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## A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

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

1           SECTION 1. Section 431:10C-303, Hawaii Revised Statutes,  
2 is amended to read as follows:

3           "**§431:10C-303 Right to personal injury protection**  
4 **benefits[-]; accident and health or sickness insurance primary.**

5 (a) If the accident causing accidental harm occurs in this  
6 State, every person insured under this article, and such  
7 person's survivors, suffering loss from accidental harm arising  
8 out of the operation, maintenance, or use of a motor vehicle,  
9 has a right to personal injury protection benefits.

10 (b) If the accident causing accidental harm occurs outside  
11 this State, the following persons and their survivors suffering  
12 loss from accidental harm arising out of the operation,  
13 maintenance, or use of a motor vehicle, have a right to personal  
14 injury protection benefits as defined in section 431:10C-  
15 103.5(a):

16 (1) Insureds as defined in section 431:10C-103; and

17 (2) The driver and other occupants of an insured vehicle,

18 other than a vehicle which is regularly used in the



1 course of the business of transporting persons or  
 2 property and which is one of five or more vehicles  
 3 under common ownership.

4 (c) An accident and health or sickness insurance policy  
 5 issued under article 10A, or its substantial equivalent issued  
 6 under title 24 or elsewhere, shall be primary to the insured's  
 7 personal injury protection benefits. The issuer of the  
 8 accidental and health or sickness insurance policy or its  
 9 equivalent may recover from the issuer of the motor vehicle  
 10 insurance policy the sums the issuer of the accidental and  
 11 health or sickness insurance policy or its substantial  
 12 equivalent expended for treatment and expenses that would  
 13 otherwise have been covered by personal injury protection  
 14 benefits under section 431:10C-103.5."

15 SECTION 2. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.  
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INTRODUCED BY: MUL  
 JAN 17 2007

**Report Title:**

No-fault; Primary Coverage; Subrogation

**Description:**

Makes health insurance primary to personal injury protection benefit component of no-fault insurance. Authorizes health insurers to recover their costs from the personal injury protection insurers.

