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## A BILL FOR AN ACT

RELATING TO SELF-SERVICE STORAGE.

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

1           SECTION 1. The legislature finds that self-service storage  
2 facilities offer occupants stored property insurance as an  
3 affordable insurance option if those occupants do not have a  
4 homeowners' or renters' insurance policy. Stored property  
5 insurance policies typically insure the contents within a  
6 storage unit located at a storage facility.

7           The legislature also finds that many of the occupants of  
8 self-service storage facilities do not have homeowners' or  
9 renters' insurance policies and are unlikely to seek insurance  
10 from the traditional insurance market for the property in their  
11 storage facility unit. Even if the occupant has a homeowner's  
12 or renter's policy that covers property stored off-premises, the  
13 occupant will have to pay the full policy deductible to access  
14 the coverage.

15           Moreover, the generally short-term and low-cost nature of a  
16 storage unit rental provides little economic incentive for  
17 insurance producers to pursue stored property insurance



1 customers on a regular basis. This makes it difficult for  
2 individuals wishing to purchase insurance to protect the value  
3 of their stored property. Affording individuals the opportunity  
4 to purchase insurance at the point of rental will provide a more  
5 accessible means to obtain optional affordable coverage for  
6 their stored property.

7 The purpose of this Act is to:

- 8 (1) Establish provisions for the sale of stored property  
9 insurance by self-service storage facility owners; and  
10 (2) Require owners to hold a limited lines license to  
11 sell, solicit, or offer coverage under a stored  
12 property insurance policy.

13 SECTION 2. Chapter 431, Hawaii Revised Statutes, is  
14 amended by adding a new article to be appropriately designated  
15 and to read as follows:

16 **"ARTICLE**

17 **SELF-SERVICE STORAGE OCCUPANTS' INSURANCE**

18 §431: -101 Definitions. For purposes of this article:

19 "Occupant" has the same meaning as in section 507-61.

20 "Owner" has the same meaning as in section 507-61.



1 "Self-service storage facility" has the same meaning as in  
2 section 507-61.

3 "Stored property insurance" means insurance under a group,  
4 individual, corporate, commercial, or master policy to provide  
5 insurance coverage to occupants of a self-service storage  
6 facility for the loss of, or damage to, tangible personal  
7 property that is contained in a storage space located at a self-  
8 service storage facility or is in transit during the term of a  
9 self-service storage facility rental agreement.

10 "Supervising entity" means a business entity that is a  
11 licensed insurer or insurance producer that is appointed or  
12 authorized by an insurer to supervise the administration of a  
13 stored property insurance program.

14 §431: -102 Licensure of owners. (a) An owner shall hold  
15 a limited lines license to sell, solicit, or offer coverage  
16 under a policy of stored property insurance. An owner is not  
17 required to hold a license solely to display and make available  
18 to occupants and prospective occupants brochures and other  
19 promotional materials created by or on behalf of an authorized  
20 insurer or surplus lines insurer.



1 (b) A limited lines license issued under this article  
2 shall authorize any employee or authorized representative of the  
3 owner to sell, solicit, and offer coverage under a policy of  
4 stored property insurance to an occupant at each location at  
5 which the owner engages in self-service storage transactions.

6 (c) The supervising entity shall maintain a registry of  
7 owner locations that are authorized to sell, solicit, or offer  
8 stored property insurance coverage in the State. Upon request  
9 by the commissioner and with ten days' notice to the supervising  
10 entity, the registry shall be open to inspection and examination  
11 by the commissioner during regular business hours of the  
12 supervising entity.

13 (d) Notwithstanding any law to the contrary, a license  
14 issued pursuant to this article shall authorize the licensee and  
15 its employees and authorized representatives to engage in the  
16 activities that are permitted in this section.

17 **§431: -103 Requirements for sale of stored property**  
18 **insurance.** (a) At every location at which stored property  
19 insurance is offered, brochures or other written or electronic  
20 materials shall be made available to occupants. The brochures  
21 or other written or electronic materials shall:



- 1           (1) Disclose that stored property insurance may provide a  
2           duplication of coverage already provided by an  
3           occupant's homeowner's insurance policy, renter's  
4           insurance policy, or other source of coverage;
- 5           (2) State that purchase by the occupant of the stored  
6           property insurance offered by the owner is not  
7           required to rent storage space or that, if renting  
8           storage space does require the occupant to have  
9           property insurance, that the occupant may satisfy the  
10          requirement by providing evidence that the occupant  
11          has coverage from another source of property  
12          insurance;
- 13          (3) Contain the actual material terms of the insurance  
14          coverage, or summarize the material terms of the  
15          insurance coverage, including:
- 16                (A) The identity of the insurer;
- 17                (B) The identity of the supervising entity; and
- 18                (C) The price, deductible, benefits, exclusions, and  
19                conditions or other limitations of the coverage;
- 20          (4) Summarize the process for filing a claim in the event  
21          the occupant elects to purchase coverage;



1           (5) Disclose that the employee of the self-service storage  
2           facility is not qualified or authorized to evaluate  
3           the adequacy of the occupant's existing coverages,  
4           unless otherwise licensed; and

5           (6) State that the occupant may cancel enrollment for  
6           coverage under a stored property insurance policy at  
7           any time and the person paying the premium shall  
8           receive a refund of any applicable unearned premium.

9           (b) Eligibility and underwriting standards for occupants  
10          electing to enroll in coverage shall be established for each  
11          stored property insurance program.

12          §431: -104 Authority of owners. (a) The employees and  
13          authorized representatives of owners may sell, solicit, and  
14          offer stored property insurance and shall not be subject to  
15          licensure as an insurance producer under this chapter; provided  
16          that:

17          (1) The owner obtains a limited lines license to authorize  
18          its employees and authorized representatives to sell,  
19          solicit, and offer stored property insurance pursuant  
20          to this section;



1           (2) The insurer issuing the stored property insurance  
2           either directly supervises or appoints a supervising  
3           entity to supervise the administration of a stored  
4           property insurance program, including development of a  
5           training program for employees and authorized  
6           representatives of the owner. The training shall  
7           comply with the following:

8           (A) The training shall be delivered to employees and  
9           authorized representatives of the owner who are  
10          directly engaged in the activity of selling,  
11          soliciting, or offering stored property  
12          insurance;

13          (B) The training may be conducted in electronic form;  
14          provided that, if the training is conducted in an  
15          electronic form, the supervising entity shall  
16          implement a supplemental education program  
17          regarding the stored property insurance product  
18          that is conducted and overseen by a licensed  
19          employee of the supervising entity; and

20          (C) Each employee and authorized representative  
21          directly engaged in the activity of selling,



1                   soliciting, or offering stored property insurance  
2                   shall receive basic instruction about the stored  
3                   property insurance offered to occupants and the  
4                   disclosures required under section 431: -103;  
5                   and

6           (3) No employee or authorized representative of an owner  
7           shall advertise, represent, or otherwise portray the  
8           employee or authorized representative as a non-limited  
9           lines licensed insurance producer, unless so licensed.

10          (b) The charges for stored property insurance coverage may  
11 be billed and collected by the owner. Any charge to the  
12 enrolled occupant for coverage that is not included in the cost  
13 associated with the rental of storage space or related services  
14 shall be separately itemized on the enrolled occupant's bill.  
15 If the stored property insurance coverage is included with the  
16 rental of storage space or related services, the owner shall  
17 clearly and conspicuously disclose to the enrolled occupant that  
18 the stored property insurance coverage is included with the  
19 rental of storage space or related services. An owner that  
20 bills and collects the charges shall not be required to maintain  
21 the funds in a segregated account; provided that the owner is





1 authorized by the insurer or supervising entity to hold the  
2 funds in an alternative manner and remits the funds to the  
3 insurer or supervising entity within sixty days of receipt. All  
4 premiums received by an owner from an enrolled occupant for the  
5 sale of stored property insurance shall be held in a fiduciary  
6 capacity for the benefit of the insurer. Owners may receive  
7 compensation for billing and collection services.

8       **§431: -105 Sanctions for violations.** An owner or its  
9 employee or authorized representative shall be subject to  
10 sanctions pursuant to this chapter for the violation of any  
11 provision of this chapter.

12       **§431: -106 Application for license and fees.** (a) A  
13 sworn application for a license under this article shall be  
14 filed with the commissioner on forms prescribed and furnished by  
15 the commissioner.

16       (b) The application for a license shall provide the  
17 following:

18       (1) Name, residence address, electronic-mail address, and  
19 other information required by the commissioner for an  
20 employee or officer of the owner or supervising entity  
21 that is designated by the applicant as the person



1 responsible for the owner's compliance with the  
2 requirements of this article; provided that, if the  
3 owner derives more than fifty per cent of its revenue  
4 from the sale of stored property insurance, the  
5 information in this paragraph shall be provided for  
6 all officers, directors, and shareholders of record  
7 having beneficial ownership of ten per cent or more of  
8 any class of securities registered under the federal  
9 securities law; and

10 (2) Location of the applicant's home office.

11 (c) Any owner engaging in stored property insurance  
12 transactions on or before the effective date of Act , Session  
13 Laws of Hawaii 2019, shall apply for licensure within ninety  
14 days of the date the application is made available by the  
15 commissioner. Any applicant commencing operations after the  
16 effective date of Act , Session Laws of Hawaii 2019, shall  
17 obtain a license prior to offering stored property insurance.

18 (d) Initial licenses issued pursuant to this article shall  
19 be valid for a period of not less than twenty-four months.  
20 Renewed licenses shall be valid for a period of twenty-four  
21 months.





1 (e) Each owner licensed under this article shall pay to  
2 the commissioner a fee of \$2 for the issuance of the initial  
3 stored property limited lines license, plus a license fee of \$1  
4 per year for the renewal term. A pro rata portion of the  
5 license fee may be applied for a partial year of the initial  
6 term."

7 SECTION 3. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10 SECTION 4. The revisor of statutes shall insert the  
11 effective date of this Act in the appropriate places in section  
12 2 of this Act.

13 SECTION 5. This Act shall take effect upon its approval.  
14

INTRODUCED BY:

JAN 18 2019



# H.B. NO. 269

**Report Title:**

Self-service Storage; Stored Property Insurance

**Description:**

Authorizes the sale of stored property insurance by self-service storage facility owners under certain conditions. Requires self-service storage facility owners to hold a limited lines license in order to sell, solicit, or offer coverage under a stored property insurance policy.

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

