

---

---

# A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1           SECTION 1. The legislature has created statutes of  
2 limitations to provide that a party may not initiate a court  
3 action if a certain period of time has elapsed from when a claim  
4 has accrued. Hawaii common law, however, has consistently  
5 stated that despite these legislatively created limitations, the  
6 State may initiate and maintain actions without being subject to  
7 statutes of limitations. In recognition of this longstanding  
8 common law rule, the legislature in 1991 codified section 657-  
9 1.5, Hawaii Revised Statutes, to confirm that it would apply to  
10 the State unless another statute specifically designated the  
11 State as subject to a limitations period.

12           In the context of claims brought by the State and its  
13 agencies pursuant to chapter 480, Hawaii Revised Statutes, the  
14 legislature has never specifically designated the State or its  
15 agencies as being subject to any limitation period.  
16 Consequently, no limitation period can apply to actions brought  
17 by the State under chapter 480, Hawaii Revised Statutes.



1 The purpose of this Act is to clarify that the statute of  
2 limitations governing chapter 480, Hawaii Revised Statutes, does  
3 not apply to the State and its agencies.

4 SECTION 2. Section 480-24, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "~~§480-24~~ **Limitation of actions.** [~~(a)~~] Any action to  
7 enforce a cause of action arising under this chapter shall be  
8 barred unless commenced within four years after the cause of  
9 action accrues, except as otherwise provided in [~~subsection (b)~~  
10 ~~and~~] section 480-22. For the purpose of this section, a cause  
11 of action for a continuing violation is deemed to accrue at any  
12 time during the period of the violation.

13 [~~(b)~~ ~~The following shall toll the time for commencement of~~  
14 ~~actions by the State under this chapter if at any time:~~

15 ~~(1) Any cause of action arising under this chapter accrues~~  
16 ~~against any person, the person is out of the State,~~  
17 ~~the action may be commenced within the terms~~  
18 ~~respectively limited, after the return of the person~~  
19 ~~into the State, and if, after the cause of action has~~  
20 ~~accrued, the person departs from and resides out of~~  
21 ~~the State, the time of the person's absence shall not~~



1 ~~be deemed or taken as any part of the time limited for~~  
2 ~~the commencement of the action.~~

3 ~~(2) Any cause of action arising under this chapter accrues~~  
4 ~~against any person, the person has petitioned for~~  
5 ~~relief under the bankruptcy code, the time during~~  
6 ~~which the bankruptcy case is pending shall not be~~  
7 ~~deemed or taken as any part of the time limited for~~  
8 ~~the commencement of the action.~~

9 ~~(3) Any cause of action arising under this chapter accrues~~  
10 ~~against any person, there is a criminal action pending~~  
11 ~~which arises out of the same occurrence, the time~~  
12 ~~during which the criminal action is pending shall not~~  
13 ~~be deemed or taken as any part of the time limited for~~  
14 ~~the commencement of the action. As used in this~~  
15 ~~paragraph, a criminal action is pending until its~~  
16 ~~final adjudication in the trial court.] "~~

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken.

19 SECTION 4. This Act shall take effect on January 7, 2059.

20



**Report Title:**

Cause of Action; Limitation of Action; Consumer Protection;  
Monopolies; Restraints of Trade

**Description:**

Repeals section 480-24(b), HRS, to clarify that the State is not subject to a limitations period for claims pursuant to chapter 480, HRS. Effective January 7, 2059. (SD1)

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

