
A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 SECTION 1. The legislature finds that policyholders often
2 lack sufficient information about how insurance rates are
3 determined. This lack of transparency undermines consumer
4 confidence and fosters distrust in the insurance industry.
5 Drawing inspiration from states that have implemented robust
6 insurance rate regulation and transparency measures that have
7 successfully balanced consumer protection with market stability,
8 the legislature finds that these measures aim to empower
9 consumers through enhanced access to information, strengthen
10 advocacy for fair treatment, and protect against arbitrary or
11 unfair rate-setting practices. By fostering a more transparent
12 and equitable insurance market, these provisions seek to promote
13 greater trust and accountability within the industry.

14 Accordingly, the purpose of this Act is to:

15 (1) Establish rate transparency requirements for insurance
16 companies operating in the State; and



1 "Rate calculation factors" means all variables, data
2 points, and algorithms used by an insurance company to calculate
3 a policyholder's premium.

4 § -2 Office of insurance consumer affairs; established.

5 (a) There is established the office of insurance consumer
6 affairs within the insurance division of the department.

7 (b) The office shall:

- 8 (1) Advocate for policyholders in rate approval hearings,
9 disputes, and other regulatory proceedings;
- 10 (2) Monitor insurance companies' compliance with rate
11 transparency requirements pursuant to this chapter;
- 12 (3) Develop and distribute plain-language guides to help
13 policyholders understand the methodologies used for
14 rate setting and to summarize policyholders' rights
15 pursuant to state and federal law;
- 16 (4) Provide support to policyholders seeking to dispute
17 rate increases, including mediation and arbitration
18 services;
- 19 (5) Host regular public forums to gather input from
20 consumers on insurance companies' rate setting
21 practices and their impacts; and



1 (6) Publish on the department's website an annual report
2 summarizing complaints, enforcement actions, and
3 recommendations for improving consumer protections in
4 the insurance sector.

5 (c) The office may:

6 (1) Access relevant data, commission studies, and
7 collaborate with other consumer advocacy organizations
8 to strengthen its oversight capabilities; and

9 (2) Recommend penalties when insurance companies fail to
10 comply with this chapter; provided that the penalties
11 shall be subject to the department's approval.

12 § -3 **Rate transparency requirements.** (a) Each
13 insurance company operating in the State shall provide a
14 detailed explanation of the company's rate setting practices to
15 all policyholders upon the issuance or renewal of a policy. The
16 explanation shall include information on:

17 (1) All rate calculation factors used in the rate
18 determination, including, where applicable, credit
19 scores, geographic location, claims history, and any
20 other weighted variables;



1 (2) The percentage each factor contributes to the
2 calculation of the total insurance premium; and

3 (3) Any actuarial models, machine learning algorithms, or
4 third-party tools utilized in the calculation process.

5 (b) If material changes are made to a policyholder's
6 rates, the policyholder shall be notified at least sixty days
7 before the changes take effect. The notification shall:

8 (1) Clearly state the reasons for the rate adjustment;

9 (2) Provide specific examples of how the adjustment may
10 impact the policyholder; and

11 (3) Include a summary of the policyholder's rights and
12 instructions on how to dispute a rate increase.

13 (c) No later than and annually thereafter, each
14 insurance company shall:

15 (1) Submit its rate setting methodologies to the office of
16 insurance consumer affairs for approval; and

17 (2) Make available non-proprietary summaries of the
18 methodologies to be posted on the department's
19 website.



1 § **-4 Rate changes.** (a) All rate changes shall be
2 submitted to the office of insurance consumer affairs for
3 approval. Submissions shall include:

- 4 (1) Actuarial justifications for the proposed rate change;
5 (2) Historical data supporting the change; and
6 (3) A discussion of the projected impact of the change on
7 policyholders.

8 (b) The department shall conduct public hearings for all
9 significant rate changes and shall invite comments from
10 consumers, advocacy groups ,and other stakeholders.

11 (c) The office shall represent policyholders' interests in
12 all hearings and proceedings related to rate changes.

13 § **-5 Consumers' rights.** (a) Each policyholder may
14 request at any time and receive from their insurance company
15 within thirty days of a written request a full breakdown of the
16 rate calculation data for that policyholder, including specific
17 factors, weights, and assumptions.

18 (b) A policyholder may challenge rate calculations through
19 mediation and arbitration processes provided by the office of
20 insurance consumer affairs.



1 § -6 **Penalties.** An insurance company that is found to
2 be in violation of this chapter shall be subject to:

- 3 (1) Fines of up to \$50,000 per instance of non-compliance;
- 4 (2) Restitution payments to the affected policyholders;
- 5 and
- 6 (3) For repeated violations, suspension of the insurance
- 7 company's license.

8 § -7 **Rulemaking.** The department may adopt rules
9 pursuant to chapter 91 as necessary to implement this chapter."

10 SECTION 3. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2025-2026 and the
13 same sum or so much thereof as may be necessary for fiscal year
14 2026-2027 to implement section 2 of this Act.

15 The sums appropriated shall be expended by the department
16 of commerce and consumer affairs for the purposes of this Act.

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

DCCA; Insurance; Rate Transparency; Consumer Advocacy;
Appropriations

Description:

Establishes rate transparency requirements for insurance companies operating in the State. Establishes the Office of Insurance Consumer Affairs within the Insurance Division of the Department of Commerce and Consumer affairs to provide oversight, information, and consumer advocacy. Appropriates funds. Effective 7/1/2050. (SD1)

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