

STAND. COM. REP. NO.

2615

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2858
S.D. 1

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
S.B. No. 2858 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 of the Department of
Commerce and Consumer Affairs and Hawaii Association for Justice.

Your Committee finds that Hawaii common law has long
recognized that statutes of 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, 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 stating
that a statute of limitations applies to actions initiated by the
State, none exists. Since no specific designation appears in
section 480-24(b), Hawaii Revised Statutes, the repeal of the
tolling language in this section is appropriate and necessary.



Finally, your Committee notes that chapter 480, Hawaii Revised Statutes, 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.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2858, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2858, S.D. 1.

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.:* SB 2858	Committee Referral: CPH, JDL	Date: 2/26/16		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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