
HOUSE RESOLUTION

REQUESTING THE INSURANCE COMMISSIONER TO STUDY THE ADVANTAGES
AND DISADVANTAGES OF ADOPTING THE ENGLISH MARINE INSURANCE
ACT, 1906.

1 WHEREAS, the state Insurance Code does not contain any
2 articles devoted exclusively to marine insurance; and
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4 WHEREAS, marine insurance generally covers the loss or
5 damage of ships, cargo, terminals, and any transport or property
6 by which cargo is transferred, acquired, or held between the
7 points of origin and final destination; and
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9 WHEREAS, the English Marine Insurance Act, 1906, codified
10 the previous English common law, and is reputed to be an
11 extremely thorough and concise piece of work; and
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13 WHEREAS, in the United States, the United States Supreme
14 Court has held that each state is largely free to promulgate its
15 own marine insurance rules, in keeping with historic federal
16 policy permitting state regulation of insurance matters
17 generally; and
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19 WHEREAS, adoption of the English Marine Insurance Act,
20 1906, may give greater predictability to marine insurance claims
21 arising under Hawaii law, and therefore promote greater
22 underwriting activity incorporating or relying on such law; and
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24 WHEREAS, on the other hand, much of the English Marine
25 Insurance Act, 1906, relates to contract law, which may be
26 outside the present regulatory function of the Insurance
27 Division of the Department of Commerce and Consumer Affairs, and
28 other parts may already be included as part of the Insurance
29 Code, in conflict with the Insurance Code, or new to the
30 Insurance Code; now, therefore,
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32 BE IT RESOLVED by the House of Representatives of the
33 Twenty-fourth Legislature of the State of Hawaii, Regular
34 Session of 2008, that the Insurance Commissioner of the



1 Department of Commerce and Consumer Affairs is requested to
2 report the advantages and disadvantages of adopting the English
3 Marine Insurance Act, 1906 in Hawaii; and

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5 BE IT FURTHER RESOLVED that the Insurance Commissioner is
6 requested to submit findings and recommendations, including
7 proposed legislation, to the Legislature not later than twenty
8 days prior to the convening of the Regular Session of 2009; and

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10 BE IT FURTHER RESOLVED that certified copies of this
11 Resolution be transmitted to the Insurance Commissioner of the
12 Department of Commerce and Consumer Affairs.

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OFFERED BY:



A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom, positioned above a horizontal line.

MAR 1 0 2008

