
A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 481B-5.5, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) Any return policies adopted by the merchant pursuant
4 to this section that limits the purchaser's ability to obtain a
5 refund shall not apply if the goods were damaged or defective
6 prior to the time of sale, unless the merchant was aware of the
7 damage or defect and notified the purchaser of the damage or
8 defect in writing prior to the time of sale. No warranty policy
9 adopted by a merchant in the State shall require a purchaser to
10 pay an additional fee to obtain a repair, replacement, or refund
11 for goods returned pursuant to the warranty.

12 As used in this subsection, "merchant in the State" means a
13 merchant that:

14 (1) Is created under Hawaii law, including but not limited
15 to chapters 414, 414D, 415A, 425, 425E, or 428;

16 (2) Is authorized to transact business in the State of
17 Hawaii; and



1 (3) Possesses a current, unexpired Hawaii general excise
2 tax license."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Merchandise; Returns; Unfair and Deceptive Trade Practices;
Warranty Policy; Repair; Replacement; Refund

Description:

Prohibits a merchant in the State from adopting a warranty policy that requires a purchaser to pay an additional fee to obtain a repair, replacement, or refund for goods returned pursuant to the warranty. (HB68 HD1)

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