

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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The Department of Commerce and Consumer Affairs (DCCA), established under section 26-9, HRS, is headed by the Director of Commerce and Consumer Affairs. DCCA protects the interests of consumers, depositors, and investors throughout the State. It sets standards and enforces laws and rules governing businesses, including licensed professionals, and is responsible for business registration, consumer protection, and consumer advocacy in regulated utility and transportation services. DCCA also conducts administrative hearings through its Office of Administrative Hearings, and administers the State Certified Arbitration Program ("Lemon Law" for motor vehicles), as well as the Mortgage Foreclosure Dispute Resolution Program.

Office of the Director

The Office of the Director plans, directs, and coordinates the various activities of the Department. The Office provides support for the Director and handles departmental administration, budget preparation and administration, legislative proposals, organizational review, management of personnel resources, and internal and external communications for the Department.

Post-Secondary Education Authorization Program. The Hawaii Post-Secondary Education Authorization Program (HPEAP), established in DCCA in 2013 under section 305J-1, HRS, creates the framework for authorizing accredited, degree-granting private post-secondary educational institutions in the State. The purpose of HPEAP is to bring Hawaii into compliance with Title IV of the Higher Education Act of 1965,¹ relating to financial aid assistance.

Office of Administrative Hearings

The Office of Administrative Hearings is responsible for conducting administrative hearings and issuing recommended or final decisions for all divisions within DCCA that are required to provide contested case hearings pursuant to the provisions of chapters 91 and 92, HRS.

Additional matters heard by the Office of Administrative Hearings are: (1) medical tort claims before Medical Inquiry and Conciliation Panels, under chapter 671, part II, HRS; (2) tort claims against design professionals before Design Claim Conciliation Panels, under chapter 672B, HRS; (3) disputes arising from the Hawaii Public Procurement Code under chapter 103D, HRS; (4) contested case hearings involving the Employees' Retirement System of the State of

¹ See P.L. 89-329; 20 U.S.C. 1070 et seq.

Hawaii, under chapter 88, HRS; and (5) disputes among manufacturers, distributors, and dealers of motor vehicles covered by chapter 437, part II, HRS.

Administrative Services Office

The Administrative Services Office provides the Department with fiscal, budgetary, and office services in support of departmental programs. It provides general internal management assistance to the Director in exercising responsibilities as executive of the Department.

The Fiscal Section implements operational plans for the Department's fiscal management program. It provides fiscal guidance to the programs through the development and implementation of sound fiscal policies and procedures. It maintains an internal accounting system and reviews and processes all departmental receipt and expenditure transactions and payroll records.

The Budget and Management Analysis Staff coordinates the preparation of the annual budget of the Department in cooperation with its various divisions. It assists programs with managing their budgets and monitoring their revenue and expenditure accounts.

The Office Services Staff provides administrative support and coordination of departmental service functions, such as the coordination of mail and messenger services, inventory management, typing of administrative rules and laws, duplication services, and the maintenance of central files.

Information Systems and Communications Office

The Information Systems and Communications Office (ISCO) provides the Department technology-related goods and services that improve the Department's operations and facilitates the delivery of services to businesses and consumers. Goods and services may be sourced internally or externally depending on specific needs, costs, and timelines.

ISCO also represents DCCA at the Office of Enterprise Technology Services (ETS), participating in cross-department initiatives where appropriate.

Office of Consumer Protection

The Office of Consumer Protection (OCP) serves as the Consumer Counsel for the State under chapter 487, HRS. As Consumer Counsel, OCP is the primary government agency responsible for reviewing, investigating, and prosecuting allegations of unfair or deceptive trade practices in consumer transactions. In addition to its enforcement powers, OCP provides consumer education and fosters awareness of important consumer protection issues through its programs, media releases, and educational materials.

Functionally, this means that OCP has jurisdiction over a wide range of businesses and commercial activities. OCP receives myriad consumer complaints each year, including but not limited to: advertising violations, door-to-door sales, solar energy devices, gift certificates, offers of gifts and prizes, going-out-of-business sales, refunds and exchanges, collection practices, health clubs, towing, fine prints, motor vehicle rentals, and credit sales. OCP also investigates and initiates enforcement actions in numerous consumer fraud cases related to mortgage foreclosure rescue scams under chapters 480 (Monopolies; Restraint of Trade) and 480E (Mortgage Rescue Fraud Prevention Act), HRS.

In addition to its enforcement duties, OCP offers information on the Residential Landlord-Tenant Code, under chapter 521, HRS, to the public through the Landlord-Tenant Information Center.

OCP also administers the Mortgage Foreclosure Dispute Resolution Program, established under section 667-73, HRS. With the assistance of the Judiciary Center for Alternative Dispute Resolution, DCCA has contracted with neutral services providers to supply qualified neutrals in order to facilitate dispute resolution between owner-occupants and their lenders. Participation in this program by owner-occupants is voluntary and applies only to nonjudicial foreclosures.

Business Registration Division

The Business Registration Division (BREG) has three primary functions:

Business Registration. Ministerial business registration, processing, and maintenance of business registration documents for public access, including corporations, general and limited partnerships, limited liability partnerships, limited liability limited partnerships, limited liability companies, trade names, trademarks, service marks, and publicity rights.

Business Action Centers. One-stop point-of-service assistance to the public to help businesses apply for state business and employer registrations and state taxpayer IDs.

Securities Compliance and Enforcement. Substantive regulatory oversight over the securities industry and franchises in the State in the following areas: registration of broker-dealers, securities agents, investment advisers, investment adviser representatives, investment companies, and securities and franchise offerings for sale in the State; field examinations of broker-dealers and investment advisers in the State; review of securities and franchise offerings for sale in the State; and enforcement of the Hawaii Uniform Securities Act, under chapter 485A, HRS, and the Franchise Investment Law, under chapter 482E, HRS. BREG also conducts statewide outreach through its Investor Education Program, providing the public with free presentations and resources relating to investment fraud protection.

Cable Television Division

The regulatory powers vested in the Director over cable television companies, under section 440G-4, HRS, are administered by the Cable Television Division (CATV). CATV: (1) determines whether the initial issuance, renewal, or transfer of a cable franchise is in the public's best interest; and (2) enforces obligations of a cable franchise to ensure cable operators' compliance with rules relating to their practices and procedures, such as customer service, technical standards, and basic service rates consistent with state and federal laws. In addition to its regulatory oversight of the franchised cable industry, CATV is also responsible for implementing activities to promote ubiquitous access to high-speed broadband at affordable prices throughout the State. These activities include developing plans and recommending legislation to expand and accelerate deployment of broadband infrastructure; supporting public-private efforts to develop broadband infrastructure; and working with government agencies, broadband providers, and other stakeholders to advance the provision of broadband services to unserved and underserved areas in the State.

Broadband Assistance Advisory Council. Act 199, SLH 2010, section 3, as amended by Act 151, SLH 2011, section 5, and further amended by Act 23, SLH 2016, section 2, directs the Director of Commerce and Consumer Affairs (Director) to convene and chair the Broadband Assistance Advisory Council to advise the Director on policy and funding priorities to promote and encourage use of telework alternatives for public and private employees and expedite deployment of affordable and accessible broadband services in Hawaii. The Council consists of the Director, or designee, the Director of Business, Economic Development and Tourism (DBEDT), or designee, and twelve members as follows: (1) two members of the Senate, appointed by the President of the Senate; (2) two members of the House of Representatives, appointed by the Speaker of the House of Representatives; (3) four representatives of federal, state, and county government entities having a role in infrastructure deployment; management of public rights-of-way, regulation, and franchising; information technology; and economic development; and (4) four representatives of Hawaii's private sector technology, telecommunications, and investment industries. Except for the Director and the Director of DBEDT, all members serve four-year terms. The Director serves as Chairperson of the Council.

Cable Advisory Committee. The Cable Advisory Committee, established under section 440G-13, HRS, consists of five members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. The Committee advises: (1) the Director, cable operators, and access organizations on matters within the jurisdiction of chapter 440G, HRS, at the request of the Director, any cable operator, or any access organization; and (2) the Director on any decision designating, modifying, or rescinding a designation of an access organization or the requirements therefor, as provided in section 440G-8.3, HRS.

Division of Consumer Advocacy

The Executive Director of the Division of Consumer Advocacy is the Consumer Advocate in hearings before the Public Utilities Commission. The powers and duties of the Consumer Advocate are set forth in chapter 269, part II, HRS. The Consumer Advocate represents, protects, and advances the interests of all consumers, including small businesses, of

regulated utility and transportation services. These regulated lifeline services include electricity, gas, telecommunications, passenger and/or property carriage over land and water, private water, and wastewater. In order to carry out this mandate, the Division plans, organizes, directs, and coordinates efforts to ensure compliance with laws regulating the conduct and management of all franchised or certified public service companies operating in the State. The Division performs various analyses, including but not limited to economic, engineering, financial, policy, and statistical disciplines, of the applications filed by or relating to public utilities and transportation companies that serve Hawaii. The Division files its recommendations with the Hawaii Public Utilities Commission and/or relevant federal regulatory agencies, such as the Federal Communications Commission or the Federal Energy Regulatory Commission, as necessary and appropriate.

Division of Financial Institutions

The Division of Financial Institutions administers and enforces state laws governing the licensure, examination, and supervision of state-chartered and state-licensed financial institutions, including banks, savings and loan associations, financial services loan companies, trust companies, credit unions, and foreign banks, to ensure their safety, soundness, and regulatory compliance. The Division also administers and enforces state and federal laws governing escrow depositories, money transmitters, mortgage servicers, mortgage loan originators, and mortgage loan originator companies to ensure regulatory compliance.

The Division is headed by the Commissioner of Financial Institutions who is appointed by the Director of Commerce and Consumer Affairs, subject to approval by the Governor, pursuant to section 412:2-100, HRS.

The Division has two branches: (1) The Field Examination Branch is responsible for on-site examinations of financial institutions to determine the financial condition of the institution, evaluate its management, and determine compliance with applicable laws and rules. The Branch also conducts examinations and investigations of escrow depositories, money transmitters, mortgage servicer companies, mortgage loan originators, and mortgage loan originator companies when warranted. (2) The Licensing and Regulatory Analysis Branch is responsible for licensing activities and other regulatory approvals, off-site monitoring programs, responding to complaints and inquiries, and investigating alleged violations of state and federal law.

Credit Union Advisory Board. Section 412:10-125, HRS, which established the Credit Union Advisory Board, was repealed by Act 149, SLH 2016, section 16.

Insurance Division

The Insurance Division is responsible for overseeing the insurance industry in the State, which includes insurance companies, insurance agents, self-insurers, and captive insurance companies. The Division ensures that consumers are provided with insurance services that meet acceptable standards of quality, equity, and dependability at fair rates by establishing and enforcing appropriate service standards. The Division administers chapters 431, 431K, 431M, 432, 432D, 432E, 435C, and 435E, HRS, under Title 24 (Insurance), HRS, which provide for the licensing, supervision, and regulation of all insurance transactions in the State. In addition to Title 24, HRS, the Division administers laws covering insurance provided by non-profit corporations and associations operating as mutual and fraternal benefit societies, health maintenance organizations, dental service corporations, service contract providers, and prepaid legal services.

The Insurance Division is organized into ten branches:

1. Administration Branch. The Administration Branch coordinates and directs the other branches to implement and enforce actions that will ensure the continuation of insurance activities, including the payment of claims, and the availability of insurance policies for purchase in the State as directed by laws and rules.

2. Financial Surveillance and Examination Branch. The Financial Surveillance and Examination Branch reviews all filings from companies applying for Certificates of Authority to transact the business of insurance; audits domestic annual financial statements and premium tax statements; and conducts a continuing program of insurance company, agency, mutual and fraternal benefit societies, health maintenance organization financial and/or market conduct examinations to ensure compliance with insurance laws and financial solvency to safeguard consumer interests and maintain professionalism in the industry.

3. Compliance and Enforcement Branch. When a complaint is filed with the Insurance Division, the Compliance and Enforcement Branch conducts an investigation to ensure compliance with applicable statutes and rules and appropriate disciplinary actions by the Branch when necessary. If it is determined that a case warrants prosecution, it is referred to the Department of the Attorney General for prosecution by the State.

4. Licensing Branch. The Licensing Branch oversees the examination process for and issues licenses to qualified applicants for producer, surplus lines broker, adjuster, independent bill reviewer, managing general agent, reinsurance intermediary insurance licenses; and maintains records of the licensees. The Branch also provides support services to the Financial Surveillance and Examination Branch in issuing and amending Certificates of Authority and maintaining these records. The Branch is responsible for renewal notifications, processing of remittance checks, and confirmation and cancellation of these insurance licenses.

5. Rate and Policy Analysis Branch. The Rate and Policy Analysis Branch (RPA) provides systems and procedures for the conduct and analyses of rate and policy filings of domestic, foreign, and alien insurance companies for compliance with state insurance laws.

RPA reviews and approves rates used by companies in the sale of their policies to ensure that mandated coverages are provided and that the interests of buyers are protected.

6. Insurance Fraud Investigation Branch. With the exception of worker compensation insurance, the Insurance Fraud Investigation Branch was formed to conduct a statewide program for the prevention, investigation, and prosecution of insurance fraud cases and violations of all applicable state laws relating to insurance fraud.

7. Health Insurance Branch. The Health Insurance Branch is responsible for regulating health insurers, including health maintenance organizations and mutual benefit societies. The Branch's primary responsibilities are: receiving inquiries and complaints pertaining to health insurance, including long-term care insurance; administering the external review process; monitoring and examining the financial solvency of health insurers; and conducting health insurance rate regulation. The Branch also assists the federal government with the enforcement and implementation of federal health insurance regulation and reviews long-term care advertisements.

8. Captive Insurance Branch. The Captive Insurance Branch (CI) provides for dedicated resources to facilitate the monitoring, regulation, and prudent development of the captive insurance industry in the State. CI reviews and evaluates each prospective captive application on a case-by-case basis to ensure appropriate economic and social responsibility of each program structure and its related constituencies, as well as compliance with applicable state laws and rules. On an ongoing basis, CI utilizes interim and annual reports and filings of captives and on-site examinations to monitor compliance of captives with their approved applications and business plans.

9. Legal Branch. The Legal Branch advises the Commissioner, the Chief Deputy, and the Division on all legal matters and is the interface between the Division and the Department of the Attorney General. The Branch serves as hearings officers for administrative hearings as assigned by the Commissioner; researches insurance issues, provides interpretations of the laws and rules, and reviews and analyzes administrative decisions and rulings; prepares legislative bills, legislative testimonies, administrative rules, and requests for formal and informal legal opinions; assists the branches in enforcing compliance provisions within Title 24, HRS; and provides assistance to the Financial Surveillance and Examination, Health Insurance, and Captive Insurance branches regarding supervision, rehabilitation, and liquidation proceedings.

10. Office Services Branch. The Office Services Branch provides general reception; answering and screening of telephone calls; and clerical, stenographic, typing, duplicating, and other administrative services for the Division. The Branch also maintains the Division's central administrative files, including memoranda, newspaper articles, documents, and reports; orders office supplies and equipment for the Division and maintains its inventory; and handles the receiving and distribution of the Division's general mail.

Regulated Industries Complaints Office

There are currently over 49 different industries in which a professional or vocational license is required before work can be performed in those industries. These industries affect the health, safety, and welfare of Hawaii's citizens. The Regulated Industries Complaints Office (RICO) receives complaints, conducts investigations, and prosecutes licensing law violations. Through the administrative process, RICO may seek fines, restitution, and license sanctions. RICO also prosecutes unlicensed activity through citations and civil lawsuits. Additionally, RICO works to resolve consumer complaints where appropriate and provides consumer education about working with licensees and the importance of hiring licensees. Under Hawaii's Lemon Law, RICO administers the State Certified Arbitration Program ("SCAP"), pursuant to section 481I-4, HRS, which helps consumers who have problems getting their new or leased cars repaired under a manufacturer's warranty. RICO's neighbor island offices in Hilo, Kona, Wailuku, and Lihue also serve as liaisons for other divisions of the Department.

Professional and Vocational Licensing Division

The Professional and Vocational Licensing Division (PVL) is responsible for 25 professional boards and commissions and 27 licensing programs. PVL provides administrative assistance to each regulatory board or commission, administers the various licensing examinations, issues and renews licenses, proposes policies and rules, and recommends amendments to existing laws.

The Department has assigned the following programs to the Division to administer:

Licensing Programs

Program	HRS Chapter	Certificate Required
Activity Providers and Activity Desks	468M	Registration
Athlete Agents	481Z	Registration
Athletic Trainers	436H	Registration
Appraisal Management Companies	466L	Registration
Behavior Analysts	465D	License
Cemetery and Funeral Trusts	441	License
Collection Agencies	443B	Registration
Commercial Employment Agencies	373	License
Condominium Property Regimes	514A, 514B	Registration
Dispensing Opticians	458	License
Electrologists	448F	License
Hearing Aid Dealers and Fitters	451A	License
Marriage and Family Therapists	451J	License
Mental Health Counselors	453D	License
Midwives	457J	License
Mixed Martial Arts Contests	440E	License
Nurse Aides	457A	Certification
Nursing Home Administrators	457B	License
Occupational Therapy	457G	License
Port Pilots	462A	License
Real Estate Appraisers	466K	License/Certification
Respiratory Therapists	466D	License
Social Workers	467E	License
Subdivisions	484	Registration
Time Sharing Plans	514E	Registration
Travel Agencies	468L	Registration
Veterinary Technicians	472	Registration

ATTACHED FOR ADMINISTRATIVE PURPOSES

Professional boards and commissions are governed by the Uniform Professional and Vocational Licensing Act, chapter 436B, HRS. Among the powers and duties granted to a licensing authority² under section 436B-7, HRS, are to: (1) adopt, amend, or repeal rules; (2) grant, deny, convert, forfeit, renew, reinstate, or restore licenses; (3) revoke, suspend, or otherwise limit the license of any licensee for any violation of the licensing laws or any rule or order of the licensing authority; (4) develop requirements for licensure; (5) investigate and conduct hearings regarding any licensing violation; (6) monitor the scope of practice of the profession or vocation regulated by the licensing authority; and (7) prepare, administer, and grade examinations.

The following table lists regulatory boards and commissions that are administratively attached to the Department. Pursuant to section 26-34, HRS, the members of each board and commission are nominated and, by and with the advice and consent of the Senate, appointed by the Governor. Unless otherwise provided by law, the term of appointment is four years, and no person may be appointed consecutively to more than two terms as a member of the same board or commission.

² "Licensing authority" means the Director of Commerce and Consumer Affairs, or any licensing board or commission under the administrative control of the Director pursuant to section 26-9(c), HRS, authorized by statute to grant or to deny licenses. See section 436B-2, HRS.

Professional Boards and Commissions

Board or Commission	HRS Chap.	Composition of Board
State Board of Public Accountancy	466	9 members: 7 professional, 2 public
Board of Acupuncture	436E	5 members: 3 professional, 2 public
State Board of Barbering and Cosmetology	438, 439	7 members: 2 barbers, 2 beauty operators, 3 public
State Boxing Commission of Hawaii	440	5 members: at least 1 member is a member of USA Boxing, Inc.; 1 member is designated by the Governor as Chairperson
Hawaii Board of Chiropractic	442	5 members: 3 professional, 2 public
Contractors License Board	444	13 members: 10 professional, 3 noncontractors; each county is represented
Board of Dentistry	448	12 members: 8 dentists (5 from C&C, ³ 3 from each of the other counties); 2 dental hygienists; 2 public
Board of Electricians and Plumbers	448E	7 members: 2 electricians, 2 plumbers, 3 public
Elevator Mechanics Licensing Board	448H	7 members: 4 professional, 2 public, Director of Labor and Industrial Relations
State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects	464	14 members: 4 engineers, 3 architects, 2 surveyors, 2 landscape architects, 3 public; each county is represented
State Board of Massage Therapy	452	5 members: 3 professional, 2 public
Hawaii Medical Board	453	11 members: 7 physicians or surgeons, 2 osteopathic physicians (of these 9, at least 5 are from C&C, at least 1 from each of the other counties), 2 public
Motor Vehicle Industry Licensing Board	437	7 members: 3 professional, 4 public
Motor Vehicle Repair Industry Board	437B	7 members: 3 professional (at least 2 mechanics), 4 public
State Board of Naturopathic Medicine	455	5 members: 3 professional, 2 public

³ City and County of Honolulu

Board or Commission	HRS Chap.	Composition of Board
State Board of Nursing	457	9 members: 6 registered nurses (1 advanced practice registered nurse), 1 licensed practical nurse, 2 public (6 from C&C, 3 from other counties)
Hawaii Board of Optometry	459	7 members: 5 professional (1 from a county other than C&C), 2 public
Pest Control Board	460J	9 members: 4 professional, 2 public; 3 ex officio, voting: Chairperson of Board of Agriculture; Director of Health; Chairperson of Dept. of Plant and Environmental Protection Sciences of the College of Tropical Agriculture and Human Resources, UH
Board of Pharmacy	461	7 members: 5 professional, 2 public (4 from C&C, 3 from other counties)
Board of Physical Therapy	461J	7 members: 4 physical therapists; 1 physical therapist assistant; 2 public
Board of Private Detectives and Guards	463	7 members: 2 chiefs of police of any county, 1 private detective, 1 guard, 2 public; Director of Commerce and Consumer Affairs is ex officio, nonvoting 7 th member
Board of Psychology	465	7 members: 5 professional, 2 public
Real Estate Commission	467	9 members: at least 4 real estate brokers, 1 designated by Governor as Chairperson; 2 public; (4 from C&C, 3 from each of the other counties)
State Board of Speech Pathology and Audiology	468E	7 members: 2 speech pathologists, 2 audiologists, 3 public (1 otorhinolaryngologist)
Hawaii Board of Veterinary Medicine	471	7 members: 5 professional, 2 public (4 from C&C, 3 from other counties)

Public Utilities Commission

The Public Utilities Commission (PUC), established under section 269-2, HRS, consists of three members who are appointed to six-year terms by the Governor with the advice and consent of the Senate. The Governor selects persons who have had experience in accounting, business, engineering, government, finance, law, or other similar fields, and designates a member to be Chairperson. Commissioners devote full time to their duties and may not hold any other public office or other employment during their term of office. No person owning any interest in, or having any income from, any public utility may be appointed to the Commission.

Among its powers and duties under section 269-6, HRS, the PUC has general supervision over all public utilities. In exercising its authority, the PUC considers the need to reduce the State's reliance on fossil fuels through energy efficiency and increased renewable energy generation. In making determinations of the reasonableness of the costs of utility system capital improvements and operations, the PUC considers, quantitatively or qualitatively, the effect of the State's reliance on fossil fuels on price volatility, export of funds for fuel imports, fuel supply reliability risk, and greenhouse gas emissions. The PUC also considers the costs and benefits of a diverse fossil fuel portfolio and of maximizing the efficiency of all electric utility assets to lower and stabilize the cost of electricity.

Medical Inquiry and Conciliation Panels

Pursuant to section 671-11, HRS, Medical Inquiry and Conciliation Panels are established to facilitate the resolution of inquiries regarding the rendering of professional services by health care providers that involve injury, death, or other damages to a patient. A panel is formed for each inquiry filed under section 671-12, HRS, and is disbanded after an inquiry is resolved, a notice of termination is filed, or a lawsuit based on the circumstances of the injury is filed. Each panel consists of a chairperson who is an attorney licensed to practice in the State and experienced in trial practice and the personal injury claims settlement process, and one physician, osteopathic physician, or surgeon licensed to practice under chapter 453, HRS. The chairperson is appointed by the Director of Commerce and Consumer Affairs from a list of eligible persons approved by the Chief Justice. The physician, osteopathic physician, or surgeon is appointed by the chairperson and is licensed and in good standing under chapter 453, HRS.

Design Claim Conciliation Panels

Pursuant to section 672B-3, HRS, Design Claim Conciliation Panels are established to review and render findings and advisory opinions on the issues of liability and damages in tort claims against design professionals – professional engineers, architects, surveyors, and landscape architects – licensed to practice under chapter 464, HRS. A panel is formed for each claim filed pursuant to section 672B-5, HRS, and after the panel renders its decision or the claim is otherwise disposed of, the panel is disbanded. Each panel consists of a chairperson selected from among persons who are familiar with and experienced in the claims settlement process, an attorney licensed to practice in the State and experienced in trial practice, and one design

professional licensed to practice under chapter 464, HRS. The chairperson is appointed by the Director of Commerce and Consumer Affairs from a list of eligible persons approved by the Chief Justice. The attorney is appointed by the chairperson from a list of not less than 35 attorneys experienced in trial practice submitted annually by the Supreme Court. The design professional is appointed by the chairperson and must be currently licensed and in good standing under chapter 464, HRS.

Hawaii Hurricane Relief Fund

The Hawaii Hurricane Relief Fund (HHRF) is established under section 431P-2, HRS, and pursuant to section 431P-4, HRS, is responsible for monitoring the availability of property insurance, including insurance for "covered events," which is defined as hurricanes that directly cause windstorm damage in the State. If at any time its Board of Directors determines that the private insurance market is not making such insurance reasonably available to consumers in this State, the Fund may offer policies of hurricane property insurance for sale in accordance with chapter 431P, HRS.

Board. Under section 431P-3, HRS, the Board of Directors is the policy-making body of the Fund and establishes policies for the administration and operation of the Fund. The Board consists of the Insurance Commissioner as an ex officio, voting member and six members who are appointed to four-year terms by the Governor with the advice and consent of the Senate. Of the six appointed members, two are from a list of nominations submitted by the President of the Senate and two from a list of nominations submitted by the Speaker of the House of Representatives. The Governor selects the Chairperson and Vice Chairperson from among the members. HHRF suspended its insurance operations as of December 1, 2001, because the private insurance industry returned to provide hurricane insurance in the Hawaii market.

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