THE SENATE TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

### A BILL FOR AN ACT

RELATING TO INSURANCE.

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

SECTION 1. Section 431:2-105, Hawaii Revised Statutes, is
 amended by amending subsection (a) to read as follows:

3 There shall be a chief deputy commissioner, who shall "(a) be subject to chapter 76. The chief deputy commissioner shall 4 5 have the power to perform any act or duty assigned by the 6 commissioner. If a commissioner has not been appointed, the 7 chief deputy commissioner shall have the power to perform any 8 act conferred upon the commissioner until the appointment is 9 made. The certificate of the chief deputy commissioner's 10 appointment shall be filed in the office of the lieutenant 11 governor."

SECTION 2. Section 431:2-202.5, Hawaii Revised Statutes,
is amended to read as follows:

14 "\$431:2-202.5 Approval; when deemed effective. Except as 15 provided otherwise, any approval required by law shall be deemed 16 granted on the [thirtieth] seventy-fifth calendar day following 17 the filing of the request for approval if the commissioner does

#### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1 not take any affirmative action to grant or deny the approval 2 within [thirty] seventy-five calendar days of the request." 3 SECTION 3. Section 431:2-206, Hawaii Revised Statutes, is 4 amended by amending subsection (a) to read as follows: 5 "(a) A person competent to serve a summons shall serve 6 upon the commissioner triplicate copies of legal process against 7 an insurer for whom the commissioner is attorney. In the 8 absence of the commissioner, the process may be served upon the 9 chief deputy or the deputy in charge of the insurance function. 10 At the time of service the plaintiff shall pay to the 11 commissioner [<del>\$12,</del>] \$25, taxable as costs in the action." 12 SECTION 4. Section 431:9-204, Hawaii Revised Statutes, is 13 amended to read as follows: 14 "§431:9-204 Applications for license. (a) Application 15 for [any such] an adjuster or independent bill reviewer license shall be made to the commissioner upon forms as prescribed and 16 17 furnished by the commissioner. As a part of or in connection 18 with [any such] the application, the applicant shall furnish 19 information including: 20 (1)The applicant's identity, personal history, 21 experience, business records, and a full set of 22 fingerprints, including a scanned file from a hard SB1276 HD1 HMS 2011-3017 

Page 2

Page 3

# **S.B. NO.** $B_{\text{S.D. 2}}^{1276}$

3

1		copy fingerprint, for the commissioner to obtain and
2		receive national and state criminal history
3		[+]record[+] checks from the Federal Bureau of
4		Investigation and the Hawaii criminal justice data
5		center, pursuant to section 846-2.7; and
6	(2)	Other pertinent facts as the commissioner may
7		reasonably require.
8	[ <del>(b)(1)</del>	If the applicant is a partnership or corporation, the
9		application shall furnish in addition to the
10		requirements set forth in subsection (a):
11		(A) The names of all partners or officers; and
12		(B) A designation of each individual who is to
13		exercise the powers to be conferred by the
14		license upon the partnership or corporation.
15	<del>(2)</del>	Each individual shall be required to furnish
16		information to the commissioner as though for an
17		individual license.
18	<del>(c)</del> ]	(b) Any person wilfully misrepresenting or omitting
19	any fact	required to be disclosed in [ <del>any such</del> ] <u>an</u> application
20	filed pur	suant to this section shall be liable for penalties as
21	provided [	by this code."

#### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

SECTION 5. Section 431:9C-101, Hawaii Revised Statutes, is amended by amending the definition of "managing general agent" to read as follows:

4 ""Managing general agent" means any person, firm, 5 association, or corporation that manages all or part of the insurance business of an insurer (including the management of a 6 7 separate division, department, or underwriting office) and acts 8 as an agent for [such] the insurer whether known as a managing 9 general agent, manager, or other similar term, who, with or 10 without the authority, either separately or together with affiliates, produces, directly or indirectly, and underwrites an 11 12 amount of gross direct written premium equal to or more than 13 five per cent of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year, 14 15 together with one or more of the following activities related to 16 the business produced: adjusts or pays claims in excess of [an 17 amount determined by the commissioner, ] \$10,000, or negotiates reinsurance on behalf of the insurer. Notwithstanding the 18 19 preceding sentence, the following persons shall not be considered as managing general agents for the purposes of this 20 21 article:

22 (1) An employee of the insurer;

1

## S.B. NO. $B_{\text{H.D. 1}}^{1276}$

2		an alien insurer;
3	(3)	An underwriting manager who, pursuant to contract,
4		manages all the insurance operations of the insurer,
5		is under common control with the insurer, subject to
6		article 11, and whose compensation is not based on the
7		volume of premiums written;
8	(4)	The attorney-in-fact authorized by and acting for the
9		subscribers of a reciprocal insurer or inter-insurance
10		exchange under a power of attorney; and
11	(5)	Any person, firm, association, or corporation
12		domiciled in the State and authorized to do business
13		only in the State and acting as a managing general
14		agent for an insurer licensed and conducting business
15		only in the State."
16	SECT:	ION 6. Section 431:10H-228, Hawaii Revised Statutes,
17	is amended	d by amending subsection (a) to read as follows:
18	"(a)	Every insurer, health care service plan, or other
19	entity pro	oviding long-term care insurance or benefits in this
20	State sha	ll provide a copy of any long-term care insurance
21	advertise	ment intended for use in this State whether through
22	written, s	radio, or television medium to the commissioner for
	T DEFINE A AND TO ALL MENT FOR A DATE AND AND A DATE	1 HMS 2011-3017 ,

(2) A United States manager of the United States branch of

S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

.

1	review or appro	oval by the commissioner to [ <del>the extent it may be</del>
2	reviewed under	state law.] determine compliance with this
3	article. In ac	dition, all advertisements shall be retained by
4	the insurer, he	ealth care service plan, or other entity for at
5	least three yea	ars from the date the advertisement was first
6	used."	
7	SECTION 7.	Section 431:11-106, Hawaii Revised Statutes, is
8	amended by amen	ding subsection (a) to read as follows:
9	"(a) (1)	Transactions within a holding company system to
10	which	an insurer subject to registration is a party
11	shall	be subject to the following standards:
12	(A)	The terms shall be fair and reasonable;
13	(B) (	Charges or fees for services performed shall be
14	:	reasonable;
15	(C) 1	Expenses incurred and payment received shall be
16	ä	allocated to the insurer in conformity with
17	c	customary insurance accounting practices
18	Ċ	consistently applied;
19	(D) ]	The books, accounts, and records of each party to
20	ā	all transactions shall be maintained so as to
21	с	clearly and accurately disclose the nature and
22	c	letails of the transactions including the
	SB1276 HD1 HMS 2	if life ar with a state of the

Page 6

## **S.B. NO.** $^{1276}_{\text{S.D. 2}}_{\text{H.D. 1}}$

1		accounting information recognory to support the
T		accounting information necessary to support the
2		reasonableness of the charges or fees to the
3		respective parties; and
4		(E) The insurer's surplus as regards policyholders
5		following any dividends or distributions to
6		shareholder affiliates shall be reasonable in
7		relation to the insurer's outstanding liabilities
8		and adequate to its financial needs;
9	(2)	The following transactions involving a domestic
10		insurer and any person in its holding company system
11		shall not be entered into unless the insurer has
12		notified the commissioner in writing of its intention
13		to enter into the transaction at least thirty days
14		prior thereto, or a shorter period as the commissioner
15		may permit, and the commissioner has not disapproved
16		it within that period:
17		(A) Sales, purchases, exchanges, loans or extensions
18		of credit, guarantees, or investments; provided
19		that the transactions are equal to or exceed:
20		(i) With respect to nonlife insurers, the lesser
21		of three per cent of the insurer's admitted
22		assets or twenty-five per cent of surplus as
		1 HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1 regards policyholders each as of the thirty-2 first day of December next preceding; or 3 (ii) With respect to life insurers, three per 4 cent of the insurer's admitted assets as of 5 the thirty-first day of December next 6 preceding; 7 Loans or extensions of credit to any person who (B) 8 is not an affiliate, where the insurer makes the 9 loans or extensions of credit with the agreement 10 or understanding that the proceeds of the 11 transactions, in whole or in substantial part, 12 are to be used to make loans or extensions of 13 credit to, to purchase assets of, or to make 14 investments in, any affiliate of the insurer 15 making the loans or extensions of credit; 16 provided that the transactions are equal to or 17 exceed: 18 (i) With respect to nonlife insurers, the lesser 19 of three per cent of the insurer's admitted 20 assets or twenty-five per cent of surplus as 21 regards policyholders each as of the thirty-22 first day of December next preceding; or SB1276 HD1 HMS 2011-3017

## **S.B. NO.** $_{\text{H.D. 1}}^{1276}$

•

9

1		(ii) With respect to life insurers, three per
2		cent of the insurer's admitted assets as of
3		the thirty-first day of December next
4		preceding;
5	(C)	Reinsurance agreements or modifications thereto
6		in which the reinsurance premium or a change in
7		the insurer's liabilities equals or exceeds five
8		per cent of the insurer's surplus as regards
9		policyholders, as of the thirty-first day of
10	·	December next preceding, including those
11		agreements [which] that may require as
12		consideration the transfer of assets from an
13		insurer to a nonaffiliate, if an agreement or
14		understanding exists between the insurer and
15		nonaffiliate that any portion of the assets will
16		be transferred to one or more affiliates of the
17		insurer;
18	(D)	All management agreements, service contracts, and
19		[all] cost-sharing arrangements; and
20	(E)	Any material transactions, specified by rule,
21		which the commissioner determines may adversely

#### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

10

1 affect the interests of the insurer's 2 policyholders. 3 Nothing in this section shall be deemed to authorize 4 or permit any transactions which, in the case of an 5 insurer not a member of the same holding company 6 system, would be otherwise contrary to law; 7 (3) A domestic insurer may not enter into transactions 8 [which] that are part of a plan or series of like 9 transactions with persons within the holding company 10 system if the purpose of those separate transactions 11 is to avoid the statutory threshold amount and thus 12 avoid the review that would otherwise occur. If the 13 commissioner determines that the separate transactions 14 were entered into over any twelve-month period for 15 that purpose, the commissioner may exercise the 16 commissioner's authority under section 431:11-111; 17 (4)The commissioner, in reviewing transactions pursuant 18 to subsection (a)(2), shall consider whether the 19 transactions comply with the standards set forth in 20 subsection (a)(1) and whether they may adversely 21 affect the interests of policyholders; and

Page 11

## $S.B. NO. \overset{1276}{\underset{H.D. 1}{\overset{S.D. 2}{\overset{H.D. 1}{\overset{T}}}}$

1	(5)	The commissioner shall be notified within thirty days
2		of any investment of the domestic insurer in any one
3		person if the total investment in the person by the
4		insurance holding company system exceeds ten per cent
5		of the [ <del>corporation's</del> ] <u>person's</u> voting securities[-]
6		or the domestic insurer possesses control of the
7		person as defined in section 431:11-102."
8	SECT	ION 8. Section 431:14G-105, Hawaii Revised Statutes,
9	is amende	d by amending subsections (a) and (b) to read as
10	follows:	
11	·"(a)	Every managed care plan shall file [in triplicate]
12	with the o	commissioner, every rate, charge, classification,
13	schedule,	practice, or rule and every modification of any of the
14	foregoing	that it proposes to use. Every filing shall [state]:
15	(1)	State its proposed effective date [and-shall
16		<pre>indicate];</pre>
17	(2)	Indicate the character and extent of the coverage
18		contemplated[. The filing also shall include];
19	(3)	Include a report on investment income [-]; and
20	(4)	Be accompanied by a \$50 fee payable to the
21		commissioner which shall be deposited in the
22		commissioner's education and training fund.
	SB1276 HD1	HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1	[ <del>(b) Each filing shall be accompanied by a \$50 fee payable</del>
2	to the commissioner and shall be deposited in the commissioner's
3	education and training fund.]
4	(b) For each filing, an insurer shall submit to the
5	commissioner:
6	(1) An electronic copy of the filing; or
7	(2) Two printed copies of the filing.
8	The commissioner may also request a printed version of an
9	electronic filing to be submitted pursuant to paragraph (1)."
10	SECTION 9. Section 431P-16, Hawaii Revised Statutes, is
11	amended by amending subsection (e) to read as follows:
12	"(e) After each covered event, if the board shall
13	determine that the moneys in the hurricane reserve trust fund,
14	excluding moneys determined by the board to be needed to
15	continue fund operations following that covered event, will be
16	insufficient to pay claims and other obligations of the fund
17	arising out of that covered event, the Hawaii hurricane relief
18	fund [ <del>is authorized to</del> ] <u>shall</u> levy a surcharge not to exceed
19	seven and one-half per cent a year on premiums charged for all
20	property and casualty insurance policies issued for risks
21	insured in this State. These moneys may be deposited into the
22	hurricane reserve trust fund or into trust or custodial
	SB1276 HD1 HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

accounts, created for the benefit of the fund's secured parties, 1 that are held inside or outside the hurricane reserve trust 2 3 fund. The [formula to calculate the amount and period of the surcharge for each covered event and the procedures and 4 methodology for payment of claims and other obligations of the 5 6 fund shall be provided in the plan of operation and the] surcharge [may] shall remain in effect until all claims and 7 other obligations of the fund, including but not limited to 8 claims under fund policies of hurricane property insurance, 9 claims financing transactions, bonds, notes, and other 10 obligations arising out of that covered event, shall have been 11 fully discharged. The amount and reason for any surcharge made 12 pursuant to this subsection shall be separately stated on any 13 billing sent to an insured. The surcharge shall not be 14 considered premiums for any other purpose, including the 15 computation of gross premium tax or the determination of 16 producers' commissions. The fund may establish procedures for 17 insurers to collect the surcharge from their customers who hold 18 19 property or casualty policies." 20 SECTION 10. Section 432:1-306, Hawaii Revised Statutes, is

21 amended by amending subsection (a) to read as follows:

### SB1276 HD1 HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1	"(a) [After the organization of the society is completed,		
2	and before a certificate of compliance is granted by the		
3	commissioner, the] The society shall deposit with the		
4	commissioner [ <del>one half the maximum amount required to be</del>		
5	maintained in its death-benefit and disability, or sick, or		
6	other benefit fund, as provided in section 432:1-401, [ fifty per		
7	cent of the minimum net worth requirement as provided in section		
8	432:1-407(a)(2), either in cash or in securities approved by the		
9	commissioner $[-]$ ; provided that the deposit shall be not less		
10	than \$1,000,000 and shall not exceed \$20,000,000."		
11	SECTION 11. Act 59, Session Laws of Hawaii 2010, is		
12	amended as follows:		
13	1. By amending section 4 to read:		
14	"SECTION 4. Section 431:7-101, Hawaii Revised Statutes, is		
15	amended by amending subsections (a) and (b) to read as follows:		
16	"(a) The commissioner shall collect in advance the		
17	following fees:		
18	(1) Certificate of authority: Issuance\$900		
19	(2) Organization of domestic insurers and affiliated		
20	corporations:		

## SB1276 HD1 HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

•

15

1		(A) Application and all other papers required for
2		issuance of solicitation permit,
3		filing \$1,500
4		(B) Issuance of solicitation permit\$150
5	(3)	Producer's license:
6		(A) Issuance, regular license\$50
7		(B) Issuance, temporary license\$50
8	(4)	Nonresident producer's license:
9		Issuance\$75
10	(5)	Independent adjuster's license: Issuance\$75
11	(6)	Public adjuster's license: Issuance \$75
12	(7)	[Workers' compensation claim] Claims adjuster's
13		limited license: Issuance\$75
14	(8)	Independent bill reviewer's license:
15		Issuance\$80
16	(9)	Limited producer's license: Issuance\$60
17	(10)	Managing general agent's license: Issuance\$75
18	(11)	Reinsurance intermediary's license:
19		Issuance\$75
20	(12)	Surplus lines broker's license: Issuance\$150
21	(13)	Service contract provider's registration:
22		Issuance\$75

.

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1	(14)	Approved course provider certificate:
2		Issuance\$100
3	(15)	Approved continuing education course certificate:
4		Issuance\$30
5	(16)	Vehicle protection product warrantor's registration:
6		Issuance\$75
7	(17)	Criminal history record check; fingerprinting: For
8		each criminal history record check and fingerprinting
9		check, a fee to be established by the commissioner.
10	(18)	Limited line motor vehicle rental company producer's
11		license: Issuance\$1,000
12	[ <del>(19)</del>	Life settlement contract provider's license:
13		<del>Issuance\$75</del>
14	<del>(20)</del>	Life settlement contract broker's license:
15		<del>Issuance\$75</del> ]
16	(19)	Legal service plan certificate of authority:
17		Issuance\$500
18	[ <del>(21)</del> ]	(20) Examination for license: For each examination,
19		a fee to be established by the commissioner.
20	(b)	The fees for services of the department of commerce
21	and consur	mer affairs subsequent to the issuance of a certificate
22	of authori	ty, license, or other certificate are as follows:
	A TELEVISION MAN AND THE TARGET PACEN THE ATTRACT AND	L HMS 2011-3017

### **S.B. NO.** S.D. 2H.D. 1

1	(1)	\$600 per year for all services (including extension of
2		the certificate of authority) for an authorized
3		insurer;
4	(2)	\$50 per year for all services (including extension of
5		the license) for a regularly licensed producer;
6	(3)	\$75 per year for all services (including extension of
7		the license) for a regularly licensed nonresident
8		producer;
9	(4)	\$45 per year for all services (including extension of
10		the license) for a regularly licensed independent
11		adjuster;
12	(5)	\$45 per year for all services (including extension of
13		the license) for a regularly licensed public adjuster;
14	(6)	\$45 per year for all services (including extension of
15		the license) for a [ <del>workers' compensation</del> ] claims
16		adjuster's limited license;
17	(7)	\$60 per year for all services (including extension of
18		the license) for a regularly licensed independent bill
19		reviewer;
20	(8)	\$45 per year for all services (including extension of
21		the license) for a producer's limited license;

## SB1276 HD1 HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1	(9)	\$75 per year for all services (including extension of
2		the license) for a regularly licensed managing general
3		agent;
4	(10)	\$75 per year for all services (including extension of
5		the license) for a regularly licensed reinsurance
6		intermediary;
7	(11)	\$45 per year for all services (including extension of
8		the license) for a licensed surplus lines broker;
9	(12)	\$75 per year for all services (including renewal of
10		registration) for a service contract provider;
11	(13)	\$65 per year for all services (including extension of
12		the certificate) for an approved course provider;
13	(14)	\$20 per year for all services (including extension of
14		the certificate) for an approved continuing education
15		course;
16	(15)	\$75 per year for all services (including renewal of
17		registration) for a vehicle protection product
18		warrantor;
19	(16)	\$20 for a criminal history record check;
20		fingerprinting: For each criminal history record
21		check and fingerprinting check, a fee to be
22		established by the commissioner;
	SB1276 HD1	HMS 2011-3017

### **S.B. NO.** <sup>1276</sup> S.D. 2 H.D. 1

1	(17)	\$600 per year for all services (including extension of
2		the license) for a regularly licensed limited line
3		motor vehicle rental company producer[+
4	<del>(18)</del>	\$150 per year for all services (including extension of
5		the license) for a regularly licensed life settlement
6		contract-provider; and
7	<del>(19)</del> -	\$150 per year for all services (including extension of
8		the license) for a regularly licensed life settlement
9		contract broker.]; and
10	(18)	\$500 per year for all services (including extension of
11		the certificate) for an authorized legal service plan.
12	The	services referred to in paragraphs (1) to [ <del>(19)</del> ] <u>(18)</u>
13	shall not	include services in connection with examinations,
14	investiga	tions, hearings, appeals, and deposits with a
15	depository other than the department of commerce and consumer	
16	affairs."	n
17	2. 1	By amending section 5 to read:
18	"SECTION 5. Section 431:7-101, Hawaii Revised Statutes, is	
19	amended to read as follows:	
20	1. 1	By amending subsections (a) and (b) to read:
21	"(a)	The commissioner shall collect in advance the
22	following	fees:
	t na an ann saoc anns anns anns anns anns ann ann an	L HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1	(1)	Certificate of authority: Issuance\$1,800
2	(2)	Organization of domestic insurers and affiliated
3		corporations:
4		(A) Application and all other papers required for
5		issuance of solicitation permit,
6		filing\$3,000
7		(B) Issuance of solicitation permit\$300
8	(3)	Producer's license:
9		(A) Issuance, regular license\$100
10		(B) Issuance, temporary license\$100
11	(4)	Nonresident producer's license:
12		Issuance\$150
13	(5)	Independent adjuster's license: Issuance\$150
14	(6)	Public adjuster's license: Issuance\$150
15	(7)	[Workers'-compensation claim] Claim adjuster's limited
16		license: Issuance\$150
17	(8)	Independent bill reviewer's license:
18		Issuance\$160
19	(9)	Limited producer's license: Issuance\$120
20	(10)	Managing general agent's license: Issuance\$150
21	(11)	Reinsurance intermediary's license:
22		Issuance\$150
	LINGS OF THE OWNER AND THE AND THE ADDRESS AND	1 HMS 2011-3017

## S.B. NO. $^{1276}_{S.D. 2}_{H.D. 1}$

1	(12)	Surplus lines broker's license: Issuance\$300
2	(13)	Service contract provider's registration:
3		Issuance\$150
4	(14)	Approved course provider certificate:
5		Issuance\$200
6	(15)	Approved continuing education course certificate:
7		Issuance\$60
8	(16)	Vehicle protection product warrantor's registration:
9		Issuance\$150
10	(17)	Criminal history record check; fingerprinting: For
11		each criminal history record check and fingerprinting
12		check, a fee to be established by the commissioner.
13	(18)	Limited line motor vehicle rental company producer's
14		license: Issuance\$2,000
15	[ <del>(19)</del>	Life settlement contract provider's license:
16		<del>Issuance\$150</del>
17	<del>(20)</del>	Life settlement contract broker's license:
18		Issuance\$150]
19	(19)	Legal service plan certificate of authority:
20		Issuance\$1,000
21	[ <del>(21)</del> ]	(20) Examination for license: For each examination,
22		a fee to be established by the commissioner.



### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1	(b)	The fees for services of the department of commerce
2	and consu	mer affairs subsequent to the issuance of a certificate
3	of author	ity, license, or other certificate are as follows:
4	(1)	\$1,200 per year for all services (including extension
5		of the certificate of authority) for an authorized
6		insurer;
7	(2)	\$100 per year for all services (including extension of
8		the license) for a regularly licensed producer;
9	(3)	\$150 per year for all services (including extension of
10		the license) for a regularly licensed nonresident
11		producer;
12	(4)	\$90 per year for all services (including extension of
13		the license) for a regularly licensed independent
14		adjuster;
15	(5)	\$90 per year for all services (including extension of
16		the license) for a regularly licensed public adjuster;
17	(6)	\$90 per year for all services (including extension of
18		the license) for a [ <del>workers'-compensation</del> ] claims
19		adjuster's limited license;
20	(7)	\$120 per year for all services (including extension of
21		the license) for a regularly licensed independent bill
22		reviewer;

SB1276 HD1 HMS 2011-3017

## S.B. NO. $B_{\text{H.D. 1}}^{1276}$

1

1	(8)	\$90 per year for all services (including extension of
2		the license) for a producer's limited license;
3	(9)	\$150 per year for all services (including extension of
4		the license) for a regularly licensed managing general
5		agent;
6	(10)	\$150 per year for all services (including extension of
7		the license) for a regularly licensed reinsurance
8		intermediary;
9	(11)	\$90 per year for all services (including extension of
10		the license) for a licensed surplus lines broker;
11	(12)	\$150 per year for all services (including renewal of
12		registration) for a service contract provider;
13	(13)	\$130 per year for all services (including extension of
14		the certificate) for an approved course provider;
15	(14)	\$40 per year for all services (including extension of
16		the certificate) for an approved continuing education
17		course;
18	(15)	\$150 per year for all services (including renewal of
19		registration) for a vehicle protection product
20		warrantor;
21	(16)	\$40 for a criminal history record check;
22		fingerprinting: For each criminal history record
	SB1276 HD1	L HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

,

1		check and fingerprinting check, a fee to be
2		established by the commissioner;
3	(17)	\$1,200 per year for all services (including extension
4		of the license) for a regularly licensed limited line
5		motor vehicle rental company producer; and
6	[ <del>(18)</del>	\$150 per year for all services (including extension of
7		the license) for a regularly licensed life settlement
8		contract provider; and
9	<del>(19)</del>	\$150 per year for all services (including extension of
10		the license) for a regularly licensed life settlement
11		contract broker.]
12	(18)	\$1,000 per year for all services (including extension
13		of the certificate) for an authorized legal service
14		<u>plan.</u>
15	The s	services referred to in paragraphs (1) to [ <del>(19)</del> ] <u>(18)</u>
16	shall not	include services in connection with examinations,
17	investigat	ions, hearings, appeals, and deposits with a
18	depository	other than the department of commerce and consumer
19	affairs."	
20	2. E	y amending subsection (e) to read as follows:
21	" (e)	All fees and penalties shall be deposited to the
22	credit of	the compliance resolution fund; provided that
	T DER TRAFFIC THE THE TAXABLE AND A REPORT OF A DESCRIPTION	HMS 2011-3017

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

1	beginning	July 1, 2010, the statutory fees collected pursuant to
2	subsectio	ns (a) and (b), not including administratively set fees
3	and asses	sments as may be authorized under this section, shall
4	be deposited as follows:	
5	(1)	Fifty per cent shall be deposited into the compliance
6		resolution fund; and
7	(2)	Fifty per cent shall constitute an insurance license
8		and service tax, which shall be deposited into the
9	-	general fund.""
10	SECTION 12. Section 432:1-401, Hawaii Revised Statutes, is	
11	repealed.	
12	[" <del>§4</del>	32:1-401 Benefit funds. Each society shall at all
13	times mai	ntain:
14	<del>(1)</del>	In its death benefit fund, at least five times the
15		maximum amount of death benefit offered or promised to
16		be-paid-to any one-member, and
17	<del>(2)</del>	In its sick, disability or other benefit fund, at
18		least twenty times the maximum amount of sick,
19		disability or other benefits, whichever maximum amount
20		is greater, offered or promised to be paid-to any one
21		member during or within a period of thirty days."]

## SB1276 HD1 HMS 2011-3017

 $\mathbf{i}$ 

### S.B. NO. <sup>1276</sup> S.D. 2 H.D. 1

SECTION 13. Statutory material to be repealed is bracketed
 and stricken. New statutory material is underscored.
 SECTION 14. This Act shall take effect upon its approval.



#### Report Title:

Insurance

#### Description:

Updates the Insurance Code and related provisions. (SB1276 HD1)

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

