



DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LT. GOVERNOR

**STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310  
P.O. BOX 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
House Committee on Consumer Protection & Commerce  
Monday, February 10, 2020  
2:00 p.m.  
State Capitol, Conference Room 329**

**On the following measure:  
H.B. 1808, H.D. 1, RELATING TO MOTOR VEHICLES**

Chair Aquino and Members of the Committee:

My name is Colin Hayashida, and I am the Insurance Commissioner of the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department offers comments on this bill.

The purpose of this bill is to authorize county directors of finance to issue certificates of ownership and salvage certificates to expedite the disposal of salvaged motor vehicles under specified circumstances.

The Department appreciates the bill's intent to expedite the transition of ownership of salvaged vehicles between policyholders and insurers by allowing insurers to seek ownership within 30 days after the payment of a claim (page 3, lines 13 to 20). However, there are circumstances when such expediency negatively impacts policyholders.

Hawaii Revised Statutes (HRS) section 431:13-103(a)(11)(f) mandates that motor vehicle insurers remit payments on undisputed portions of clean claims within 30

days after liability is accepted. The total loss cost of vehicles may be in dispute in cases where policyholders believe their vehicles are worth more than insurers' valuations.

Under these circumstances, this bill would allow the insurer to pay an amount that is undisputed and, while still negotiating with the policyholder over the disputed portion, file for ownership of the vehicle after 30 days without settling the dispute, to the detriment and consternation of the policyholder.

In addition, the Department respectfully requests deleting the following language on page 7, line 20 to page 8, line 1 of the bill: "Notwithstanding any provision of law to the contrary, the provisions of this subsection shall govern the disposition and title to a motor vehicle described herein." This provision conflicts with HRS sections 431:10C-309 through -311, which provide an established scheme for the processing and payment of total loss motor vehicle claims.

Thank you for the opportunity to testify on this bill.

## TESTIMONY OF ALISON UEOKA

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COMMITTEE ON CONSUMER PROTECTION & COMMERCE  
Representative Roy M. Takumi, Chair  
Representative Linda Ichiyama, Vice Chair

Monday, February 10, 2020  
2:00 p.m.

### **HB 1808, HD1**

Chair Takumi, Vice Chair Ichiyama, and members of the Committee on Consumer Protection & Commerce, my name is Alison Ueoka, President of the Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council submits the following comments on the bill. This bill provides a process to complete salvaged vehicle title transfers when owners abandon a motor vehicle without completing the title transfer.

Hawaii Insurers Council supports the intent of the bill. We have worked with Insurance Auto Auctions for whom this bill was introduced, and we have agreed to the following language to be inserted into Section 2 of the bill, Section 286-48, after (c)(4):

“The insurance company shall indemnify and hold harmless the director of finance from all civil liability resulting from the issuance of the certificate of ownership or salvage certificate to the insurance company pursuant to this subsection, except if the civil liability is based on the gross negligence or willful misconduct of the director of finance or the director’s agent.”

With this amendment, we support the bill. Thank you for the opportunity to testify.

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE INSURANCE AUTO AUCTIONS, INC. (IAA) IN SUPPORT OF H.B. 1808, HD 1**

February 10, 2020

To: Chairman Roy Takumi and Members of the Committee on Consumer Protection and Commerce:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Insurance Auto Auctions, Inc. (IAA) in support of H.B. 1808, HD 1, Relating to Motor Vehicles.

Insurance Auto Auctions is a salvage auction company that handles the sale of damaged and theft-recovered vehicles for the insurance industry. They have one location in the state of Hawaii (Kapolei, Honolulu).

Automobile insurers process thousands of total loss claims in Hawaii each year. For the vast majority of these claims, after the total loss settlement is paid to the vehicle owner and any lienholder, the certificate of title for the vehicle is available to the insurer and the further titling of the vehicle can be handled in accordance with Hawaii statutes. However, there are occasions when, even though the insurer has paid the total loss settlement, the certificate of title for the vehicle is not made available to the insurer. The result of the above situation is that vehicles sit in salvage auction facilities, often with no straight-forward or efficient way to dispose of them.

This bill sets forth a process whereby, in this case, the insurer may obtain a salvage certificate for the vehicle without surrendering the certificate of title. The insurer will send an application for a salvage certificate to the DMV along with proof of payment of the claim and a copy of the notices sent to the owner and any lienholder requesting the certificate of title.

The above process will help insurers expedite the receipt of an ownership document in their name and implement the salvage laws in a timely manner.

Sometimes vehicles that have been brought to the salvage auction facility at the direction of an insurance company after a claim has been filed by the owner get abandoned on their property by the owner. This happens, for example, when the insurance company denies coverage. Examples of denied coverage situations include when the damage exceeds policy limits or collision damage may not be covered under the policy. Or, during the claim process, the vehicle owner changes his mind and wants to keep ownership of the total loss vehicle. The insurer pays the value of the vehicle to the owner but then the owner abandons the vehicle at the salvage pool.

The bill sets forth a process for a salvage auction to dispose of an abandoned vehicle on its property if the owner or lienholder does not remove the vehicle from the salvage auction's facility after due notice has been sent.

Upon reviewing this HD 1, I would like to request some minor technical amendments: (1) remove the words "the prescribed affidavit" on page 2, line 17, and substitute the words "certificate of registration, license plates" in its place; (2) remove the word "or" on page 4, line 12 and substitute the word "and" in its place; (3) remove the word "motor" on page 8, line 15, and on page 9, line 2. This was in my testimony before the House Transportation Committee but may have been overlooked.

Also, after a discussion with the Hawaii Insurer's Council (HIC) we recommend including a provision on page 5, at line 4 which would include the following language: "The insurance company shall indemnify and hold harmless the director of finance from

all civil liability resulting from the issuance of the certificate of ownership or salvage certificate to the insurance company pursuant to this subsection, except if the civil liability is based on the gross negligence or willful misconduct of the director of finance or the director's agent.”

Thank you for scheduling this bill and allowing me to submit this testimony.