

JAN 26 2009

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# A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 487-5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§487-5 General functions, powers, and duties.** The  
4 director of the office of consumer protection is designated the  
5 consumer counsel for the State and shall represent and protect  
6 the State, the respective counties, and the general public as  
7 consumers. The director of the office of consumer protection  
8 shall have the following functions, powers, and duties:

9           (1) Coordinate the consumer protection activities of all  
10 departments, divisions, and branches of state  
11 government, and of branches of the county government  
12 concerned with consumer protection;

13           (2) Assist, advise, and cooperate with federal, state, and  
14 local agencies and officials to protect and promote  
15 the interests of the consumer public;

16           (3) Conduct investigations, research, studies, and  
17 analysis of matters and take appropriate action  
18 affecting the interests of consumers;



- 1           (4) Study the operation of laws affecting consumers and  
2           recommend to the governor and the legislature, new  
3           laws and amendments of laws in the consumers'  
4           interest;
- 5           (5) Adopt, amend, or repeal rules pursuant to chapter 91  
6           necessary for the purposes of this chapter, including  
7           rules which define with specificity acts or practices  
8           which are unfair or deceptive acts or practices in the  
9           conduct of any trade or commerce;
- 10          (6) Investigate reported or suspected violations of laws  
11          enacted and rules adopted for the purpose of consumer  
12          protection and shall enforce such laws and rules by  
13          bringing civil actions or proceedings;
- 14          (7) Organize and hold conferences on problems affecting  
15          consumers; and undertake activities to encourage  
16          business and industry to maintain high standards of  
17          honesty, fair business practices, and public  
18          responsibility in the production, promotion, and sale  
19          of consumer goods and services;
- 20          (8) Provide a central clearinghouse of information by  
21          collecting and compiling all consumer complaints and  
22          inquiries and making the collections and compilations



1 available to the general public; provided that  
2 consumer complaints [~~may~~] shall not be made available  
3 to the general public if [~~the~~]:

4 (A) The office of consumer protection is conducting  
5 an investigation or review of the complaints~~[, or~~  
6 ~~if the];~~

7 (B) The complaints are being used in connection with  
8 civil actions or proceedings initiated by the  
9 office of consumer protection~~[, or if the];~~

10 (C) The complaints have been referred to another  
11 state agency; or

12 (D) The complaints have been investigated and  
13 resolved by the office in favor of the person  
14 against whom the complaint was filed. The office  
15 shall immediately remove public access to all  
16 information regarding any complaint falling under  
17 this subparagraph;

18 (9) Appear before governmental commissions, departments,  
19 and agencies to represent and be heard on behalf of  
20 consumers' interest;

21 (10) Contract with other county, state, or federal  
22 governmental agencies, with nonprofit social services



1 societies, or with private nonprofit trade,  
 2 professional, or business organizations for the  
 3 performance of any of the functions of the office not  
 4 involving the enforcement of rules for the purpose of  
 5 consumer protection under this section, within the  
 6 budget limitations for any period not exceeding a  
 7 budget year, provided that the purposes and policies  
 8 of this chapter are in no way diluted, abridged,  
 9 misdirected, or destroyed; and

10 (11) Perform such other acts as may be incidental to the  
 11 exercise of the functions, powers, and duties set  
 12 forth in this section, including but not limited to,  
 13 compensation of witnesses in such amounts and for such  
 14 purposes as shall be prescribed by rules."

15 SECTION 2. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

By Request



**Report Title:**

Office of Consumer Protection; Consumer Complaints; Public  
Access

**Description:**

Prohibits the Office of Consumer Protection from making consumer  
complaints publicly available in cases where the complaint was  
resolved in favor of the business against which the complaint  
was filed.

