

JAN 25 2023

A BILL FOR AN ACT

RELATING TO INSURANCE.

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

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PART I

SECTION 1. Section 431:10C-802, Hawaii Revised Statutes,
is amended by amending subsection (a) to read as follows:

"(a) 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;~~]
the minimum amounts set forth in section 431:10C-
301; provided that the primary insurance coverage
under this paragraph shall provide coverage for
death, bodily injury, and property damage per
accident, and costs of defense outside the limits;



1 (2) Primary insurance coverage for each shared car
2 available and used through a peer-to-peer car-
3 sharing program for personal injury protection
4 coverage that meets the minimum coverage amounts
5 required by section 431:10C-103.5; and

6 (3) The following optional coverages, which any named
7 insured may elect to reject or purchase, that
8 provides primary coverage for each shared car
9 available and used through a peer-to-peer car-
10 sharing program:

11 (A) Uninsured and underinsured motorist coverages
12 as provided in section 431:10C-301, which shall
13 be equal to the primary liability limits
14 specified in this section; provided that
15 uninsured and underinsured motorist coverage
16 offers shall provide for written rejection of
17 the coverages as provided in section 431:10C-
18 301;

19 (B) Uninsured and underinsured motorist coverage
20 stacking options as provided in section
21 431:10C-301; provided that the offer of the



1 stacking options shall provide for written
2 rejection as provided in section 431:10C-301;

3 (C) An offer of required optional additional
4 insurance coverages as provided in section
5 431:10C-302; and

6 (D) In the event the only named insured under the
7 motor vehicle insurance policy issued pursuant
8 to this section is the peer-to-peer car-sharing
9 program, the insurer or the peer-to-peer car-
10 sharing program shall:

11 (i) Disclose the coverages in writing to the
12 peer-to-peer car-sharing driver;

13 (ii) Disclose to the peer-to-peer car-sharing
14 driver in writing that all optional
15 coverages available may not have been
16 purchased under sections 431:10C-301 and
17 431:10C-302; and

18 (iii) Obtain a written acknowledgement from the
19 peer-to-peer car-sharing driver of receipt
20 of the written disclosures required in
21 paragraphs (1) and (2). The standard



1 disclosure forms used in paragraphs (1)
2 and (2), and every modification of such
3 forms intended to be used, shall be filed
4 with the commissioner within fifteen days
5 of providing such disclosure to the peer-
6 to-peer car-sharing driver. The insurer
7 or the peer-to-peer car-sharing program
8 shall also send to the peer-to-peer car-
9 sharing driver every modified disclosure
10 form within fifteen days of the filing of
11 such modified disclosure form and comply
12 with paragraph (3). Such disclosures and
13 acknowledgement may be sent and received
14 by electronic means."

15 SECTION 2. Act 56, Session Laws of Hawaii 2022, is amended
16 by amending section 5 to read as follows:

17 "SECTION 5. This Act shall take effect on January 1,
18 2023[~~, and~~]; provided that sections 431:10C-C, 431:10C-D,
19 431:10C-E, 431:10C-F, 431:10C-G, as added by section 2 of
20 this Act, shall be repealed on June 30, 2025."

21 PART II



1 SECTION 3. Section 431:10C-802, Hawaii Revised Statutes,
2 is amended to read as follows:

3 "~~[+]~~§431:10C-802~~[+]~~ **Insurance coverage during car-**
4 **sharing period.** [~~a~~] A peer-to-peer car-sharing program
5 shall ensure that during each car-sharing period, the shared
6 car shall be insured under a motor vehicle insurance policy
7 that shall provide~~[+~~

8 ~~(1) Primary]~~ insurance coverage for each shared car
9 available and used through a peer-to-peer car-sharing program
10 in amounts not less than the minimum amounts set forth in
11 section 431:10C-301; provided that the primary insurance
12 coverage under this [~~paragraph~~] section shall provide
13 coverage for death, bodily injury, and property damage per
14 accident, and costs of defense outside the limits~~[+~~

15 ~~(2) Primary insurance coverage for each shared car~~
16 ~~available and used through a peer-to-peer car-~~
17 ~~sharing program for personal injury protection~~
18 ~~coverage that meets the minimum coverage amounts~~
19 ~~required by section 431:10C-103.5; and~~

20 ~~(3) The following optional coverages, which any named~~
21 ~~insured may elect to reject or purchase, that~~



1 ~~provides primary coverage for each shared car~~
2 ~~available and used through a peer-to-peer car-~~
3 ~~sharing program;~~
4 ~~(A) Uninsured and underinsured motorist coverages~~
5 ~~as provided in section 431:10C-301, which shall~~
6 ~~be equal to the primary liability limits~~
7 ~~specified in this section; provided that~~
8 ~~uninsured and underinsured motorist coverage~~
9 ~~offers shall provide for written rejection of~~
10 ~~the coverages as provided in section 431:10C-~~
11 ~~301;~~
12 ~~(B) Uninsured and underinsured motorist coverage~~
13 ~~stacking options as provided in section~~
14 ~~431:10C-301; provided that the offer of the~~
15 ~~stacking options shall provide for written~~
16 ~~rejection as provided in section 431:10C-301;~~
17 ~~(C) An offer of required optional additional~~
18 ~~insurance coverages as provided in section~~
19 ~~431:10C-302; and~~
20 ~~(D) In the event the only named insured under the~~
21 ~~motor vehicle insurance policy issued pursuant~~



1 ~~to this section is the peer-to-peer car-sharing~~
2 ~~program, the insurer or the peer-to-peer car-~~
3 ~~sharing program shall:~~

4 ~~(i) Disclose the coverages in writing to the~~
5 ~~peer-to-peer car-sharing driver;~~

6 ~~(ii) Disclose to the peer-to-peer car-sharing~~
7 ~~driver in writing that all optional~~
8 ~~coverages available may not have been~~
9 ~~purchased under sections 431:10C-301 and~~
10 ~~431:10C-302; and~~

11 ~~(iii) Obtain a written acknowledgement from the~~
12 ~~peer-to-peer car-sharing driver of receipt~~
13 ~~of the written disclosures required in~~
14 ~~paragraphs (1) and (2). The standard~~
15 ~~disclosure forms used in paragraphs (1)~~
16 ~~and (2), and every modification of such~~
17 ~~forms intended to be used, shall be filed~~
18 ~~with the commissioner within fifteen days~~
19 ~~of providing such disclosure to the peer-~~
20 ~~to-peer car-sharing driver. The insurer~~
21 ~~or the peer-to-peer car-sharing program~~

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval;
4 provided that part II of this Act shall take effect on June 30,
5 2025.

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INTRODUCED BY: 



S.B. NO. 1224

Report Title:

Insurance; Peer-to-Peer Car-Sharing; Liability

Description:

Amends the required coverage for shared cars that are made available through a peer-to-peer car-sharing program. On 6/30/2025, repeals the allowable exclusions, recordkeeping requirements, right of recovery, insurable interest, and required disclosures and notices under the peer-to-peer car-sharing insurance law.

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

