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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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December 18, 2024

TRANSMITTED VIA LEGISLATIVE WEBSITE

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

Enclosed is a copy of the 2024 Report Pursuant to Act 056, Session Laws of Hawaii 2022.

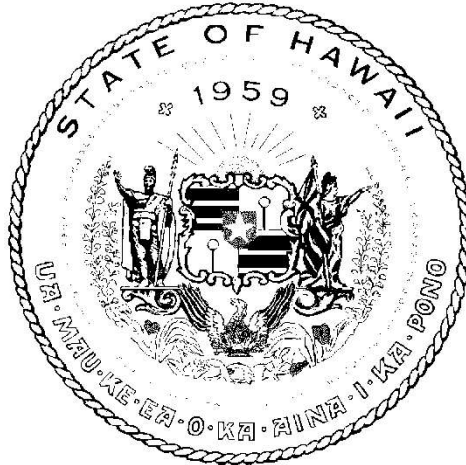
In accordance with section 93-16(a), Hawaii Revised Statutes (HRS), a copy of this report will be transmitted to the Legislative Reference Bureau Library and viewable electronically at cca.hawaii.gov/pvl/reports/. Copies will also be transmitted to the State Publications Distribution Center and the University of Hawaii pursuant to section 93-3, HRS.

Sincerely,

NADINE Y. ANDO
Director

Enclosure

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THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2025

2022 Haw. Sess. Laws Act 56 Report

INSURANCE DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

Submitted December 2024

This report is issued pursuant to 2022 Haw. Sess. Laws Act 56 (Act 56), § 3, which provides:

The insurance commissioner shall submit a report on the progress in the implementation of this part, including but not limited to the number of complaints and the nature of the complaints and the effect of the coverage limits on victims involved in motor vehicle accidents with peer-to-peer vehicles, to the legislature no later than twenty days prior to the convening of the regular session of 2025.

Act 56 § 2 amended Hawaii Revised Statutes (HRS) chapter 431, article 10C, by adding a new part entitled “PEER-TO-PEER CAR-SHARING INSURANCE” that was codified at HRS chapter 431, article 10C, part VIII (HRS §§ 431:10C 801-807). Act 56 was effective January 1, 2023, and included a sunset date of June 20, 2025. Act 56 § 5.

In significant part HRS § 431:10C-802(a), as enacted by Act 56, provided that:

A peer-to-peer car-sharing program shall ensure that during each car-sharing period, the shared car shall be insured under a motor vehicle insurance policy that shall provide:

(1) Primary insurance coverage for each shared car available and used through a peer-to-peer car-sharing program in amounts not less than **\$750,000 for death, bodily injury, and property damage per accident, and costs of defense outside the limits[.]**

(emphasis added.)

During the following legislative session, 2023 Haw. Sess. Laws Act 210 (Act 210) §§ 2 and 5, amended HRS § 431:10C-802(a), in relevant part, by replacing the minimum \$750,000 coverage amount with a standard of “four times the amounts set forth in section 431:10C-301(b)[.]” effective January 1, 2024.¹ Thus, the \$750,000 standard was in place for only one year.

During the following legislative session, HRS § 431:10C-802 was again amended by 2024 Haw. Sess. Laws Act 138 (Act 138) §§ 4 and 7, in relevant part, by striking “four times” from the “**four times** the amounts set forth in section 431:10C-301(b)” (emphasis added) standard, effective January 1, 2026. Thus, the *four times the amounts set forth in section 431:10C-301(b)* will have been in effect for approximately one year at the start of the 2025 Regular Session and is scheduled to change on January 1, 2026.

¹ Act 210 § 5 removed the sunset date from Act 56.

At this time, we report that the minimum insurance required under HRS § 431:10C-802(a) has changed twice since Act 56 was passed in 2022 and is scheduled to change a third time on January 1, 2026.

Regarding complaints, the Insurance Division has not received any complaints alleging violations of HRS chapter 431, article 10C, part VIII.

However, the Insurance Division is aware of one application for assigned claims benefits, which was apparently eligible for benefits pursuant to HRS § 431:10C-408, involving a vehicle operated through a peer-to-peer car sharing program and a named insurer who apparently rejected optional uninsured and underinsured motorist coverage under HRS § 431:10C-802(a)(3)(A).