

---

---

# 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. Climate disasters threaten the  
6 functionality of the regular insurance market and the residual  
7 market, or "insurers of last resort", like the Hawaii Property  
8 Insurance Association, as well as taxpayer resources in the  
9 state-funded Hawaii hurricane relief fund, which was reactivated  
10 by Act 296, Session Laws of Hawaii 2025, to provide insurance  
11 coverage in scenarios where the private market fails to do so.

12           For residents, climate change risks include an increase in  
13 precipitation and intense tropical storms, hotter temperatures,  
14 rising sea level, and intensified drought. Accordingly, the  
15 State has a compelling state interest in protecting its citizens  
16 from climate disasters, extreme weather attributable to climate  
17 change, and harms resulting from long-term changes to the



1 climate system. This protection includes affordable access to a  
2 functioning insurance market in the State.

3 The legislature further finds there is also a compelling  
4 state interest in preserving public resources for traditional  
5 public purposes, which does not include subsidizing the  
6 continued operation of the insurance market. The insurance  
7 industry has been destabilized and harmed by the deception of  
8 people and entities who have engaged in misleading and deceptive  
9 practices about the connection between fossil fuel products and  
10 climate change. The State's insurance industry, particularly  
11 the property and casualty insurance sector, has been  
12 destabilized by large and frequent payouts to policyholders for  
13 a variety of events caused by or attributable to the deception  
14 of these responsible parties. This instability has led to  
15 increased nonrenewal rates and premiums on all islands and for  
16 multiple types of insurance policies. Between 2018 and 2023,  
17 insurance nonrenewal rates increased by ninety-one per cent in  
18 the county of Kauai, two hundred ninety-six per cent in the city  
19 and county of Honolulu, one hundred eighty-four per cent in the  
20 county of Maui, and seventy per cent in the county of Hawaii.  
21 The legislature believes that access to affordable insurance is



1 necessary for the stability and financial health of residents of  
2 the State, but is threatened by increasing nonrenewal rates and  
3 rapidly rising premiums. Therefore, the legislature further  
4 believes there is a compelling state interest in preserving  
5 insurance market stability, essential coverage for property  
6 owners and lenders, and affordable housing for the State's  
7 residents.

8       The legislature further finds that the area burned by  
9 wildfires in the State has increased fourfold. Most recently,  
10 the 2023 Maui wildfires, which were exacerbated by climate  
11 change, destroyed the town of Lahaina and killed at least one  
12 hundred two people. In the aftermath of this tragic and  
13 horrific event, insurance companies operating in Hawaii have  
14 already paid out over \$2,300,000,000 across more than ten  
15 thousand wildfire claims to fire victims, with another  
16 \$1,000,000,000 of additional insured losses yet to be paid. The  
17 scope and scale of damage has led to difficult settlement  
18 negotiations in which parties have tried to address how to meet  
19 the needs of fire victims, maintain a solvent market for  
20 insurance, and keep vital public utilities and educational  
21 institutions operating in the State's communities. Hawaii has a



1 compelling state interest in protecting the integrity of these  
2 institutions as they seek to provide relief to harmed and  
3 impacted parties.

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

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



1 Climate change is also causing more extreme temperatures in  
2 Hawaii. The average annual temperature in Hawaii in 2016 was  
3 about 1.7 degrees Fahrenheit warmer than the one hundred-year  
4 mean from 1917 to 2016. Similarly, global mean sea surface  
5 temperature has increased by about 1.8 degrees Fahrenheit over  
6 the past century and waters around Hawaii have followed this  
7 trend.

8 The legislature finds that for decades, certain people and  
9 entities have spread intentional lies, misinformation and  
10 disinformation, and misrepresentations about the connection  
11 between climate change and fossil fuel products, as well as how  
12 climate change has caused injuries in the State. Continued  
13 lies, misinformation and disinformation, and misrepresentations  
14 by responsible parties pose a threat to the health, safety, and  
15 security of Hawaii's residents and visitors. These parties have  
16 long known the dangers of fossil fuel products; however, they  
17 have continued to deny and lie for profit. Hiding, obfuscating,  
18 and denying information to consumers, elected officials, and  
19 regulators alike has harmed and continues to harm the State.  
20 Hawaii has a compelling interest in protecting consumers from  
21 lies and misleading information, while also encouraging factual



1 and truthful information on how climate disasters and other  
2 harms can be attributed to the responsible parties who have  
3 spread falsehoods.

4 The legislature further finds and declares that:

- 5 (1) Individuals and entities involved in the production of  
6 fossil fuel products have engaged in a decades-long  
7 project to protect their bottom lines with a  
8 coordinated effort to deceive the public about the  
9 reality of the climate crisis;
- 10 (2) Documents unveiled by investigative journalists and  
11 cited in current litigation brought by the city and  
12 county of Honolulu and the county of Maui demonstrate  
13 that those parties were aware of the potentially  
14 catastrophic impact of their products from as early as  
15 the 1950s. Even though research conducted by their  
16 own scientists affirmed the impacts of their business,  
17 these parties outright denied that climate change was  
18 real, spread disinformation to cast doubt on the  
19 science, and fought regulatory action against fossil  
20 fuel and fossil fuel products;



- 1           (3) By the 1970s and 1980s, the scientific community  
2           understood that increasing carbon dioxide  
3           concentration in the atmosphere would contribute to  
4           global warming, and that the heightened carbon dioxide  
5           emissions were attributable to fossil fuels. These  
6           facts were supported by several fossil fuel industry  
7           scientists from different companies, such as Exxon and  
8           Shell, who presented these findings to their  
9           management with warnings that the "present trend of  
10          fossil fuel consumption will cause dramatic  
11          environmental effects before the year 2050";
- 12          (4) Despite having internal knowledge that increased  
13          carbon dioxide concentrations due to fossil-fuel  
14          combustion posed a considerable threat, responsible  
15          parties launched a campaign to undermine climate  
16          science and stopped funding major climate research and  
17          launched campaigns to discredit climate science and  
18          delay actions perceived as contrary to their business  
19          interests by:



- 1 (A) Developing public relations strategies that were  
2 contradictory to their scientific knowledge and  
3 insights;
- 4 (B) Engaging in public communications campaigns to  
5 promote doubt and downplay the threats of climate  
6 change; and
- 7 (C) Funding individuals, organizations, and research  
8 aimed at discrediting the growing body of  
9 publicly available climate science;
- 10 (5) From 1970 to 2020, the oil and gas industry made  
11 nearly \$2,800,000,000 per day and \$1,000,000,000,000  
12 per year in profit;
- 13 (6) Responsible parties currently advertise "green"  
14 efforts to the public that mask the lack of real  
15 investment in resiliency and energy-source transition  
16 and the continued prioritization of the extraction,  
17 refinement, and distribution of fossil fuel products;
- 18 (7) A December 2022 report by a congressional oversight  
19 committee revealed internal documents from fossil fuel  
20 industry senior leaders that explicitly reject taking



1           accountability for the greenhouse gas emissions  
2           associated with their products; and  
3           (8) By conduct and impact, these responsible parties have  
4           intentionally obfuscated the truth about climate  
5           change and outright deceived the public to continue  
6           dependence on fossil fuel products.

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

15          The legislature finds that insurance companies operating in  
16          the State are well positioned to redress the harm that  
17          responsible parties have caused through their deception. By  
18          exercising their rights against responsible parties, the Hawaii  
19          Property Insurance Association, Hawaii hurricane relief fund,  
20          and private insurance companies have the ability to shift the  
21          costs of climate disasters, extreme weather attributable to



1 climate change, and other harms resulting from long-term changes  
2 to the climate system onto the responsible parties rather than  
3 policyholders and taxpayers in the State.

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

13 Accordingly, the purpose of this Act is to:

- 14 (1) Provide a new, specific cause of action for insurers,  
15 including the Hawaii Property Insurance Association  
16 and the Hawaii hurricane relief fund, to seek damages  
17 against a responsible party for harms resulting from  
18 climate disasters and extreme weather attributable to  
19 climate change; and



1 (2) Require Hawaii Property Insurance Association  
2 insurance rates to account for any proceeds from the  
3 claims against a responsible party.

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

7 "§431:13- Civil liability of responsible parties. (a)

8 The Hawaii Property Insurance Association, the Hawaii hurricane  
9 relief fund, or any private insurer may bring a civil action  
10 against a responsible party pursuant to this section if the  
11 following conditions are met:

12 (1) The Hawaii Property Insurance Association, the Hawaii  
13 hurricane relief fund, or any private insurer  
14 sustained qualifying damages of \$10,000 or more as a  
15 result of a climate disaster or extreme weather or  
16 other event attributable to climate change; provided  
17 that multiple plaintiffs may aggregate their claims  
18 with a common injury and connection to a climate  
19 disaster or extreme weather or other event  
20 attributable to climate change to reach this amount in



1 controversy threshold, regardless of association in a  
2 class action;

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

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

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

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

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



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

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

9       (d) The payment by a plaintiff to a policyholder for  
10       qualifying damages resulting from a climate disaster or extreme  
11       weather or other event attributable to climate change, including  
12       an occurrence whose likelihood or severity was increased by  
13       long-term changes in the climate system, shall be deemed an  
14       injury in fact to the plaintiff for purposes of standing under  
15       this section.

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

18       (1) A defendant's ignorance or mistake of law;

19       (2) A defendant's belief that the requirements under this  
20       section are unconstitutional;



- 1        (3) A defendant's reliance on a court decision that has  
2        been reversed or vacated on appeal or overruled by a  
3        subsequent court, even if the court decision had not  
4        been reversed, vacated, or overruled at the time the  
5        defendant engaged in the conduct giving rise to the  
6        action brought under this section;
- 7        (4) A defendant's reliance on a federal or state court  
8        decision that is not binding on the court in which the  
9        action has been brought;
- 10       (5) Nonmutual issue preclusion or nonmutual claim  
11       preclusion;
- 12       (6) A claim that the enforcement of this section or the  
13       imposition of civil liability against the defendant  
14       will violate a constitutional right of a third party;
- 15       (7) A defendant's assertion that this section proscribes  
16       conduct that is separately prohibited by any other law  
17       of this State;
- 18       (8) A claim that the defendant's fossil fuel products were  
19       not misused, or were not intended to be misused, in an  
20       unlawful manner;



- 1        (9) A defendant's assertion that federal or state laws  
2        relating to fossil fuel products and a responsible  
3        party's operations displace, abrogate, or supersede  
4        the actions authorized by this section, the authority  
5        of the courts of this State to provide a forum for the  
6        action, or the authority of the courts of this State  
7        to provide a remedy to plaintiffs;
- 8        (10) A defendant's assertion that a choice-of-law or  
9        choice-of-forum clause governs the action, regardless  
10       of whether the clause applies to a plaintiff on the  
11       basis of consumer transactions;
- 12       (11) A defendant's assertion that the plaintiff assumed a  
13       risk of harm through the use of the defendant's  
14       products; and
- 15       (12) A defendant's assertion that the forum is  
16       inconvenient, if the jurisdictional requirements of  
17       this section are satisfied.
- 18       (f) This section shall not prohibit this State, a state  
19       official, or a public prosecutor from filing an amicus curiae  
20       brief in a civil action brought pursuant to this section.



1       (g) If a plaintiff prevails in an action brought pursuant  
2 to this section, the court shall award the amount of the  
3 qualifying damages. In any civil action against a responsible  
4 party under this section, the Hawaii Property Insurance  
5 Association, the Hawaii hurricane relief fund, or any private  
6 insurer may recover or obtain court costs, litigation expenses,  
7 reasonable attorneys' fees, and any other relief that the court  
8 or a jury deems proper.

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

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

20       (j) For the purposes of this section:



1       "Climate disaster" means an event that meets any of the  
2 following qualifications and is determined by impact attribution  
3 science or extreme event attribution science to be substantially  
4 more probable or materially intensified by climate change from a  
5 responsible party's fossil fuel products:

6       (1) A natural catastrophe, including a hurricane, tornado,  
7 storm, high water, wind-driven water, tidal wave,  
8 tsunami, earthquake, volcanic eruption, landslide,  
9 mudslide, snowstorm, or drought, or, regardless of  
10 cause, a fire, flood, or explosion, that, in the  
11 determination of the President of the United States,  
12 causes damage of sufficient severity and magnitude to  
13 warrant major disaster assistance under the federal  
14 Robert T. Stafford Disaster Relief and Emergency  
15 Assistance Act, Public Law 93-288, as amended, to  
16 supplement the efforts and available resources of  
17 states, local governments, and disaster relief  
18 organizations in alleviating the damage, loss,  
19 hardship, or suffering caused by the catastrophe;

20       (2) A catastrophic incident that is a natural or manmade  
21 incident that results in extraordinary levels of mass



1 casualties, damage, or disruption severely affecting  
2 the population, infrastructure, environment, economy,  
3 national morale, or government functions. A  
4 catastrophic incident could result in sustained  
5 national impacts over a prolonged period of time,  
6 almost immediately exceed resources normally available  
7 to state, local, tribal, and private sector  
8 authorities in the impacted area, and significantly  
9 interrupt governmental operations and emergency  
10 services to such an extent that national security  
11 could be threatened. A catastrophic incident does not  
12 include an event linked to terrorism;  
13 (3) An event that qualifies or would have qualified as a  
14 climate disaster according to the National Centers for  
15 Environmental Information's billion-dollar weather and  
16 climate disasters program and data list, as it existed  
17 in December 2024;  
18 (4) A state of emergency or local state of emergency as  
19 defined in section 127A-2; or  
20 (5) An event or occurrence linked to extreme weather or  
21 other event attributable to climate change for which



1           losses in the aggregate across insurance carriers in  
2           the State exceed \$100,000,000.

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

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



1       "Fossil fuel product" includes crude petroleum oil and all  
2 other hydrocarbons, regardless of gravity, produced at the  
3 wellhead in liquid form by ordinary production methods; natural,  
4 manufactured, mixed, and byproduct hydrocarbon gas; refined  
5 crude oil; crude tops; topped crude; processed crude; processed  
6 crude petroleum; residue from crude petroleum; cracking stock;  
7 uncracked fuel oil; fuel oil; treated crude oil; residuum; gas  
8 oil; casinghead gasoline; natural-gas gasoline; kerosene;  
9 benzine; wash oil; waste oil; blended gasoline; lubricating oil;  
10 and blends or mixtures of oil with one or more liquid products  
11 or byproducts derived from oil or gas.

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

18       "Qualifying damages" means the claims payments distributed  
19 by the Hawaii Property Insurance Association, the Hawaii  
20 hurricane relief fund, or an insurance company to a policyholder



1 for damages resulting from a climate disaster or extreme weather  
2 or other event attributable to climate change.

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

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

17 "(c) The plan of operation:

- 18 (1) Shall establish procedures for performance of all the  
19 powers and duties of the association under section  
20 431:21-105;



- 1           (2) Shall establish maximum limits of liability to be  
2                   placed through the association;
- 3           (3) Shall establish reasonable underwriting standards for  
4                   determining insurability of a risk that are comparable  
5                   to the standards used to determine insurability of a  
6                   risk located outside the area designated by the  
7                   commissioner as eligible for association coverage;
- 8           (4) Shall establish a schedule of deductibles, if  
9                   appropriate;
- 10          (5) Shall establish a maximum period of time during which  
11               a high-rise condominium may be eligible to be insured  
12               by the association, which shall not exceed sixty  
13               months;
- 14          (6) Shall establish the commission to be paid to licensed  
15               producers;
- 16          (7) Shall establish the rates to be charged for the  
17               insurance coverages, so that the total premium income  
18               from all association policies, when combined with the  
19               investment income, shall annually fund the  
20               administration of the association. The administration  
21               of the association shall include the expenses incurred



1 in processing applications, conducting inspections,  
2 issuing and servicing policies, paying commissions,  
3 and paying claims, but shall not include assessments  
4 approved by the commissioner[?]. Rates shall account  
5 for any proceeds obtained by the association from any  
6 civil action against a responsible party for claims  
7 paid for losses from climate disasters or extreme  
8 weather or other events attributable to climate change  
9 pursuant to section 431:13- ; provided that if the  
10 association does not exercise its rights under that  
11 section, the association shall submit a report to the  
12 commissioner comparing the rates to be charged with  
13 the rates that would have been charged had the  
14 association fully recovered the losses from the  
15 responsible parties;

- 16 (8) Shall establish the manner and scope of the inspection  
17 and the form of the inspection report. The inspection  
18 guidelines may include setting minimum conditions the  
19 property must meet before an inspection is required;



- 1           (9)    Shall establish procedures whereby selections for the  
2                   board of directors will be submitted to the  
3                   commissioner for the commissioner's information;
- 4           (10)   Shall establish procedures for records to be kept of  
5                   all financial transactions of the association, its  
6                   producers, and its board of directors;
- 7           (11)   Shall establish procedures by which applications will  
8                   be received and serviced by the association;
- 9           (12)   Shall establish guidelines for the investigation and  
10                  payment of claims;
- 11          (13)   Shall establish procedures whereby the association may  
12                  assume and cede reinsurance on risks written through  
13                  the association;
- 14          (14)   Shall include the following:
  - 15                  (A)   Coverage forms, endorsements, limits, and  
16                          deductibles for the covered condominium; provided  
17                          that the association may categorize these forms,  
18                          endorsements, limits, and deductibles by the type  
19                          of peril being covered;



- 1 (B) Rate tiers, including potential high deductible
- 2 options and surcharges for condominiums that
- 3 remain in the plan of operation;
- 4 (C) Provisions authorizing the association to decline
- 5 providing coverage;
- 6 (D) Potential annual premium rate increases; and
- 7 (E) Establishment of adequate rates to avoid
- 8 assessment of the voluntary market;
- 9 (15) Shall require, [~~prior to~~] before issuance or renewal
- 10 of coverage, the applicant for condominium property
- 11 insurance coverage or renewal to:
- 12 (A) Provide the following to the association:
- 13 (i) The condominium association's declarations,
- 14 bylaws, or other documents that describe the
- 15 condominium association's process for paying
- 16 claims, including the portion of the claim
- 17 to be paid by the condominium association
- 18 and the portion to be paid by each unit
- 19 owner; and
- 20 (ii) The condominium association's declarations,
- 21 bylaws, or other documents that describe the



1                   condominium association's process for  
2                   handling losses both pursuant to the  
3                   applicable master policy and by the  
4                   applicable condominium association;  
5           (B) Cause to be completed an inspection of the  
6                   applicable condominium; provided that the  
7                   inspection shall be consistent with any  
8                   inspection and reporting standards established by  
9                   the board of directors of the association and  
10                  incorporated into the plan of operation pursuant  
11                  to paragraph (8); and  
12           (C) Satisfy any relevant requirements established by  
13                   the board of directors of the association and  
14                   incorporated into the plan of operation;  
15       (16) May prohibit coverage under this article for any high-  
16                  rise condominium for which the association or its  
17                  servicing entities or any agents thereof have  
18                  identified maintenance issues that materially affect  
19                  the insurability of the high-rise condominium for the  
20                  type of coverage being sought; and



1 (17) Shall adopt procedures, guidelines, installment  
2 amounts, and a timetable for the repayment of any  
3 general fund moneys that are loaned to sufficiently  
4 capitalize the reserve trust fund established pursuant  
5 to section 431:21-105(b) (9) and deposited into the  
6 separate account within the reserve trust fund;  
7 provided that the repayment shall not commence until  
8 the reserve trust fund is sufficiently capitalized as  
9 determined by the board of directors."

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

11 (1) Limit in any way the enforceability of existing laws  
12 concerning insurance, consumer protection, climate,  
13 environment, energy, or natural resources, by either  
14 the government or other private plaintiffs;

15 (2) Replace legally mandated disaster recovery funds,  
16 designated disaster recovery funds established via  
17 legislation or administrative rule, or contractually  
18 obligated or court ordered insurance claim payouts;

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



1 (4) Preempt, displace, or restrict any rights or remedies  
2 of a person, this State, local government entities, or  
3 a tribal government pursuant to law relating to a  
4 past, present, or future allegation of any of the  
5 following:

6 (A) Deception concerning the effect of fossil fuels  
7 on climate change;

8 (B) Damage or injury resulting from the role of  
9 fossil fuels in contributing to climate change;  
10 and

11 (C) Failure to avoid damage or injury related to  
12 climate change, including claims for nuisance,  
13 trespass, design defect, negligence, failure to  
14 warn, or deceptive or unfair practices, or claims  
15 for injunctive, declaratory, monetary, or other  
16 relief.

17 SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

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



**Report Title:**

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

**Description:**

Allows the Hawaii Property Insurance Association, the Hawaii Hurricane Relief Fund, 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. (HD2)

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

