

STAND. COM. REP. NO. 2101

Honolulu, Hawaii

FEB 11 2016

RE: S.B. No. 2858

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

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
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 the Hawaii Association for Justice.

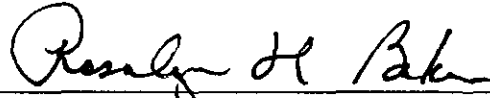
Your Committee finds that Hawaii common law has long recognized that statutory limitations do not apply to actions initiated by the State. The Legislature codified this longstanding common law rule in 1991. Although section 480-24(b), Hawaii Revised Statutes, contains a tolling provision for claims brought 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.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2858 and recommends that it pass Second Reading and be referred to your Committee on Judiciary and Labor.

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



ROSALYN H. BAKER, Chair



