

Honolulu, Hawaii

APR 04 2016

RE: H.B. No. 2329

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, 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 and intent of this measure is to clarify that the State is not subject to a statute of limitations period for claims pursuant to chapter 480, Hawaii Revised Statutes.

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

Your Committee finds that Hawaii common law has long recognized that statutory limitations do not apply to actions initiated by the State. The Legislature codified this longstanding common law rule in 1991. Although section 480-24(b), Hawaii Revised Statutes (HRS), contains a tolling provision for claims brought by the State, the codification of the common law rule that the State is not subject to statutes of limitations made the pre-existing tolling language in this section superfluous. Your Committee further finds that the Legislature has made it clear that unless there is a specific designation in statute that a statute of limitations applies to actions initiated by the State, none exists. In the absence of such a designation that applies to chapter 480, HRS, the repeal of the tolling language in section 480-24(b), HRS, is appropriate and necessary.



Finally, your Committee notes that chapter 480, HRS, relating to monopolies and restraints of trade, is one of the most important statutory tools given to the State to protect the people of Hawaii. This measure preserves the right of the State to seek redress for harm done and deter future bad conduct by persons who would seek to take unfair advantage of Hawaii consumers.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor 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 Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

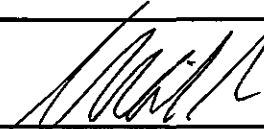


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2329	CPH, JDL	3/29/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam				/
TOTAL	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes