

STAND. COM. REP. NO. 672

Honolulu, Hawaii

March 5, 2009

RE: H.B. No. 294
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 294 entitled:

"A BILL FOR AN ACT RELATING TO PERSONAL LIABILITY OF TRUSTEE TO THIRD PARTIES,"

begs leave to report as follows:

The purpose of this bill is to make statutory provisions governing the personal liability of a trustee to third parties consistent with the Uniform Probate Code and state laws governing personal representatives of probate estates.

The Standing Committee on the Uniform Probate Code and Probate Court Practices of the Judiciary of the State of Hawaii supported this bill. The Hawaii Association for Justice opposed this bill.

Your Committee has amended this measure by clarifying that any judgment obtained against a trustee in the trustee's fiduciary capacity may be collected against the trust estate.

Your Committee notes that this measure does not change existing law that specifies that trust assets may be reached whether or not the trustee is personally liable.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No.

HB294 HD1 HSCR JUD HMS 2009-2546



294, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 294, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



JUN RIKI KARAMATSU, Chair



