

Honolulu, Hawaii
February 19, 2016

RE: H.B. No. 2329

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2329 entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to clarify that the statute of limitations governing Chapter 480, Hawaii Revised Statutes, relating to monopolies and restraint of trade, does not apply to the State and its agencies.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs' Office of Consumer Protection and the Hawaii Association for Justice.

Your Committee finds that, according to Hawaii common law, the State may initiate and maintain actions without being subject to statutes of limitations. Recognizing this common law rule, in 1991, the Legislature codified section 657-1.5, Hawaii Revised Statutes, to statutorily exempt the State from statutes of limitations unless another statute specifically designates the State as subject to a statute of limitations period. Your Committee notes that section 480-24(b), Hawaii Revised Statutes, contains a tolling provision for legal actions brought by the State that might be interpreted to mean that the State or its agencies are subject to a statute of limitations period. Your Committee further finds that this measure would clarify that the State and its agencies are not subject to the statute of limitations governing Chapter 480, Hawaii Revised Statutes.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2329 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



