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# 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 climate disasters,  
2 extreme weather attributable to climate change, and harms  
3 resulting from long-term changes to the climate system pose a  
4 threat to the health, safety, and security of all residents of,  
5 and visitors to, the State.

6           For residents, climate change risks include an increase in  
7 precipitation and intense tropical storms, hotter temperatures,  
8 rising sea level, and intensified drought. Accordingly, the  
9 State has a compelling state interest in protecting its citizens  
10 from climate disasters, extreme weather attributable to climate  
11 change, and harms resulting from long-term changes to the  
12 climate system. This protection includes affordable access to a  
13 functioning insurance market in the State.

14           The legislature further finds there is also a compelling  
15 state interest in preserving public resources for traditional  
16 public purposes, which does not include subsidizing the  
17 continued operation of the insurance market. The insurance



1 industry has been destabilized and harmed by the deception of  
2 people and entities who have engaged in misleading and deceptive  
3 practices about the connection between fossil fuel products and  
4 climate change. The State's insurance industry, particularly  
5 the property and casualty insurance sector, has been  
6 destabilized by large and frequent payouts to policyholders for  
7 a variety of events caused by or attributable to the deception  
8 of these responsible parties. This instability has led to  
9 increased nonrenewal rates and premiums on all islands and for  
10 multiple types of insurance policies. Between 2018 and 2023,  
11 insurance nonrenewal rates increased by ninety-one per cent in  
12 the county of Kauai, two hundred ninety-six per cent in the city  
13 and county of Honolulu, one hundred eighty-four per cent in the  
14 county of Maui, and seventy per cent in the county of Hawaii.

15 The legislature further finds that the area burned by  
16 wildfires in the State has increased fourfold. Most recently,  
17 the 2023 Maui wildfires, which were exacerbated by climate  
18 change, destroyed the town of Lahaina and killed at least one  
19 hundred two people. In the aftermath of this tragic and  
20 horrific event, insurance companies operating in Hawaii have  
21 already paid out over \$2,300,000,000 across more than ten



1 thousand wildfire claims to fire victims, with another  
2 \$1,000,000,000 of additional insured losses yet to be paid. The  
3 scope and scale of damage has led to difficult settlement  
4 negotiations in which parties have tried to address how to meet  
5 the needs of fire victims, maintain a solvent market for  
6 insurance, and keep vital public utilities and educational  
7 institutions operating in the State's communities. Hawaii has a  
8 compelling state interest in protecting the integrity of these  
9 institutions as they seek to provide relief to harmed and  
10 impacted parties.

11 Climate change has also impacted the amount of water  
12 available in key watersheds across the islands. Ongoing drought  
13 has created water security issues that are exacerbated by the  
14 growing water demand, which may increase up to thirty-six per  
15 cent by the end of the century. For example, rainfall in the  
16 Nuuanu watershed is projected to decrease by as much as  
17 twenty-seven per cent, and both the Heeia and Na Wai Eha  
18 watershed are also experiencing decreases in rainfall,  
19 threatening groundwater supplies and drinking water  
20 availability.



1           At Hawaii's shorelines, sea level has risen ten inches on  
2 average compared to 1950, and the mean number of days that cause  
3 high tide flooding in Honolulu has almost doubled from six to  
4 eleven days per year since the 1960s. Almost all the shorelines  
5 in Hawaii, approximately ninety-two per cent, are predicted to  
6 retreat between one and twenty-four meters by 2050. Researchers  
7 predict that shoreline retreat rates have doubled from the  
8 historical rate due to sea level rise.

9           Climate change is also causing more extreme temperatures in  
10 Hawaii. The average annual temperature in Hawaii in 2016 was  
11 about 1.7 degrees Fahrenheit warmer than the one hundred-year  
12 mean from 1917 to 2016. Similarly, global mean sea surface  
13 temperature has increased by about 1.8 degrees Fahrenheit over  
14 the past century and waters around Hawaii have followed this  
15 trend.

16           The legislature finds that for decades, certain people and  
17 entities have spread intentional lies, misinformation and  
18 disinformation, and misrepresentations about the connection  
19 between climate change and fossil fuel products, as well as how  
20 climate change has caused injuries in the State. Continued  
21 lies, misinformation and disinformation, and misrepresentations



1 by responsible parties pose a threat to the health, safety, and  
2 security of Hawaii's residents and visitors. These parties have  
3 long known the dangers of fossil fuel products; however, they  
4 have continued to deny and lie for profit. Hiding, obfuscating,  
5 and denying information to consumers, elected officials, and  
6 regulators alike has harmed and continues to harm the State.  
7 Hawaii has a compelling interest in protecting consumers from  
8 lies and misleading information, while also encouraging factual  
9 and truthful information on how climate disasters and other  
10 harms can be attributed to the responsible parties who have  
11 spread falsehoods.

12 The legislature further finds and declares that:

- 13 (1) Individuals and entities involved in the production of  
14 fossil fuel products have engaged in a decades-long  
15 project to protect their bottom lines with a  
16 coordinated effort to deceive the public about the  
17 reality of the climate crisis;
- 18 (2) Documents unveiled by investigative journalists and  
19 cited in current litigation brought by the city and  
20 county of Honolulu and the county of Maui demonstrate  
21 that those parties were aware of the potentially



1 catastrophic impact of their products from as early as  
2 the 1950s. Even though research conducted by their  
3 own scientists affirmed the impacts of their business,  
4 these parties outright denied that climate change was  
5 real, spread disinformation to cast doubt on the  
6 science, and fought regulatory action against fossil  
7 fuel and fossil fuel products;

8 (3) By the 1970s and 1980s, the scientific community  
9 understood that increasing carbon dioxide  
10 concentration in the atmosphere would contribute to  
11 global warming, and that the heightened carbon dioxide  
12 emissions were attributable to fossil fuels. These  
13 facts were supported by several fossil fuel industry  
14 scientists from different companies, such as Exxon and  
15 Shell, who presented these findings to their  
16 management with warnings that the "present trend of  
17 fossil fuel consumption will cause dramatic  
18 environmental effects before the year 2050";

19 (4) Despite having internal knowledge that increased  
20 carbon dioxide concentrations due to fossil-fuel  
21 combustion posed a considerable threat, responsible



1 parties launched a campaign to undermine climate  
2 science and stopped funding major climate research and  
3 launched campaigns to discredit climate science and  
4 delay actions perceived as contrary to their business  
5 interests by:

6 (A) Developing public relations strategies that were  
7 contradictory to their scientific knowledge and  
8 insights;

9 (B) Engaging in public communications campaigns to  
10 promote doubt and downplay the threats of climate  
11 change; and

12 (C) Funding individuals, organizations, and research  
13 aimed at discrediting the growing body of  
14 publicly available climate science;

15 (5) From 1970 to 2020, the oil and gas industry made  
16 nearly \$2,800,000,000 per day and \$1,000,000,000,000  
17 per year in profit;

18 (6) Responsible parties currently advertise "green"  
19 efforts to the public that mask the lack of real  
20 investment in resiliency and energy-source transition



1 and the continued prioritization of the extraction,  
2 refinement, and distribution of fossil fuel products;

3 (7) A December 2022 report by a congressional oversight  
4 committee revealed internal documents from fossil fuel  
5 industry senior leaders that explicitly reject taking  
6 accountability for the greenhouse gas emissions  
7 associated with their products; and

8 (8) By conduct and impact, these responsible parties have  
9 intentionally obfuscated the truth about climate  
10 change and outright deceived the public to continue  
11 dependence on fossil fuel products.

12 The legislature finds that responsible parties must be held  
13 accountable for their deception to those harmed by climate  
14 disasters, extreme weather attributable to climate change, and  
15 long-term changes to the climate system. The legislature  
16 further finds that the intentional lies, misinformation and  
17 disinformation, and misrepresentations by responsible parties  
18 about the connection between their fossil fuel products was  
19 primarily commercial activity.

20 The legislature finds that insurance companies operating in  
21 the State are well positioned to redress the harm that



1 responsible parties have caused through their deception. By  
 2 exercising their rights against responsible parties, the Hawaii  
 3 property insurance association and private insurance companies  
 4 have the ability to shift the costs of climate disasters,  
 5 extreme weather attributable to climate change, and other harms  
 6 resulting from long-term changes to the climate system onto the  
 7 responsible parties rather than policyholders and taxpayers in  
 8 the State.

9 It is the intent of the State to provide a judicial forum  
 10 for the efficient, just, and equitable resolution of claims  
 11 under this Act. State courts are the appropriate venue to hear  
 12 these claims and provide appropriate relief. The legislature  
 13 further declares that the harms related or attributable to  
 14 climate change should not be deemed acts of God, unforeseeable,  
 15 or otherwise classified as a force majeure event eligible for  
 16 litigation limitations or defenses, except as otherwise  
 17 explicitly and unambiguously provided.

18 Accordingly, the purpose of this Act is to:

- 19 (1) Provide a new, specific cause of action for insurers
- 20 to seek damages against a responsible party for harms
- 21 resulting from climate disasters, extreme weather



1           attributable to climate change, and long-term changes  
2           in the climate system; and

3           (2) Require insurance rates to account for any proceeds  
4           from the claims against a responsible party.

5           SECTION 2. Chapter 431, Hawaii Revised Statutes, is  
6           amended by adding a new section to article 13 to be  
7           appropriately designated and to read as follows:

8           "§431:13-       **Civil liability of responsible parties.**   (a)

9           The Hawaii property insurance association or any private insurer  
10          may bring a civil action against a responsible party pursuant to  
11          this section if the following conditions are met:

12          (1) The Hawaii property insurance association or any  
13          private insurer sustained qualifying damages of no  
14          less than \$10,000 as a result of a climate disaster or  
15          extreme weather or other event attributable to climate  
16          change; provided that multiple plaintiffs may  
17          aggregate their claims with a common injury and  
18          connection to a climate disaster or extreme weather or  
19          other event attributable to climate change to reach  
20          this amount in controversy threshold, regardless of  
21          association in a class action;



1       (2) During any time since the 1950, the responsible party  
2       did business in this State, was registered to do  
3       business in this State, was appointed an agent of this  
4       State or otherwise had sufficient contacts with this  
5       State to give this State jurisdiction over the  
6       responsible party; and

7       (3) Notwithstanding any other applicable statute of  
8       limitations, the action is filed within three years of  
9       the date that the injury was or should have been  
10       discovered.

11       (b) Any civil action against a responsible party that  
12       meets the conditions described in subsection (a) may be brought  
13       in any of the following applicable counties:

14       (1) The county in which all or a substantial part of the  
15       events giving rise to the action occurred;

16       (2) The county of residence for an individual defendant  
17       who is a natural person; or

18       (3) The county of the principal office in this State of  
19       any one of the defendants that is not a natural  
20       person.



1       (c) All responsible parties in any civil action that is  
2 filed pursuant to this section shall be jointly, severally, and  
3 strictly liable to a plaintiff for qualifying damages found to  
4 have been caused by a climate disaster or extreme weather or  
5 other event attributable to climate change.

6       (d) The connection between a policyholder's damages with a  
7 climate disaster, extreme weather or other event attributable to  
8 climate change, or harm resulting from long-term changes in the  
9 climate system and the payment to the policyholder for those  
10 damages shall be deemed an injury in fact for any person who is  
11 harmed by the event. Any person who suffers an injury in fact  
12 under this subsection shall have standing to bring a civil  
13 action pursuant to this section.

14       (e) Notwithstanding any other law to the contrary, the  
15 following shall not be considered a defense under this section:

- 16       (1) A defendant's ignorance or mistake of law;  
17       (2) A defendant's belief that the requirements under this  
18       section are unconstitutional;  
19       (3) A defendant's reliance on a court decision that has  
20       been reversed or vacated on appeal or overruled by a  
21       subsequent court, even if the court decision had not



1           been reversed, vacated, or overruled at the time the  
2           defendant engaged in the conduct giving rise to the  
3           action brought under this section;

4           (4) A defendant's reliance on a federal or state court  
5           decision that is not binding on the court in which the  
6           action has been brought;

7           (5) Nonmutual issue preclusion or nonmutual claim  
8           preclusion;

9           (6) A claim that the enforcement of this section or the  
10           imposition of civil liability against the defendant  
11           will violate a constitutional right of a third party;

12           (7) A defendant's assertion that this section proscribes  
13           conduct that is separately prohibited by any other law  
14           of this State;

15           (8) A claim that the defendant's fossil fuel products were  
16           not misused, or were not intended to be misused, in an  
17           unlawful manner;

18           (9) A defendant's assertion that federal or state laws  
19           relating to fossil fuel products and a responsible  
20           party's operations displace, abrogate, or supersede  
21           the actions authorized by this section, the authority



1 of the courts of this State to provide a forum for the  
2 action, or the authority of the courts of this State  
3 to provide a remedy to plaintiffs;

4 (10) A defendant's assertion that a choice-of-law or  
5 choice-of-forum clause governs the action, regardless  
6 of whether the clause applies to a plaintiff on the  
7 basis of consumer transactions;

8 (11) A defendant's assertion that the plaintiff assumed a  
9 risk of harm through the use of the defendant's  
10 products; and

11 (12) A defendant's assertion that the forum is  
12 inconvenient, if the jurisdictional requirements of  
13 this section are satisfied.

14 (f) No civil or administrative enforcement action pursuant  
15 to this section shall be brought by this State or any of its  
16 political subdivisions or officers or employees thereof.

17 (g) Notwithstanding any other law, this State, a state  
18 official, or a public prosecutor shall not intervene in a civil  
19 action brought pursuant to this section. However, this  
20 subsection shall not prohibit this State, a state official, or a



1 public prosecutor from filing an amicus curiae brief in the  
2 action.

3 (h) If a plaintiff prevails in an action brought pursuant  
4 to this section, the court shall award the amount of the  
5 qualifying damages.

6 (i) Notwithstanding any other law, a court shall not award  
7 attorneys' fees or costs to a defendant in an action brought  
8 pursuant to this section, unless the plaintiff was represented  
9 by counsel in the action and plaintiff's counsel is found by the  
10 court or the Hawaii State Bar Association to be in violation of  
11 applicable rules of professional conduct or rules of civil  
12 procedure.

13 (j) Qualifying damages awarded pursuant to this section  
14 may be offset by evidence that a plaintiff fully recovered from  
15 a public body or private entity for the plaintiff's qualifying  
16 damages.

17 (k) For the purposes of this section:

18 "Climate disaster" means an event that meets any of the  
19 following qualifications and is determined by impact attribution  
20 science or extreme event attribution science to be substantially



1 more probable or materially intensified by climate change from a  
2 responsible party's fossil fuel products:

- 3     (1) A natural catastrophe, including a hurricane, tornado,  
4     storm, high water, wind-driven water, tidal wave,  
5     tsunami, earthquake, volcanic eruption, landslide,  
6     mudslide, snowstorm, or drought, or, regardless of  
7     cause, a fire, flood, or explosion, that, in the  
8     determination of the President of the United States,  
9     causes damage of sufficient severity and magnitude to  
10    warrant major disaster assistance under the federal  
11    Robert T. Stafford Disaster Relief and Emergency  
12    Assistance Act, Public Law 93-288, as amended, to  
13    supplement the efforts and available resources of  
14    states, local governments, and disaster relief  
15    organizations in alleviating the damage, loss,  
16    hardship, or suffering caused by the catastrophe;
- 17    (2) A catastrophic incident that is a natural or manmade  
18    incident that results in extraordinary levels of mass  
19    casualties, damage, or disruption severely affecting  
20    the population, infrastructure, environment, economy,  
21    national morale, or government functions. A



1 catastrophic incident could result in sustained  
2 national impacts over a prolonged period of time,  
3 almost immediately exceeds resources normally  
4 available to state, local, tribal, and private sector  
5 authorities in the impacted area, and significantly  
6 interrupts governmental operations and emergency  
7 services to such an extent that national security  
8 could be threatened. A catastrophic incident does not  
9 include an event linked to terrorism;

10 (3) An event that qualifies or would have qualified as a  
11 climate disaster according to the National Centers for  
12 Environmental Information's billion-dollar weather and  
13 climate disasters program and data list, as it existed  
14 in December 2024;

15 (4) A state of emergency or local state of emergency as  
16 defined in section 127A-2; or

17 (5) An event or occurrence linked to extreme weather or  
18 other event attributable to climate change for which  
19 losses in the aggregate across insurance carriers in  
20 the State exceed \$100,000,000.



1       "Extreme event attribution science" means research aimed at  
2 understanding how human-induced changes in the global climate  
3 system affect the probability, severity, and other  
4 characteristics of extreme weather events, such as wildfires and  
5 flooding, by determining the likelihood of a particular event  
6 happening today compared to how it might have unfolded without  
7 the human-caused increase in concentration of greenhouse gases  
8 in the atmosphere.

9       "Extreme weather or other event attributable to climate  
10 change" means weather, climate, or environmental conditions,  
11 including temperature, precipitation, drought, flooding, or  
12 wildfires, that are consistent with impacts or events that are  
13 attributable to climate change and in which the intensity,  
14 magnitude, location, timing, or extent of the event are shown by  
15 peer-reviewed studies or assessments using peer-reviewed  
16 methods, to be attributable in part to climate change. These  
17 events include those that extreme event attribution science  
18 determines were made more likely or severe by climate change.

19       "Fossil fuel product" includes crude petroleum oil and all  
20 other hydrocarbons, regardless of gravity, produced at the  
21 wellhead in liquid form by ordinary production methods; natural,



1 manufactured, mixed, and byproduct hydrocarbon gas; refined  
2 crude oil; crude tops; topped crude; processed crude; processed  
3 crude petroleum; residue from crude petroleum; cracking stock;  
4 uncracked fuel oil; fuel oil; treated crude oil; residuum; gas  
5 oil; casinghead gasoline; natural-gas gasoline; kerosene;  
6 benzine; wash oil; waste oil; blended gasoline; lubricating oil;  
7 and blends or mixtures of oil with one or more liquid products  
8 or byproducts derived from oil or gas.

9 "Impact attribution science" means research aimed at  
10 understanding how global climate change affects human and  
11 natural systems, including localized physical impacts, such as  
12 floods, droughts, and sea level rise, and the corresponding  
13 effects on infrastructure, public health, ecosystems,  
14 agriculture, and economies.

15 "Qualifying damages" means the claims payments distributed  
16 by the Hawaii property insurance association or an insurance  
17 company to a policyholder for damages resulting from a climate  
18 disaster or extreme weather or other event attributable to  
19 climate change.

20 "Responsible party" means a firm, corporation, company,  
21 partnership, society, joint stock company, or any other entity



1 or association that engaged in misleading and deceptive  
 2 practices, including lies, or the provision of misinformation or  
 3 disinformation about the connection between its fossil fuel  
 4 products and climate change and extreme weather or other events  
 5 attributable to climate change. "Responsible party" does not  
 6 include the federal government, tribal governments, this State,  
 7 a political subdivision of the federal, tribal, or state  
 8 government, or an employee of the federal, tribal, or state  
 9 government on the basis of acts or omissions in the course of  
 10 official duties."

11 SECTION 3. Section 431:21-106, Hawaii Revised Statutes, is  
 12 amended by amending subsection (c) to read as follows:

13 "(c) The plan of operation:

14 (1) Shall establish procedures for performance of all the  
 15 powers and duties of the association under section  
 16 431:21-105;

17 (2) Shall establish maximum limits of liability to be  
 18 placed through the association;

19 (3) Shall establish reasonable underwriting standards for  
 20 determining insurability of a risk that are comparable  
 21 to the standards used to determine insurability of a



1 risk located outside the area designated by the  
2 commissioner as eligible for association coverage;

3 (4) Shall establish a schedule of deductibles, if  
4 appropriate;

5 (5) Shall establish a maximum period of time during which  
6 a high-rise condominium may be eligible to be insured  
7 by the association, which shall not exceed sixty  
8 months;

9 (6) Shall establish the commission to be paid to licensed  
10 producers;

11 (7) Shall establish the rates to be charged for the  
12 insurance coverages, so that the total premium income  
13 from all association policies, when combined with the  
14 investment income, shall annually fund the  
15 administration of the association. The administration  
16 of the association shall include the expenses incurred  
17 in processing applications, conducting inspections,  
18 issuing and servicing policies, paying commissions,  
19 and paying claims, but shall not include assessments  
20 approved by the commissioner[?]. Rates shall account  
21 for any proceeds obtained by the association from any



1           civil action against a responsible party for claims  
2           paid for losses from climate disasters, extreme  
3           weather, or other event attributable to climate change  
4           pursuant to section 431:13-     ; provided that if the  
5           association does not exercise its rights, the  
6           association shall be required to submit a report to  
7           the commissioner comparing the rates to be charged  
8           with the rates that would have been charged had the  
9           association fully recovered the losses from the  
10           responsible parties;

11           (8) Shall establish the manner and scope of the inspection  
12           and the form of the inspection report. The inspection  
13           guidelines may include setting minimum conditions the  
14           property must meet before an inspection is required;

15           (9) Shall establish procedures whereby selections for the  
16           board of directors will be submitted to the  
17           commissioner for the commissioner's information;

18           (10) Shall establish procedures for records to be kept of  
19           all financial transactions of the association, its  
20           producers, and its board of directors;



- 1       (11) Shall establish procedures by which applications will
- 2             be received and serviced by the association;
- 3       (12) Shall establish guidelines for the investigation and
- 4             payment of claims;
- 5       (13) Shall establish procedures whereby the association may
- 6             assume and cede reinsurance on risks written through
- 7             the association;
- 8       (14) Shall include the following:
- 9             (A) Coverage forms, endorsements, limits, and
- 10             deductibles for the covered condominium; provided
- 11             that the association may categorize these forms,
- 12             endorsements, limits, and deductibles by the type
- 13             of peril being covered;
- 14             (B) Rate tiers, including potential high deductible
- 15             options and surcharges for condominiums that
- 16             remain in the plan of operation;
- 17             (C) Provisions authorizing the association to decline
- 18             providing coverage;
- 19             (D) Potential annual premium rate increases; and
- 20             (E) Establishment of adequate rates to avoid
- 21             assessment of the voluntary market;



- 1       (15) Shall require, prior to issuance or renewal of
- 2            coverage, the applicant for condominium property
- 3            insurance coverage or renewal to:
- 4            (A) Provide the following to the association:
- 5                (i) The condominium association's declarations,
- 6                bylaws, or other documents that describe the
- 7                condominium association's process for paying
- 8                claims, including the portion of the claim
- 9                to be paid by the condominium association
- 10              and the portion to be paid by each unit
- 11              owner; and
- 12              (ii) The condominium association's declarations,
- 13              bylaws, or other documents that describe the
- 14              condominium association's process for
- 15              handling losses both pursuant to the
- 16              applicable master policy and by the
- 17              applicable condominium association;
- 18            (B) Cause to be completed an inspection of the
- 19            applicable condominium; provided that the
- 20            inspection shall be consistent with any
- 21            inspection and reporting standards established by



1 the board of directors of the association and  
2 incorporated into the plan of operation pursuant  
3 to paragraph (8); and

4 (C) Satisfy any relevant requirements established by  
5 the board of directors of the association and  
6 incorporated into the plan of operation;

7 (16) May prohibit coverage under this article for any high-  
8 rise condominium for which the association or its  
9 servicing entities or any agents thereof have  
10 identified maintenance issues that materially affect  
11 the insurability of the high-rise condominium for the  
12 type of coverage being sought; and

13 (17) Shall adopt procedures, guidelines, installment  
14 amounts, and a timetable for the repayment of any  
15 general fund moneys that are loaned to sufficiently  
16 capitalize the reserve trust fund established pursuant  
17 to section 431:21-105(b) (9) and deposited into the  
18 separate account within the reserve trust fund;  
19 provided that the repayment shall not commence until  
20 the reserve trust fund is sufficiently capitalized as  
21 determined by the board of directors."



1 SECTION 4. Nothing in this Act shall be construed to:

2 (1) Limit in any way the enforceability of existing laws  
3 concerning insurance, consumer protection, climate,  
4 environment, energy, or natural resources, by either  
5 the government or other private plaintiffs;

6 (2) Replace legally mandated disaster recovery funds,  
7 designated disaster recovery funds established via  
8 legislation or administrative rule, or contractually  
9 obligated or court ordered insurance claim payouts;

10 (3) Relieve the liability of an entity for damages  
11 resulting from climate change, as provided by any  
12 other law; or

13 (4) Preempt, displace, or restrict any rights or remedies  
14 of a person, this State, local government entities, or  
15 a tribal government pursuant to law relating to a  
16 past, present, or future allegation of any of the  
17 following:

18 (A) Deception concerning the effect of fossil fuels  
19 on climate change;



- 1 (B) Damage or injury resulting from the role of
- 2 fossil fuels in contributing to climate change;
- 3 and
- 4 (C) Failure to avoid damage or injury related to
- 5 climate change, including claims for nuisance,
- 6 trespass, design defect, negligence, failure to
- 7 warn, or deceptive or unfair practices, or claims
- 8 for injunctive, declaratory, monetary, or other
- 9 relief.

10 SECTION 5. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

HPIA; Property Insurance; Climate Change; Climate Disaster;  
Extreme Weather; Responsible Parties

**Description:**

Allows the Hawaii Property Insurance Association and private insurers to bring claims against responsible parties for amounts paid by the insurers for losses resulting from climate disasters and extreme weather attributable to climate change. Requires insurance rates established by the Hawaii Property Insurance Association to account for any proceeds from the civil claims against a responsible party. Effective 7/1/3000. (HD1)

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

