

ACT 49

A Bill for an Act Amending Chapter 94, Revised Laws of Hawaii 1955, as Amended Relating to Wages and Hours.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. The third paragraph entitled, "Collection suits; attorney's fee; assignments; relief from costs," of section 94-13, Revised Laws of Hawaii, is hereby amended by adding thereto at the end the following:

"The right provided by this paragraph to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the director in an action in which restraint is sought of any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation, as the case may be, owing to such employee under sections 94-3 or 94-4 by an employer liable therefor under the provisions of this section."

SECTION 2. The fourth paragraph entitled, "Injunctions," of section 94-13, Revised Laws of Hawaii 1955, is hereby amended to read:

"Injunctions: (a) Whenever it appears to the director that any employer is engaged in any act or practice which constitutes or will constitute a violation of any provision of this chapter, or of any provision of any regulation, he may in his discretion bring an action in the circuit court of the circuit in which it is charged the act or practice complained of occurred to enjoin such act or practice and to enforce compliance with this chapter or with such regulation, and upon a proper showing, a permanent or temporary injunction or decree or restraining order shall be granted without bond.

"(b) The circuit courts shall have jurisdiction, for cause shown, to restrain any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under section 94-3 or 94-4."

SECTION 3. Section 94-9, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 94-9. Learners; apprentices; part-time employees who are full-time students; paroled wards of Hawaii youth correctional facility; handicapped workers. The director may by rules provide for the employment: (a) of learners, of apprentices, of part-time employees who are full-time students attending public or private schools other than colleges, universities, business schools or technical schools, and of wards paroled from the Hawaii youth correctional facility, under special certificates issued by the director, at such wages lower than the applicable minimum wage and subject to such limitations as to time, number, proportion, and length of service as the director shall prescribe; and (b) of

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individuals whose earning capacity is impaired by old age or physical or mental deficiency or injury, under special certificates issued by the director, at such wages lower than the applicable minimum wage and for such period as shall be fixed in such certificates.”

SECTION 4. This Act shall take effect upon its approval.

(Approved May 18, 1963.) **H.B. 77.**
