

STAND. COM. REP. NO.

814

Honolulu, Hawaii

March , 2007

RE: H.B. No. 1337
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary, to which was referred H.B. No. 1337 entitled:

"A BILL FOR AN ACT RELATING TO THE DEATH CARE INDUSTRY,"

beg leave to report as follows:

The purpose of this bill is to provide additional protections
for consumers of cemetery or funeral services. This bill
establishes procedures for the cancellation, termination, and
refund of pre-need funeral and pre-need interment services
contracts by:

- (1) Allowing a purchaser to cancel these services by written
notification;
- (2) Requiring a cemetery or pre-need funeral authority to
provide a written notice prior to terminating a contract
due to default;
- (3) Allowing a purchaser to reinstate a contract that is in
default; and
- (4) Entitling a purchaser to a refund upon cancellation or
termination of the contract.



This bill, among other things, also:

- (1) Requires the disclosure of specific information to a purchaser in a contract written in clear and plain language;
- (2) Increases the fine from \$1,000 to \$5,000 for violations by cemetery or pre-need funeral authorities; and
- (3) Requires the maintenance of accurate records of the identity of each person whose remains are located in a cemetery, as well as the location of each plot, crypt, or niche.

The Department of Commerce and Consumer Affairs, Mililani Group, Inc., and a concerned individual testified in support of this bill. Funeral Consumers Alliance Hawaii supported the bill with amendments. The Hawaii Funeral Directors Association and Hawaiian Memorial Life Plan, Ltd., supported the intent of this measure.

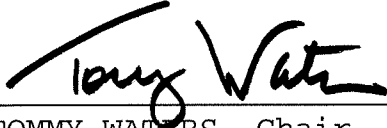
Your Committees have amended this bill by:

- (1) Changing the effective date to January 1, 2020, to encourage continued discussion; and
- (2) Making technical, nonsubstantive amendments for consistency.

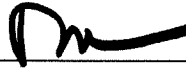
As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1337, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1337, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Consumer
Protection & Commerce and
Judiciary,



TOMMY WATERS, Chair



ROBERT N. HERKES, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 814

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1337		Date: 2/27/07		
Committee Referral: CPC/JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	/			
3. CALDWELL, Kirk	/			
4. EVANS, Cindy	/			
5. GREEN, Josh, M.D.	/			
6. ITO, Ken	/			
7. LUKE, Sylvia	/			
8. McKELVEY, Angus L.K.	/			
9. MORITA, Hermina M.	/			
10. SONSON, Alex M.		/		
11. SOUKI, Joseph M.	/			
12. TSUJI, Clift	/			
13. YAMANE, Ryan I.	/			
14. YAMASHITA, Kyle T.	/			
15. MARUMOTO, Barbara C.	/			
16. PINE, Kymberly Marcos				/
17. THIELEN, Cynthia				/
TOTAL	14	1		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				