

JAN 18 2013

# A BILL FOR AN ACT

RELATING TO TORTS.

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

SECTION 1. Chapter 663, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§663- Injuries related to commission of felony. In any action for damages based on negligence, a person may not recover any damages if the plaintiff's injuries were in any way proximately caused by the plaintiff's commission of any felony, or immediate flight therefrom, and the plaintiff has been duly convicted of that felony.

§663- Damages; uninsured or chemically impaired motorist. (a) Except as provided in subsection (c), in any action to recover damages arising out of the operation or use of a motor vehicle, a person shall not recover noneconomic damages as defined in section 663-8.5 if any of the following applies:

- (1) The injured person was at the time of the accident operating the vehicle in violation of section 291E-61, and was convicted of that offense;



1       (2) The injured person was the owner of a vehicle involved  
2       in the accident and the vehicle was not insured as  
3       required by the financial responsibility laws of this  
4       state; or

5       (3) The injured person was the operator of a vehicle  
6       involved in the accident and the operator cannot  
7       establish his or her financial responsibility as  
8       required by the financial responsibility laws of this  
9       state.

10       (b) Except as provided in subsection (c), an insurer shall  
11       not be liable, directly or indirectly, under a policy of  
12       liability or uninsured motorist insurance to indemnify for  
13       noneconomic damages of a person injured as described in  
14       subsection (a).

15       (c) In the event a person described in subsection (a) (2)  
16       was injured by a motorist who at the time of the accident was  
17       operating his or her vehicle in violation of section 291E-61,  
18       and was convicted of that offense, the injured person shall not  
19       be barred from recovering noneconomic damages."

20       SECTION 2. New statutory material is underscored.

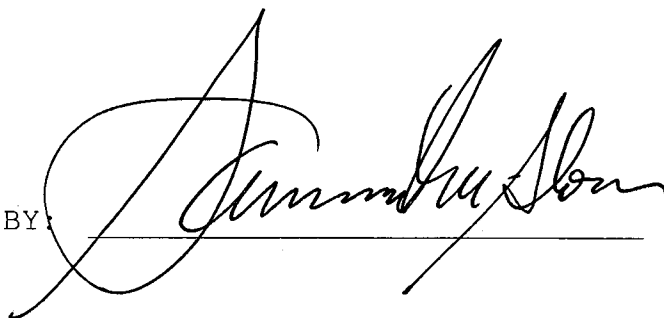
21       SECTION 3. This Act shall take effect upon its approval.

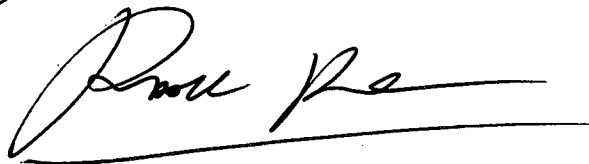


S.B. NO. 770

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, appearing to read "James H. Brown", written over a horizontal line.

A second handwritten signature in black ink, appearing to read "Paul R.", written below the first signature and over a horizontal line.



# S.B. NO. 770

**Report Title:**

Lawsuits by Convicted Felons, Uninsured, or Chemically Impaired Motorists

**Description:**

Prevents recovery in negligence by persons injured during commission of or flight from a felony for which they have been convicted. Prevents recovery in negligence by persons who are uninsured or chemically impaired at the time of a motor vehicle accident.

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

