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# A BILL FOR AN ACT

RELATING TO CHAPTER 480, HAWAII REVISED STATUTES.

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

1 SECTION 1. Section 480-14, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§480-14 Suits by the State; amount of recovery. (a)  
4 Whenever the State [~~any county~~] or any of its political  
5 subdivisions or governmental agencies [~~any~~] is injured, directly or  
6 indirectly, in its business or property by reason of anything  
7 forbidden or declared unlawful by this chapter, it may sue to  
8 recover threefold the actual damages sustained by it [~~any~~

9 ~~(b)~~], whether directly or indirectly. The attorney  
10 general may bring an action on behalf of the State [~~any~~  
11 ~~county~~] or any of its political subdivisions or governmental  
12 agencies to recover the damages provided for by this section, or  
13 by any comparable provisions of federal law.

14 [~~(e)~~] (b) The attorney general of the State shall be  
15 authorized to bring a class action for indirect purchasers  
16 asserting claims under this chapter. The attorney general or  
17 the director of the office of consumer protection may bring a  
18 class action on behalf of consumers based on unfair or deceptive



1 acts or practices declared unlawful by section 480-2. Actions  
2 brought under this subsection shall be brought as parens patriae  
3 on behalf of natural persons residing in the State[~~7~~] to secure  
4 threefold damages for injuries sustained by [~~such~~] the natural  
5 persons to their property by reason of any violation of this  
6 chapter.

7 [~~(d)~~] (c) If judgment is in favor of the State[~~7~~ any  
8 county~~7~~] or any of its political subdivisions or governmental  
9 agencies under any provision of this chapter, the attorney  
10 general or the director of the office of consumer protection  
11 shall be awarded reasonable attorney's fees together with the  
12 cost of suit; provided [~~further~~] that in any class action  
13 lawsuit brought by the attorney general [~~in~~] on behalf of  
14 indirect purchasers, the attorney general shall in addition be  
15 awarded an amount commensurate with expenses reasonably expected  
16 to be expended in distribution of damages to the indirect  
17 purchasers."

18 SECTION 2. Section 480-21, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§480-21 Court and venue.** (a) Any criminal action or  
21 proceeding[~~7~~ whether civil or criminal~~7~~] authorized by this  
22 chapter shall be brought in any appropriate court in the circuit



1 in which the defendant resides, engages in business, or has an  
2 agent [~~, unless otherwise specifically provided herein~~].

3 (b) Any civil action or proceeding authorized by this  
4 chapter may be brought in any appropriate court."

5 SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2011.



**Report Title:**  
Antitrust

**Description:**

Clarifies the existing antitrust law to reconfirm the right or government entities to bring an action for damages notwithstanding their status as indirect purchasers. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

