

## ACT 80

S.B. NO. 2009

A Bill for an Act Relating to Insurance.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 431, Hawaii Revised Statutes, is amended by adding a new part to article 10E to be appropriately designated and to read as follows:

**“PART II. HOMEOWNERS INSURANCE CLAIMS HISTORY**

**§431:10E- Purpose.** The purpose of this part is to regulate the use of claims history information for homeowners insurance and provide certain consumer protections with respect to the use of this information.

**§431:10E- Scope; effective dates.** This part shall apply to all homeowners insurance policies delivered or issued for delivery in this State after July 31, 2012.

**§431:10E- Definitions.** As used in this part, “inquiry” means a telephone call or other communication made to an insurer regarding the terms, conditions, or coverage afforded under an insurance policy that does not result in a claim, including questions concerning whether a policy will cover a loss or the process for filing a claim. The term shall not constitute a claim for purposes of section 431:13-103(a)(11).

**§431:10E- Use of inquiries and other information.** An insurer shall not refuse to issue, refuse to renew, or cancel a homeowners insurance policy, or establish rates for coverage based in whole or in part on inquiries made by any consumer to an insurer, unless the inquiry provides information not previously disclosed by the insured.”

SECTION 2. Article 10E, Chapter 431, Hawaii Revised Statutes, is amended by designating sections 431:10E-101 to 431:10E-103 as part I and inserting a title before section 431:10E-101 to read as follows:

**“PART I. INSURABLE INTEREST IN PROPERTY; OVER-INSURANCE”**

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 26, 2012.)