to the respective parties on a pro rata basis.

The office and meeting space, secretarial and clerical assistance, office equipment and office supplies for the panel shall be furnished by the department of commerce and consumer affairs.

The board [of registration] shall prepare a list of architects, engineers, surveyors, and landscape architects along with their respective specialties who shall then be considered consultants to the panel in their respective fields. Panel members may consult with other legal, technical, and insurance specialists. Any consultant called by the panel to appear before the panel shall be paid an allowance for travel and living expenses which may be incurred as a result of such person's appearance before the panel. Such costs shall be paid by the department of commerce and consumer affairs.”

SECTION 27. Section 672-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Within thirty days after the completion of a hearing, the panel shall file a written advisory decision with the director of commerce and consumer affairs, who shall thereupon mail copies to all parties concerned, or their counsel if

represented by counsel, the board [of registration], and the representative of each design professionals' liability insurance carrier authorized to act for such carrier. The panel shall decide the issue of liability, and shall state its conclusions in writing. After a finding of liability, if evidence has been presented regarding damages, the panel shall decide the amount of damages, if any, which should be awarded in the case. The decision as to damages shall include in simple, concise terms a division as to which portion of the damages recommended are attributable to economic losses and which to noneconomic losses; provided that the panel may not recommend punitive damages."

SECTION 28. Act 197, Session Laws of Hawaii 1992, is amended by amending the prefatory language in section 7 to read as follows:

"SECTION 7. Section 502-25, Hawaii Revised Statutes, is amended by amending the title and subsection (a) to read as follows:"

SECTION 29. Act 198, Session Laws of Hawaii 1992, is amended by amending the prefatory language in section 1 to read as follows:

"SECTION 1. Section 408-14, Hawaii Revised Statutes, is amended by amending the title and subsection (a) to read as follows:"

SECTION 30. This Act shall be amended to conform to all other acts passed by the legislature during this regular session of 1993, whether enacted before or after the effective date of this Act, unless the other acts specifically provided otherwise.

SECTION 31. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 32. This Act shall take effect upon its approval; provided that sections 28 and 29 shall take effect retroactive to June 12, 1992.

(Approved April 12, 1993.)