

JAN 25 2023

A BILL FOR AN ACT

RELATING TO THE OFFICE OF CONSUMER PROTECTION.

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

1 PART I

2 SECTION 1. The Hawaii Revised Statutes is amended by
3 adding a new chapter to be appropriately designated and to read
4 as follows:

5 "CHAPTER

6 CONSUMER PROTECTION

7 § -1 **General purpose.** The public health, welfare and
8 interest require a strong and effective consumer protection
9 program to protect the interests of both the consumer public and
10 the legitimate business person. Toward this end, a permanent
11 office of consumer protection is created to coordinate the
12 services offered to the consumer by various state and county
13 agencies, together with private organizations, and to aid in the
14 development of preventive and remedial programs affecting the
15 interest of the consumer public.

16 § -2 **Office of consumer protection; director.** There is
17 created within the department of the attorney general an office



1 of consumer protection. The attorney general shall be the
2 director of the office of consumer protection and may appoint an
3 executive director of the office of consumer protection. The
4 executive director shall have been admitted to practice law
5 before the supreme court of the State and shall be exempt from
6 chapter 76.

7 § -3 Personnel. (a) The attorney general may appoint
8 as staff members persons who have been admitted to practice law
9 before the supreme court of the State without regard to chapter
10 76. All other employees shall be appointed by the attorney
11 general in accordance with chapter 76.

12 (b) The attorney general may, by contract, retain the
13 services of special consumer protection attorneys for the
14 prosecution of consumer-related matters. The special consumer
15 protection attorneys shall serve at the pleasure of the attorney
16 general. At the option of the attorney general, special
17 consumer protection attorneys may be compensated on a fixed-
18 price basis, an hourly rate basis, with or without a fixed cap,
19 or through a contingent fee arrangement to be specified in the
20 contract and payable out of all sums the special consumer



1 protection attorney recovers for the State by judgment, order,
2 assurance of voluntary compliance, or settlement.

3 § -4 **Salary and duties of executive director; benefits.**

4 The attorney general may define the executive director's powers
5 and duties and fix the executive director's compensation. The
6 executive director and attorney staff members shall be entitled
7 to participate in any employee benefit plan.

8 § -5 **General functions, powers, and duties.** The

9 executive director is designated the consumer counsel for the
10 State and shall represent and protect the State, the respective
11 counties, and the general public as consumers. The executive
12 director shall have the following functions, powers, and duties:

13 (1) Coordinate the consumer protection activities of all
14 departments, divisions, and branches of state
15 government, and of branches of the county government
16 concerned with consumer protection;

17 (2) Assist, advise, and cooperate with federal, state, and
18 local agencies and officials to protect and promote
19 the interests of the consumer public;



- 1 (3) Conduct investigations, research, studies, and
2 analysis of matters and take appropriate action
3 affecting the interests of consumers;
- 4 (4) Study the operation of laws affecting consumers and
5 recommend to the governor and the legislature, new
6 laws and amendments of laws in the consumers'
7 interest;
- 8 (5) Adopt, amend, or repeal rules pursuant to chapter 91
9 necessary for the purposes of this chapter, including
10 rules that define with specificity acts or practices
11 that are unfair or deceptive acts or practices in the
12 conduct of any trade or commerce;
- 13 (6) Investigate reported or suspected violations of laws
14 enacted and rules adopted for the purpose of consumer
15 protection and shall enforce the laws and rules by
16 bringing civil actions or proceedings;
- 17 (7) Organize and hold conferences on problems affecting
18 consumers; and undertake activities to encourage
19 business and industry to maintain high standards of
20 honesty, fair business practices, and public



- 1 responsibility in the production, promotion, and sale
2 of consumer goods and services;
- 3 (8) Provide a central clearinghouse of information by
4 collecting and compiling all consumer complaints and
5 inquiries and making the collections and compilations
6 available to the general public; provided that
7 consumer complaints may not be made available to the
8 general public if the office of consumer protection is
9 conducting an investigation or review of the
10 complaints, or if the complaints are being used in
11 connection with civil actions or proceedings initiated
12 by the office of consumer protection, or if the
13 complaints have been referred to another state agency;
- 14 (9) Appear before governmental commissions, departments,
15 and agencies to represent and be heard on behalf of
16 consumers' interest;
- 17 (10) Contract with other county, state, or federal
18 governmental agencies, with nonprofit social services
19 societies, or with private nonprofit trade,
20 professional, or business organizations for the
21 performance of any of the functions of the office not



1 involving the enforcement of rules for the purpose of
2 consumer protection under this section, within the
3 budget limitations for any period not exceeding a
4 budget year, provided that the purposes and policies
5 of this chapter are in no way diluted, abridged,
6 misdirected, or destroyed; and

- 7 (11) Perform other acts as may be incidental to the
8 exercise of the functions, powers, and duties set
9 forth in this section, including but not limited to,
10 compensation of witnesses in amounts and for purposes
11 as shall be prescribed by rules.

12 § -6 **Consumer advisory council.** There shall be a
13 consumer advisory council consisting of eleven members who shall
14 be appointed by the governor and serve at the governor's
15 pleasure. There shall be at least one member from each of the
16 counties of the State. The chairperson of the council shall be
17 selected by the members. Each member shall serve without pay
18 and shall be reimbursed for necessary expenses incurred while
19 attending meetings and while in the discharge of the member's
20 responsibilities. The council shall assist the office of



1 consumer protection and the executive director in an advisory
2 capacity in carrying out the duties and functions of the office.

3 **§ -7 Cooperation with the office of consumer protection.**

4 Each department, agency, officer, and employee of the State and
5 of the counties shall cooperate with and assist the office of
6 consumer protection in the performance of the functions, powers
7 and duties of the office.

8 **§ -8 Powers and duties of other departments and**

9 **agencies.** Nothing contained in this chapter shall be deemed to
10 delegate or detract in any way from the functions, powers and
11 duties prescribed by law for any other department or agency of
12 the State, nor to interrupt or preclude the direct relationships
13 of any department or agency or units of county government in the
14 performance of its functions, powers, and duties.

15 **§ -9 Investigations.** The executive director in the
16 course of executive director's investigations may subpoena
17 witnesses, examine them under oath, and require the production
18 of books, papers, documents, or objects that the executive
19 director deems relevant to the investigation. Service of the
20 subpoena may be made personally within the State, but if
21 personal service cannot be obtained, substituted service may be



1 made on any witness over whom the courts can exercise
2 jurisdiction pursuant to chapter 634, in the following manner:

- 3 (1) Personal service outside the State;
- 4 (2) Mailing by registered or certified mail to the last
5 known place of business, residence, or abode within or
6 without the State of the person to be served;
- 7 (3) As to any person other than a natural person, in the
8 manner provided in the Hawaii rules of civil procedure
9 as if a complaint had been filed; or
- 10 (4) Service as the circuit court may direct in lieu of
11 personal service within the State.

12 Upon application by the executive director, obedience to the
13 subpoena may be enforced by the circuit courts of the State in
14 the county where the person subpoenaed resides or is found in
15 the same manner as a subpoena issued by the clerk of a circuit
16 court. If the person is a nonresident or has no principal place
17 of business within the State, obedience to the subpoena may also
18 be enforced by a circuit court of the State in the county where
19 the subpoena was issued. The executive director may conduct
20 hearings in aid of any investigation or inquiry, and may



1 prescribe forms and adopt rules as may be necessary in the
2 interest of the consumer public.

3 § -10 **Investigators, appointment and powers.** The
4 attorney general shall appoint and commission one or more
5 investigators as the exigencies of the public service may
6 require. Persons appointed and commissioned under this section
7 shall have and may exercise all the powers and authority of a
8 police officer or of a deputy sheriff in the service of process
9 or in the service of subpoenas.

10 § -11 **Assurance of voluntary compliance.** In lieu of
11 instituting or continuing an investigation or action pursuant to
12 section -5(6), the executive director may accept written
13 assurance of voluntary compliance from the person or persons
14 suspected of violation. The executive director shall obtain the
15 agreement of the affected consumers where possible. In no event
16 shall the fact that a person who enters into an assurance of
17 voluntary compliance be considered an admission of violation,
18 nor shall written assurance constitute prima facie evidence of
19 any violation. The assurance may include a stipulation for
20 reimbursement to some or all consumers who have been damaged by
21 an alleged unlawful act or practice and payment of costs of



1 investigation. All assurances of voluntary compliance may be
2 made a matter of public record. A consumer need not accept
3 restitution pursuant to the stipulation, but the consumer's
4 stipulated agreement to the assurance or the consumer's
5 acceptance and full performance of restitution shall bar
6 recovery of any other damages in any action on account of the
7 same acts or practices by the consumer against the person or
8 persons making restitution.

9 § -12 **Unlicensed acts; penalties.** (a) Any person who
10 furnishes commodities or services for which a license,
11 registration, or certificate is required from the department of
12 commerce and consumer affairs or any board or commission
13 thereunder without having a license, registration, or
14 certificate is engaged in an unlawful act or practice and shall
15 be subject to the penalty provided in subsection (b).

16 (b) Any person who engages in an unlawful act or practice
17 as provided in subsection (a) shall be fined by a sum not less
18 than \$500 nor more than \$2,500 for each unlawful act or
19 practice, which sum shall be collected in a civil suit brought
20 by the office of consumer protection or the department of the
21 attorney general.



1 (c) Any contract for the furnishing of commodities or
2 services by an unlicensed, unregistered, or uncertificated
3 person shall be void and shall prevent the person from
4 recovering the contract price or the reasonable value thereof.

5 § -13 Restitution. (a) In any action brought by the
6 attorney general, the court may include in its orders or
7 judgments provisions as may be necessary to effect restitution.
8 Any person in whose favor restitution is ordered need not accept
9 restitution, but the person's acceptance and full performance of
10 restitution shall bar recovery by the person of any other
11 damages in any action on account of the same acts or practices
12 against the person making restitution.

13 (b) Whenever a corporation is ordered to pay restitution
14 under subsection (a), the court hearing the action may include
15 in its orders or judgments that the corporation and the
16 individual directors, officers, or agents of the corporation who
17 authorized, ordered, or had done, or participated in any of the
18 unlawful acts and practices that caused, in whole or in part,
19 injuries to any person, shall be jointly and severally liable
20 for the payment of restitution.



1 (c) Whenever a domestic or foreign limited liability
2 company is ordered to pay restitution under subsection (a), the
3 court hearing the action may include in its orders or judgments
4 that the limited liability company and the individual members,
5 managers, or agents of the limited liability company who
6 authorized, ordered, had done, or participated in any of the
7 unlawful acts and practices that caused, in whole or in part,
8 injuries to any person, shall be jointly and severally liable
9 for the payment of restitution.

10 (d) The office of consumer protection may establish and
11 maintain an account for purposes of holding and disbursing
12 moneys received or recovered by it and that are due consumers as
13 restitution.

14 (e) The executive director may assign to a consumer for
15 collection that portion of any judgment awarding restitution to
16 that consumer.

17 (f) If a person commits a violation of section 480-2 that
18 is directed toward, targets, or injures an elder, the court, in
19 addition to the restitution authorized by subsection (a), may
20 award the elder an additional sum up to but not to exceed the
21 amount of restitution ordered in subsection (a). In determining



1 the amount, if any, of an award under this subsection, the court
2 shall consider the factors set forth in section 480-13.5.

3 § -14 Injunction. The executive director or the office
4 of consumer protection may bring civil proceedings to enjoin any
5 violation of section -13(a) or any other unlawful act or
6 practice affecting consumers, trade, or commerce.

7 § -15 Appointment of receiver; powers; limitation. (a)
8 If the executive director initiates any action in circuit court
9 under this chapter against a person for allegedly engaging in
10 unfair or deceptive acts or practices in violation of section
11 480-2, the court may appoint a receiver for the assets of the
12 person upon application by the executive director and proof
13 submitted at a hearing on the application that is sufficient to
14 establish that:

- 15 (1) The person previously engaged in a pattern of unfair
16 or deceptive acts or practices that resulted in
17 substantial actual damages to consumers;
- 18 (2) The person is outside the State or is actually
19 removing or about to remove self or property outside
20 the State or is concealing self or property; or



1 (3) The appointment of a receiver is necessary to preserve
2 the assets of the person for the benefit of consumers
3 allegedly damaged by the person's unfair or deceptive
4 acts or practices.

5 (b) Subject to the limitation in subsection (c), a
6 receiver appointed by the court pursuant to subsection (a) may
7 sue for, collect, receive, and take into possession all the
8 goods and chattels, rights, credits, moneys, effects, lands,
9 tenements, books, records, documents, papers, choses in action,
10 bills, notes, and property of every description, including
11 property that has been commingled that is owned by or owing to
12 the defendant. The receiver may sell, convey, or assign the
13 property and hold or dispose of the proceeds thereof subject to
14 the approval of the court.

15 (c) Prior to the judgment, the receiver shall exercise the
16 powers enumerated in subsection (b) as may be necessary to
17 preserve the assets of the defendant pending the judgment."

18 SECTION 2. Chapter 487, Hawaii Revised Statutes, is
19 repealed.

20 SECTION 3. All rights, powers, functions, and duties of
21 the department of commerce and consumer affairs relating to the



1 office of consumer protection are transferred to the department
2 of the attorney general.

3 SECTION 4. All officers and employees whose functions are
4 transferred by this Act shall be transferred with their
5 functions and shall continue to perform their regular duties
6 upon their transfer, subject to the state personnel laws and
7 this Act.

8 All employees who occupy civil service positions and whose
9 functions are transferred to the department of the attorney
10 general by this Act shall retain their permanent or temporary
11 civil service status. Employees shall be transferred without
12 loss of salary, seniority, retention points, prior service
13 credit, any vacation and sick leave credits previously earned,
14 and other rights, benefits, and privileges, in accordance with
15 state personnel laws and this Act; provided that the employees
16 possess the minimum qualifications and public employment
17 requirements for the class or position to which transferred or
18 appointed, as applicable; provided further that subsequent
19 changes in status may be made pursuant to applicable civil
20 service and compensation laws.



1 Any employee who, prior to this Act, is exempt from civil
2 service and is transferred as a consequence of this Act may
3 continue to retain the employee's exempt status, but shall not
4 be appointed to a civil service position because of this Act.
5 An exempt employee who is transferred by this Act shall not
6 suffer any loss of prior service credit, any vacation and sick
7 leave credits previously earned, or other employee benefits or
8 privileges as a consequence of this Act; provided that the
9 employees meet legal and public employment requirements for the
10 position to which transferred or appointed, as applicable;
11 provided further that subsequent changes in status may be made
12 pursuant to applicable employment and compensation laws. The
13 attorney general may prescribe the duties and qualifications of
14 the exempt employees and fix their salaries without regard to
15 chapter 76, Hawaii Revised Statutes.

16 SECTION 5. All council members serving on the consumer
17 advisory council on the day prior to the effective date of this
18 Act shall continue as members of the council and their terms
19 shall be unaffected by this Act.

20 SECTION 6. All appropriations, records, equipment,
21 machines, files, supplies, contracts, books, papers, documents,



1 maps, and other personal property heretofore made, used,
2 acquired, or held by the department of commerce and consumer
3 affairs, its agencies, divisions, or offices relating to the
4 office of consumer protection as determined by both the
5 department of commerce and consumer affairs and the office of
6 consumer protection, which is transferred to the department of
7 the attorney general shall be transferred with the functions to
8 which they relate.

9 SECTION 7. All rules, policies, procedures, guidelines,
10 and other material adopted or developed by the office of
11 consumer protection to implement provisions of chapter 487,
12 Hawaii Revised Statutes, that are made applicable to the office
13 of consumer protection established by this Act, shall remain in
14 full force and effect until amended or repealed by the office of
15 consumer protection established by this Act pursuant to chapter
16 91, Hawaii Revised Statutes.

17 SECTION 8. All deeds, leases, contracts, loans,
18 agreements, permits, or other documents executed or entered into
19 by or on behalf of the office of consumer protection transferred
20 or placed for administrative purposes within the department of
21 the attorney general shall remain in full force and effect.



1 SECTION 9. All relocation cost or expenses associated with
2 transferring the office of consumer protection to the department
3 of the attorney general shall be borne by the appropriations
4 allocation to the office of consumer protection or the
5 department of the attorney general with no liabilities or liens
6 arising from such relocation activity accruing to the department
7 of commerce and consumer affairs.

8 SECTION 10. All privileges and benefits as provided by the
9 department of commerce and consumer affairs, including parking,
10 that are currently enjoyed by the office of consumer protection
11 shall be forfeited and returned to the providing department upon
12 transfer of the office of consumer protection to the department
13 of the attorney general.

14 SECTION 11. There shall be a transition period to
15 facilitate the transfer of the office of consumer protection
16 from the department of commerce and consumer affairs to the
17 department of the attorney general. The year following July 1,
18 2023, shall serve as a transition period, in which the state
19 agencies affected by this Act shall assist the executive
20 director in implementing the transfer under this Act. Once the
21 transfer is completed, the department of the attorney general



1 shall provide public notice that the transfer is completed in a
2 printed publication or electronic format that is accessible
3 statewide.

4 SECTION 12. The provisions of this Act are to be liberally
5 construed to effectuate its purpose.

6 SECTION 13. All acts passed by the legislature during this
7 regular session of 2023, whether enacted before or after the
8 effective date of this Act, shall be amended to conform to this
9 Act unless the acts specifically provide that this Act is being
10 amended.

11 PART II

12 SECTION 14. Section 26-9, Hawaii Revised Statutes, is
13 amended by amending subsection (h) to read as follows:

14 "(h) The director may appoint a complaints and enforcement
15 officer not subject to chapter 76 who shall facilitate the
16 receipt, arbitration, investigation, prosecution, and hearing of
17 complaints regarding any person who furnishes commodities,
18 services, or real estate for which a license, registration, or
19 certificate is required from the department or any board,
20 commission, or regulatory program thereunder. [~~In representing~~
21 ~~the State in bringing any action to enjoin unlicensed,~~



1 ~~unregistered, or uncertified activities, the department of~~
2 ~~commerce and consumer affairs' attorneys shall be empowered to~~
3 ~~exercise all authority granted to the attorney general and to~~
4 ~~the director of the office of consumer protection under sections~~
5 ~~487-12, 487-14, 480-3.1, 480-15, 480-15.1, 480-20(c), and 480-~~
6 ~~22, as these sections now exist and as they subsequently may be~~
7 ~~amended.] The [attorneys also] department of commerce and~~
8 ~~consumer affairs shall be empowered to exercise all authority~~
9 ~~granted to the attorney general and to the responsible attorneys~~
10 ~~of the various counties under section 92F-13 in all cases~~
11 ~~involving documents and records within the custody or control of~~
12 ~~the regulated industries complaints office."~~

13 SECTION 15. Section 290-11, Hawaii Revised Statutes, is
14 amended by amending subsection (g) to read as follows:

15 "(g) Any person who violates any provision of this section
16 shall be deemed to have:

17 (1) Engaged in an unfair or deceptive act or practice in
18 the conduct of any trade or commerce within the
19 meaning of section 480-2 and subject to penalties and
20 remedies under chapter 480; and



1 (2) Furnished services without a license within the
2 meaning of section [~~487-13~~] -12 and subject to
3 penalties and remedies under chapter [~~487-~~] ."

4 SECTION 16. Section 291C-165.5, Hawaii Revised Statutes,
5 is amended by amending subsection (b) to read as follows:

6 "(b) The towing company shall determine the name of the
7 lien holder and the last registered owner of the vehicle from
8 the department of transportation or the county department of
9 finance. The lien holder and the registered owner shall be
10 notified by the towing company in writing at the address on
11 record with the department of transportation or with the county
12 department of finance by registered or certified mail of the
13 location of the vehicle; together with a description of the
14 vehicle, within a reasonable period not to exceed twenty days
15 following the tow. The notice shall state:

- 16 (1) The maximum towing charges and fees allowed by law;
- 17 (2) The telephone number of the county finance department
18 that arranged for or authorized the tow; and
- 19 (3) That if the vehicle is not recovered within thirty
20 days after the mailing of the notice, the vehicle



1 shall be deemed abandoned and will be sold or disposed
2 of as junk.

3 Any towing company engaged in towing pursuant to this section
4 shall comply with the requirements of section 291C-135. When
5 the vehicle is recovered after the tow by the last registered
6 owner or lien holder, the party recovering the vehicle shall pay
7 the tow and storage charges [~~which~~] that shall not exceed the
8 charges as provided by section 290-11(b) or the rates agreed
9 upon with the respective counties, whichever is lower, except
10 that tow operators may charge additional reasonable amounts for
11 excavating vehicles from off-road locations; provided that if
12 the notice required by this section was not sent within twenty
13 days after the tow, neither the last registered owner nor the
14 lien holder shall be required to pay the tow and storage
15 charges. No notice shall be sent to a legal or last registered
16 owner or any person with any unrecorded interest in the vehicle
17 whose name or address cannot be determined. Any person who
18 violates any provision of this section shall be deemed to have:
19 (1) Engaged in an unfair or deceptive act or practice in
20 the conduct of any trade or commerce within the



1 meaning of section 480-2 and subject to the penalties
2 and remedies of chapter 480; and

3 (2) Furnished services without a license within the
4 meaning of section [~~487-13~~] -12 and subject to
5 penalties and remedies under chapter [~~487-~~] ."

6 SECTION 17. Section 466-5, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) Failure to renew a license on or before December 31
9 of every odd-numbered year, shall constitute a forfeiture of
10 license. Continued practice in public accountancy without
11 renewing or restoring a license and permit shall constitute
12 unlicensed activity. Any person engaged in unlicensed activity
13 shall be subject to sections 466-9, 466-11, [~~487-13,~~] -12,
14 and 26-9."

15 SECTION 18. Section 466-7, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

17 "(e) Failure to submit the required fees, continuing
18 education hours, or other requirements for renewal as specified
19 in this section by December 31 of every odd-numbered year, shall
20 constitute forfeiture of the permit. Continued performance in
21 the practice of public accountancy without a permit shall



1 constitute unlicensed activity and the individual or firm shall
2 be subject to sections 466-9, 466-11, [~~487-13,7~~] -12, and
3 26-9."

4 SECTION 19. Section 476-31, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§476-31 Attorney general, executive director of [{}the
7 office of[{}] consumer protection, or prosecutor to enforce
8 chapter. The attorney general; the executive director of the
9 office of consumer protection, or the prosecuting attorney may
10 bring an action in the name of the State against any person to
11 restrain and prevent any violation of this chapter."

12 SECTION 20. Section 480-2, Hawaii Revised Statutes, is
13 amended by amending subsection (d) to read as follows:

14 "(d) No person other than a consumer, the attorney general
15 or the executive director of the office of consumer protection
16 may bring an action based upon unfair or deceptive acts or
17 practices declared unlawful by this section."

18 SECTION 21. Section 480-3.1, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§480-3.1 Civil penalty. Any person, firm, company,
21 association, or corporation violating any of the provisions of



1 section 480-2 shall be fined a sum of not less than \$500 nor
2 more than \$10,000 for each violation, which sum shall be
3 collected in a civil action brought by the attorney general or
4 the executive director of the office of consumer protection on
5 behalf of the State. The penalties provided in this section are
6 cumulative to the remedies or penalties available under all
7 other laws of the State. Each day that a violation of section
8 480-2 occurs shall be a separate violation."

9 SECTION 22. Section 480-14, Hawaii Revised Statutes, is
10 amended by amending subsections (b) and (c) to read as follows:

11 "(b) The attorney general of the State shall be authorized
12 to bring a class action for indirect purchasers asserting claims
13 under this chapter. The attorney general or the executive
14 director of the office of consumer protection may bring a class
15 action on behalf of consumers based on unfair or deceptive acts
16 or practices declared unlawful by section 480-2. Actions
17 brought under this subsection shall be brought as *parens patriae*
18 on behalf of natural persons residing in the State to secure
19 threefold damages for injuries sustained by the natural persons
20 to their property by reason of any violation of this chapter.



1 (c) If judgment is in favor of the State or any of its
2 political subdivisions or governmental agencies under any
3 provision of this chapter, the attorney general or the executive
4 director of the office of consumer protection shall be awarded
5 reasonable attorney's fees together with the cost of suit;
6 provided that in any class action lawsuit brought by the
7 attorney general on behalf of indirect purchasers, the attorney
8 general shall in addition be awarded an amount commensurate with
9 expenses reasonably expected to be expended in distribution of
10 damages to the indirect purchasers."

11 SECTION 23. Section 480-15, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§480-15 Injunction by attorney general or the executive**
14 **director of the office of consumer protection.** The attorney
15 general may bring proceedings to enjoin any violation of this
16 chapter; provided that the executive director of the office of
17 consumer protection may also bring proceedings to enjoin any
18 violation of section 480-2."

19 SECTION 24. Section 480-15.1, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§480-15.1 Penalty. Any person, firm, company,
2 association, or corporation violating an injunctive order to
3 cease and desist from violating any provisions of this chapter
4 shall be fined by a sum not less than \$500 nor more than
5 \$10,000, which sum shall be collected in a civil action brought
6 by the attorney general or the executive director of the office
7 of consumer protection on behalf of the State. Each separate
8 violation of any such order shall be a separate offense, except
9 that in the case of a violation through continuing failure or
10 neglect to obey a final order of the court, each day of
11 [~~continuance of such~~] continuing failure shall constitute a
12 separate offense."

13 SECTION 25. Section 480-20, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) The executive director of the office of consumer
16 protection shall have concurrent jurisdiction with the attorney
17 general to enforce the civil provisions of this chapter with
18 regard to violations of section 480-2."

19 SECTION 26. Section 481F-8, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) In civil actions brought under this section by the
 2 attorney general, the office of consumer protection, or any
 3 county prosecuting attorney, the court may include in its orders
 4 or judgments [~~such~~] provisions as may be necessary to effect
 5 restitution in accordance with section [~~487-14.~~] -13."

6 SECTION 27. Section 487A-3, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "~~[§] §487A-3 [§]~~ Attorney general or executive director of
 9 ~~[§] the office of [§]~~ consumer protection to enforce chapter. The
 10 attorney general or the executive director of the office of
 11 consumer protection may bring an action in the name of the State
 12 against any person to restrain and prevent any violation of this
 13 chapter."

14 SECTION 28. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 29. This Act shall take effect on July 1, 2023.

17

INTRODUCED BY: ~~AC~~ *AC [Signature]*



S.B. NO. 1438

Report Title:

Office of Consumer Protection; Department of Commerce and
Consumer Protection; Department of the Attorney General;
Transfer

Description:

Transfers the Office of Consumer Protection from the Department
of Commerce and Consumer Protection to the Department of the
Attorney General.

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

