

JAN 17 2025

A BILL FOR AN ACT

RELATING TO LAVA ZONE INSURANCE.

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

1 SECTION 1. The legislature finds that homeowners residing
2 in lava zones 1 and 2 face unique challenges caused by the
3 inherent volcanic hazards associated with their properties.
4 Based on these challenges, the legislature further finds that it
5 is appropriate to help alleviate some of the financial burden of
6 insurance premiums for these properties through the
7 establishment of a dedicated lava zone insurance fund. The
8 intent of the fund is to subsidize the cost of insurance
9 premiums for properties in lava zones 1 and 2, thereby reducing
10 the disproportionate burden placed upon homeowners because of
11 the geographic location of their properties.

12 The legislature additionally finds that subsidizing the
13 cost of insurance premiums for properties in these zones will
14 promote fairness, affordability, and accessibility in the
15 insurance market, encouraging homeownership and community
16 resilience in these unique geographical areas.



1 Accordingly, the purpose of this Act is to ensure that
2 people are not forced to lose their homes over a sudden rise in
3 homeowners' insurance by establishing a fair and equitable
4 resource to subsidize property insurance for homeowners residing
5 in lava zones 1 and 2.

6 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
7 amended by adding a new section to article 10E to be
8 appropriately designated and to read as follows:

9 "**\$431:10E- Lava zone insurance fund.** (a) There is
10 established a lava zone insurance fund into which shall be
11 deposited the following moneys:

12 (1) Appropriations by the legislature to the special fund;

13 (2) Gifts, donations, and grants from public agencies and
14 private persons;

15 (3) Any proceeds collected by the department derived from
16 fees charged to carry out the purposes of this
17 section; and

18 (4) Civil, criminal, and administrative penalties, fines,
19 and other charges, if any, collected under this
20 chapter or any rule adopted pursuant to this chapter.



1 (b) All interest earned or accrued on moneys deposited in
2 the fund shall become part of the fund.

3 (c) Moneys in the fund shall be expended by the
4 commissioner to subsidize the cost of insurance premiums for
5 homeowners in properties in lava zones 1 and 2; provided that:

6 (1) A homeowner does not own a real estate investment
7 property;

8 (2) The homeowner is a part of a low-income household as
9 determined by the United States Department of Housing
10 and Urban Development; and

11 (3) No more than per cent of the moneys may be used
12 to cover administrative and operational costs of the
13 lava zone subsidy program.

14 (d) The subsidy amount for each homeowner shall not be
15 more than \$ and for a period of years.

16 (e) Moneys deposited in the fund shall not revert to the
17 general fund.

18 (f) The department shall adopt rules in accordance with
19 chapter 91 for the purposes of this section, including the
20 establishment of any fees, penalties, fines, and other charges
21 that may be needed to implement the lava zone subsidy program."



S.B. NO. 707

SECTION 3. Section 431:2-215, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All assessments, fees, fines, penalties, and reimbursements collected by or on behalf of the insurance division under title 24, except for the commissioner's education and training fund (section 431:2-214), the patients' compensation fund (Act 232, Session Laws of Hawaii 1984), the drivers education fund underwriters fee (sections 431:10C-115 and 431:10G-107), ~~and~~ the captive insurance administrative fund (section 431:19-101.8) to the extent provided by section 431:19-101.8(b), and the lava zone insurance fund (section 431:10E-), shall be deposited into the compliance resolution fund under section 26-9(o). All sums transferred from the insurance division into the compliance resolution fund may be expended by the commissioner to carry out the commissioner's duties and obligations under title 24."

SECTION 4. Section 431:10E-141, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]431:10E-141[§] Lava zone defined.~~ Definitions. As used in this article~~[, "lava"]~~:



1 "Lava zone" means a volcanic hazard zone identified by the
2 United States Geological Survey on the island of Hawaii.

3 "Lava zone 1" means the land area classified by the United
4 States Geological Survey as lava flow hazard zone 1 and includes
5 volcanic vents in the summits and rift zones of Kilauea and
6 Mauna Loa where vents have been repeatedly active in historic
7 time.

8 "Lava zone 2" means the land area classified by the United
9 States Geological Survey as lava flow hazard zone 2 and includes
10 areas adjacent to and downslope of zone 1."

11 SECTION 5. There is appropriated out of the general fund
12 the sum of \$ or so much thereof as may be necessary
13 for fiscal year 2025-2026 and the same sum or so much thereof as
14 may be necessary for fiscal year 2026-2027 to be deposited into
15 the lava zone insurance fund.

16 SECTION 6. There is appropriated out of the lava zone
17 insurance fund the sum of \$ or so much thereof as may
18 be necessary for fiscal year 2025-2026 and the same sum or so
19 much thereof as may be necessary for fiscal year 2026-2027 to
20 subsidize the cost of insurance premiums for properties in lava
21 zones 1 and 2 pursuant to section 2 of this Act.



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

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on July 1, 2025.

6

INTRODUCED BY:

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S.B. NO. 707

Report Title:

Property Insurance; Lava Zones; Premiums; Lava Zone Insurance Fund; Appropriation

Description:

Establishes a Lava Zone Insurance Fund to subsidize the cost of insurance premiums for properties in lava zones 1 and 2.

Defines lava zones 1 and 2. Appropriates funds.

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

