

HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Derek S.K. Kawakami, Vice Chair

Rep. Della Au Belatti	Rep. Chris Lee
Rep. Tom Brower	Rep. Mark M. Nakashima
Rep. Romy M. Cachola	Rep. Marcus R. Oshiro
Rep. Richard Creagan	Rep. Clift Tsuji
Rep. Cindy Evans	Rep. Ryan I. Yamane
Rep. Sharon E. Har	Rep. Bob McDermott
Rep. Ken Ito	Rep. Cynthia Thielen

AMENDED NOTICE OF HEARING

DATE: Monday, February 03, 2014
TIME: 2:10 pm
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

A M E N D E D A G E N D A

The following measure(s) has been **DELETED** from the agenda: **HB2356, HB2445, HB2366**

[HB 2241](#)
[Status](#)

RELATING TO PRODUCTION OF RECORDS.

CPC, JUD

Amends provisions of chapter 806D, Hawaii Revised Statutes, which allow for the service of process issued by another state upon a Hawaii recipient, and clarifies the following: (1) that the service of process may be upon a person or business, but not a government agency; (2) that the process is for the production of records; (3) that the process must be based upon a pending criminal investigation or prosecution; and (4) that the person or business being served must have conducted business or engaged in transactions or activities occurring at least in part in the issuing state. Requires the process to include specified information. For valid process, requires that the issuing state have a law authorizing the production of records by out-of-state persons or businesses and a reciprocity provision. Also amends the definition of "recipient," to clarify that the recipient, who receives process issued in Hawaii, must have conducted business or engaged in transactions or activities occurring at least in part in Hawaii.

[HB 2242](#)
[Status](#)

RELATING TO CRIME.

CPC, JUD

Updates the offenses of falsifying business records, obtaining a government-issued identification document under false pretenses in the first degree, obtaining a government-issued identification document under false pretenses in the second degree, tampering with a government record, and unsworn falsification to authorities, to address the use of new technology and make the offenses applicable to electronic or digital statements, documents, or records.



HB 2621 Status	RELATING TO GOVERNMENT ACCOUNTABILITY. Expands the procurement policy board's mandate to adopt rules regarding lost, stolen, damaged, unserviceable, or unsuitable property to include time limits as to issue reporting and a duty for government agencies and contractors to cooperate in the investigation of raised issues.	CPC, JUD
HB 2583 Status	RELATING TO ASSISTING UNLICENSED CONTRACTORS. Clarifies that a contractor licensee who aids and abets an unlicensed contractor may be subject to additional discipline by the contractors license board.	CPC, JUD
HB 2549 Status	RELATING TO ENHANCED 911 SERVICES. Eliminates the enhanced 911 surcharge exemption for prepaid connections. Effective July 1, 2014.	CPC, FIN
HB 2015 Status	RELATING TO INSURANCE. Requires insurers to pay the general excise tax and certificate of ownership fee to claimants involving motor vehicle insurance.	CPC, FIN
HB 2005 Status	RELATING TO A SECURITIES AND COMMODITIES EXCHANGE. Establishes securities and commodities exchange to provide a marketplace for the trading of securities and commodities during the off hours of other exchanges. Provides for the trading of securities and commodities not available through other exchanges as well as those that are so available.	CPC, JUD
HB 2494 Status	RELATING TO THE UNAUTHORIZED PRACTICE OF LAW. Specifies acts that constitute the unauthorized practice of law, and exempted acts. Establishes requirements for out-of-state attorneys to practice law in Hawaii.	CPC, JUD
HB 1853 Status	RELATING TO TRUSTEES. Waives duty to diversify trust when trust provision directs retention of property. Requires dissenting trustee to dissent in writing to a failure to act or enter into a transaction. Allows settlor of a trust to designate investment function to an investment advisor, and administrative function to an administrative trustee.	CPC, JUD
HB 2445 Status	RELATING TO ATTACHMENT. Broadens the scope of real property and personal property that is exempt from attachment and execution.	CPC, JUD
HB 2444 Status	RELATING TO REAL PROPERTY. Establishes certain requirements pertaining to lease-purchase agreements for real property. Establishes causes of action for violations.	CPC, JUD



<u>HB 2356</u> <u>Status</u>	RELATING TO MEDIATION AFFECTING JUDICIAL FORECLOSURE. Expands the application of mandatory mortgage foreclosure dispute resolution by requiring mortgagees, including Hawaiian home lands trust homestead beneficiaries and lawful successors in interest, to participate, at the mortgagor's election, in mediation to avoid foreclosure or mitigate damages from foreclosure prior to filing a judicial foreclosure action for property that has been the mortgagor's primary residence for a specified period. Applies the dispute resolution requirement to judicial foreclosure actions filed prior to the effective date of this bill and pending an initial court hearing. Effective upon approval.	CPC, JUD
<u>HB 2513</u> <u>Status</u>	RELATING TO MORTGAGE FORECLOSURES. Requires that an affirmation be filed with the court at the time a mortgage foreclosure action is commenced.	CPC, JUD
<u>HB 2482</u> <u>Status</u>	RELATING TO CONDOMINIUMS. Makes technical nonsubstantive amendments to the condominium law.	CPC, JUD
<u>HB 2366</u> <u>Status</u>	RELATING TO THE HAWAII STATE BUILDING CODES. Modifies the composition of the State Building Code Council. Allows staggering of the code adoption timeframe. Defines and clarifies terminology to ensure laws governing building contractors do not conflict with Chapter 107, HRS. Makes an appropriation to fund the operations of the Council. Effective July 1, 2014.	CPC, FIN

DECISION MAKING TO FOLLOW

Persons wishing to offer comments should submit testimony no later than 24 hours prior to the hearing. Testimony should indicate:

- Testifier's name with position/title and organization;
- The Committee(s) to which the comments are directed;
- The date and time of the hearing; and
- Measure number.

While every effort will be made to incorporate all testimony received, materials received on the day of the hearing or improperly identified or directed, may be distributed to the Committee after the hearing. **Those wishing to provide oral testimony will be limited to two minutes.**

Submit testimony in ONE of the following ways:

PAPER: 20 copies (including an original) to Room 314 in the State Capitol;

FAX: For testimony less than 5 pages in length, transmit to 808-586-8437 (Oahu) or 1-800-535-3859 (for Neighbor Islander without a computer to submit testimony through e-mail or the Web); or

WEB: For testimony less than 10MB in size, transmit from <http://www.capitol.hawaii.gov/submittestimony.aspx>.

Testimony submitted will be placed on the legislative website after the hearing adjourns. This public posting of testimony on the website should be considered when including personal information in your testimony.

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-6160 or email your request for an interpreter to HouseInterpreter@Capitol.hawaii.gov at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.



Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" website at www.capitoltv.org or call 536-2100.

Rep. Angus L.K. McKelvey
Chair

