

HB

64

A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 SECTION 1. (a) The rental insurance working group is
2 established within the insurance division of the department of
3 commerce and consumer affairs for administrative purposes only.
4 The working group shall examine the potential impacts of
5 amending article 10E of the insurance code, chapter 431, Hawaii
6 Revised Statutes, to require any real property owner who uses
7 online marketplace and hospitality services to lease or rent
8 residential real property as transient accommodations to self-
9 certify, prior to the start of a lease or rental period, the
10 fire safety of the premises by completing, signing, and filing
11 with the property insurer that insures the property's use as
12 transient accommodations a copy of the affidavit described under
13 subsection (d).
14 (b) The working group shall consist of the following:
15 (1) The insurance commissioner, or the commissioner's
16 designee, who shall serve as chairperson;



- 1 (2) The chair of the state fire council, or the chair's
- 2 designee, who shall serve as vice-chairperson;
- 3 (3) The executive director of the office of consumer
- 4 protection, or the executive director's designee;
- 5 (4) Two members to be selected by the insurance
- 6 commissioner to represent property insurers;
- 7 (5) Two members to be selected by the insurance
- 8 commissioner to represent real property owners who use
- 9 online marketplace and hospitality services to lease
- 10 or rent residential real property as transient
- 11 accommodations; and
- 12 (6) Two members to be selected by the insurance
- 13 commissioner to represent the general public.

14 Working group members may recommend additional members with
15 appropriate specialized expertise to the working group, for
16 approval by the chairperson.

17 (c) Members of the working group shall be exempt from
18 section 26-34, Hawaii Revised Statutes, and shall serve without
19 compensation, but shall be reimbursed for reasonable expenses
20 necessary for the performance of their duties, including travel
21 expenses.



1 (d) The working group shall examine the following format
2 for the affidavit:

3

4 Owner/Affirming Agent _____

5 Unit Street Address _____ City _____

6

7 *The signer(s) of this form does hereby state, warrant, certify,*
8 *and affirm the following by marking an "X" at each:*

9

10 __All doors and windows have operating hardware and operate
11 properly.

12 __Every bedroom has an operating smoke detector. The area
13 immediately outside each bedroom has an operating smoke detector
14 or combination unit. Each floor has a minimum of one smoke
15 detector.

16 __An ABC rated wall mounted fire extinguisher (4 lb. min.) is
17 located in the kitchen and is properly charged.

18 __Emergency contact poster is located in a readily visible
19 location or accessible in unit's information book.

20 __Any part of the basement used for sleeping has an approved
21 egress.



1 ___Fuse or breaker panel is clearly labeled and accessible to all
2 tenants.

3

4 Printed Name _____ Title _____

5 Signature _____ Date _____

6 *By signing above, the owner/agent of the rental unit certifies*
7 *that the above statements are true. Statements found to be*
8 *falsified on this affidavit will be grounds for applicable*
9 *fines.*

10 (e) The working group may recommend amendments to the
11 contents and format of the affidavit contained in subsection
12 (d).

13 (f) As part of its study under subsection (a), the working
14 group shall also examine the potential impacts of enforcing the
15 fire safety self-certification requirements through
16 administrative fines imposed by the department of commerce and
17 consumer affairs.

18 (g) The insurance division shall provide administrative
19 and clerical support required by the working group.

20 (h) The working group shall submit a report of its
21 findings and recommendations, including any proposed



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1 legislation, to the legislature not later than twenty days prior
2 to the convening of the 2020 regular session.

3 (i) The working group shall cease to exist on June 30,
4 2020.

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

6

INTRODUCED BY:

Boyer
Linda Schinger

JAN 17 2019



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Report Title:

Rental Insurance; Working Group

Description:

Requires the insurance commissioner to establish a working group to examine the potential impacts of requiring real property owners who use online marketplace and hospitality services to lease or rent residential real property as transient accommodations to complete, sign, and file with their property insurers an affidavit regarding fire safety.

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





DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection and Commerce
Thursday, February 7, 2019
2:00 p.m.
State Capitol, Conference Room 329**

**On the following measure:
H.B. 64, RELATING TO INSURANCE**

Chair Takumi 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 require the Insurance Commissioner to establish a working group to examine the potential impacts of requiring real property owners who use online marketplace and hospitality services to lease or rent residential real property as transient accommodations to complete, sign, and file with their property insurers an affidavit regarding fire safety.

The working group is primarily tasked to review and assess the use and impact of the affidavit in subsection (d) of this bill. However, the proposed affidavit in subsection (d) is not related to insurance, and this bill does not appear to intend to provide insurers with information to calculate insurance premiums or insurance coverage. Thank you for the opportunity to testify on this bill.