
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO
RECOMMEND PROCEDURES AND LEGISLATION TO REQUIRE CEMETERY
AND PRE-NEED FUNERAL AUTHORITIES TO COMPLY WITH UNCLAIMED
PROPERTY LAWS UNDER CHAPTER 523A, HAWAII REVISED STATUTES.

1 WHEREAS, as of 2008, there were more than 100,000 people in
2 Hawaii who had purchased a pre-need funeral plan with an
3 aggregate value of more than \$150,000,000, which are presently
4 held in trust; and

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6 WHEREAS, previous incidents regarding several cemetery and
7 pre-need funeral businesses, such as Honolulu Memorial Park and
8 RightStar Properties, have raised issues of mismanagement and
9 illegal activity, prompting a need for greater consumer
10 protection; and

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12 WHEREAS, Hawaii laws regulating the pre-paid funeral
13 industry are among the weakest in the country, according to
14 national consumer and industry groups; and

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16 WHEREAS, chapter 523A, Hawaii Revised Statutes, established
17 the Unclaimed Property Program, which is responsible for
18 collecting abandoned property from holders, holding the property
19 in a custodial capacity, and providing a process for returning
20 the held property to the rightful owners; and

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22 WHEREAS, cemetery and pre-need funeral businesses are
23 required to comply with unclaimed property laws under chapter
24 523A, Hawaii Revised Statutes; however, stricter enforcement of
25 these businesses' compliance with the laws would provide greater
26 protection for consumers of these businesses' services; now,
27 therefore,

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29 BE IT RESOLVED by the House of Representatives of the
30 Twenty-fifth Legislature of the State of Hawaii, Regular Session
31 of 2009, the Senate concurring, that the Department of Commerce



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1 and Consumer Affairs is requested to recommend procedures and
2 proposed amendments to legislation to require cemetery and pre-
3 need funeral authorities to comply with unclaimed property laws
4 under chapter 523A, Hawaii Revised Statutes; and
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6 BE IT FURTHER RESOLVED that the Department of Commerce and
7 Consumer Affairs is requested to submit to the Legislature not
8 later than twenty days prior to the convening of the 2010
9 Regular Session, recommended procedures and legislation for
10 record maintenance, reporting of abandoned property, and
11 relinquishment of unclaimed property to the State; and
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13 BE IT FURTHER RESOLVED that a certified copy of this
14 Concurrent Resolution be transmitted to the Director of Commerce
15 and Consumer Affairs.
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OFFERED BY:

Manu B. Lee

MAR 18 2009

