

JAN 19 2007

A BILL FOR AN ACT

RELATING TO ATTORNEYS' FEES.

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

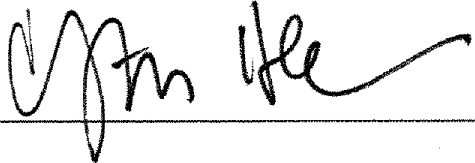
1 SECTION 1. Section 431:10C-211, Hawaii Revised Statutes,
2 is amended by amending subsection (a) to read as follows:
3 "(a) A person making a claim for personal injury
4 protection benefits may be allowed an award of a reasonable sum
5 for attorney's fees, and reasonable costs of suit in an action
6 brought by or against an insurer who denies all or part of a
7 claim for benefits under the policy, unless the court upon
8 judicial proceeding or the commissioner upon administrative
9 proceeding determines that the claim was unreasonable,
10 fraudulent, excessive, or frivolous. Reasonable attorney's
11 fees, based upon actual time expended, shall be treated
12 separately from the claim and shall be paid directly by the
13 insurer to the attorney. Attorney's fees shall not be awarded
14 because personal injury protection benefits were untimely paid,
15 unless the untimeliness of the payment was clearly unreasonable
16 and proximately caused damages to the claimant, in which case an
17 award of attorney's fees shall not exceed the damages caused by
18 the delay."



1 SECTION 2. New statutory material is underscored.

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

3

INTRODUCED BY:  BR



Report Title:

No Fault; Attorneys' Fees

Description:

Eliminates or limits payment of attorneys' fees when personal injury protection benefits are paid late.

