

ACT 14

H.B. NO. 747

A Bill for an Act Relating to Temporary Disability Insurance.

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

SECTION 1. Section 392-78, Hawaii Revised Statutes, is amended to read:

“§392-78 Recovery of benefits paid; individual’s liability to repay benefits; insurer’s appeal rights. (a) Any person who has received any amount of benefits under this chapter to which he was not entitled shall be liable for such amount unless the overpayment was received without fault on the part of the recipient and its recovery would be against equity and good conscience. Notice of a reconsideration under section 392-79 in such cases shall specify that the person is liable to repay the amount of overpaid benefits, the basis of the overpayment, and the week or weeks for which such benefits were paid.

(b) The person liable shall, in the discretion of the referee, either repay such amount or have the amount deducted from any future benefits payable under this chapter within two years after the date of mailing of the notice of reconsideration or the final decision on an appeal from such reconsideration.

(c) In any case which under this section an individual is liable to repay any amount, the amount shall be payable without interest.

(d) In accordance with sections 392-71 and 392-72, an insurer, self-insured employer or the special fund for disability benefits shall have a right to appeal for the recovery of disability benefits which were overpaid an employee. Paragraphs (a) through (c) above shall be applicable in the recovery of overpaid benefits.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved April 16, 1981.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.