STAND. COM. REP. NO. 610

Honolulu, Hawaii

Fe 516, 2007

RE: H.B. No. 220 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 220, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TORTS,"

begs leave to report as follows:

The purpose of this bill is to improve Hawaii's healthcare system by limiting the amount of non-economic damages that may be awarded in medical tort actions, contingent upon insurers' compliance with professional liability insurance rate caps.

The State Administration, Department of Commerce and Consumer Affairs, John A. Burns School of Medicine of the University of Hawaii at Manoa, Hawaii Medical Association, Kaiser Permanente, Healthcare Association of Hawaii, Hawaii Association of Health Plans, Medical Insurance Exchange of California, and numerous concerned individuals testified in support of this bill. The Consumer Lawyers of Hawaii and a concerned individual opposed this measure. The Department of the Attorney General and a concerned individual submitted comments.

Your Committee has amended this measure by clarifying that this measure does not affect the rights of the State as a tortfeasor regarding joint and several liability under section 663-10.5, Hawaii Revised Statutes.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 220, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.B. No. 220, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ROBERT N. HERKES, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:	Date:	Date:			
HB 220, HD 1	Febr	February 14, 2007			
Committee Referral:	☐ The co	☐ The committee is reconsidering its			
HLT, CPC, JUD	prev	previous decision on the measure.			
The recommendation is to: Pass, unamended		Pass, with amendments			
Hold		 Pass, with amendments, for recommittal for further consideration 			
CPC Members	Ayes	Ayes (WR)	Nays	Excused	
1. HERKES, Robert N. (C)	7				
2. McKELVEY, Angus L.K. (VC)	*				
3. CALDWELL, Kirk				X	
4. EVANS, Cindy	X				
5. GREEN, Josh, M.D.	×	11.1			
6. ITO, Ken	×			·	
7. LUKE, Sylvia				Χ.	
8. MORITA, Hermina M.	X				
9. SONSON, Alex M.	k				
10. SOUKI, Joseph M.	Х				
11. TSUJI, Clift	×				
12. YAMANE, Ryan I.	X				
13. YAMASHITA, Kyle T.	×	•	Na Vicinity of the Control of the Co	The Section	
14. MARUMOTO, Barbara C.	×		:		
15. THIELEN, Cynthia	×				
TOTAL	13			2	
The recommendation is: Adopted					
☐ Not Adopted					
If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office					