

ACT 207

H.B. NO. 768

A Bill for an Act Relating to Motor Vehicle Accident Reparations.

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

SECTION 1. Section 294-35, Hawaii Revised Statutes, is amended to read as follows:

“§294-35 Allocation of burdens [until system established]. The commissioner shall within two years after the effective date of this chapter establish a system of proportionate reimbursement as authorized by the provisions on equitable allocation of burdens among insurers and self-insurers under section 294-34(c). [Until the commissioner has adopted by regulation other criteria for proportionate reimbursement consistent with those provisions of section 294-34(a),

- (1) In accidents involving motor vehicles with a gross weight of more than ten thousand pounds and a vehicle with a gross weight of less than ten thousand pounds, the insurer or self-insurer of the heavier vehicle shall reimburse seventy-five per cent of the no-fault benefits paid by the insurer or self-insurer of the lighter vehicle. However, in conjunction with section 294-7, the insurer or self-insurer of the lighter vehicle shall not recover more than twenty-five per cent of all no-fault benefits paid to any person who effects a tort liability settlement for accidental harm.
- (2) In accidents involving motor vehicles with four or more wheels and motor vehicles with less than four wheels, the insurer or self-insurer of the motor vehicle with four or more wheels shall reimburse eighty per cent of the no-fault benefits paid by the insurer or self-insurer of the motor vehicle with less than four wheels. However, in conjunction with section 294-7, the insurer or self-insurer of the motor vehicle with less than four wheels shall not recover more than twenty per cent of all no-fault benefits paid to any person who effects a tort liability settlement for accidental harm.]”

SECTION 2. Statutory material to be repealed is bracketed.

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

(Approved June 7, 1983.)