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## HOUSE RESOLUTION

REQUESTING COMMERCIAL GENERAL LIABILITY INSURERS TO SUBMIT  
PREMIUM INFORMATION TO THE LEGISLATURE.

1           WHEREAS, the decision by the Hawaii Intermediate Court of  
2 Appeals in *Group Builders, Inc., v. Admiral Insurance Company*,  
3 231 P.3d 67(2010), held that construction defect claims are not  
4 "occurrences" under contractors' general liability policies, and  
5 therefore such policies do not cover bodily injury or property  
6 damage arising from construction defects; and

7  
8           WHEREAS, insurance companies doing business in Hawaii had  
9 sold contractors' general liability insurance policies to  
10 contractors, representing that their insurance policies would  
11 cover claims for bodily injury and property damage arising from  
12 construction defects; and

13  
14           WHEREAS, contractors and developers who had purchased  
15 commercial general liability policies to cover claims for bodily  
16 injury and property damage arising from construction defects had  
17 the expectation that insurance carriers would honor their  
18 contractual obligations; and

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20           WHEREAS, if the insurance coverage is not restored,  
21 numerous contractors, subcontractors, and others could risk  
22 bankruptcy if they are unable to pay ancillary damages, thereby  
23 leaving consumers without any payment for claims; now,  
24 therefore,

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26           BE IT RESOLVED by the House of Representatives of the  
27 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
28 of 2011, that every domestic and foreign insurance company that  
29 has ever issued commercial general liability policies in the  
30 State is requested to submit information to the Legislature on  
31 the total premiums received for their commercial general  
32 liability policies during the past ten years; and

33  
34           BE IT FURTHER RESOLVED that these domestic or foreign  
35 insurers are requested to submit this information to the




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1 Legislature not later than May 3, 2011, of the Regular Session  
2 of 2011; and

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4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution be transmitted to the State Insurance Commissioner,  
6 the Executive Director of the Hawaii Insurers Council, the  
7 President of the General Contractors Association of Hawaii, and  
8 the President of the Building Industry Association of Hawaii.

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OFFERED BY:

  
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MAR 16 2011

