STAND. COM. REP. NO. 636-16

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.

HB2329 HSCR LRB 16-1034.doc

STAND. COM. REP. NO. **636** -16 Page 2

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



State of Hawaii House of Representatives The Twenty-eighth Legislature

HSCR 636-16

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:	Committee Referral:	Date:	zeb 10	,2016
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)				
2. WOODSON, Justin H. (VC)				
3. BELATTI, Della Au				
4. BROWER, Tom				
5. CREAGAN, Richard P.				
6. HAR, Sharon E.	<u> </u>			
7. HASHEM, Mark J.				
8. KAWAKAMI, Derek S.K.				
9. LEE, Chris	<u> </u>			
10. NAKASHIMA, Mark M.				
11. OSHIRO, Marcus R.				
12. SAN BUENAVENTURA, Joy A.				
13. TAKAYAMA, Gregg	<u> </u>			
14. YAMANE, Ryan I.				
15. FUKUMOTO CHANG, Beth				
16. McDERMOTT, Bob	~ <u> </u>			
		<u> </u>		
TOTAL (16)	13		\mathcal{D}	3
The recommendation is: Adopted I Not Adopted did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				