

A Bill for an Act Relating to the Powers of the Office of Consumer Protection.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 487-5, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 487-5 General functions, powers and duties of the office.** The director of the office of consumer protection is hereby designated the consumer counsel for the State and shall represent and protect the State, the respective counties, and the general public as consumers. The office of consumer protection shall have the following functions, powers and duties:

- (1) Coordinate the consumer protection activities of all departments, divisions and branches of state government, and of branches of the county government concerned with consumer protection;
- (2) Assist, advise and cooperate with federal, state and local agencies and officials to protect and promote the interests of the consumer public;
- (3) Conduct investigations, research, studies and analysis of matters and take appropriate action affecting the interests of consumers;
- (4) Study the operation of laws affecting consumers and recommend to the governor and the Legislature, new laws and amendments of laws in the consumers' interest;
- (5) Adopt rules pursuant to chapter 91 interpreting section 480-2; provided that in adopting rules, due consideration shall be given to the rules, regulations and decisions of the Federal Trade Commission

and the federal courts in interpreting section 5(a) (1) of the Federal Trade Commission Act (15 U.S.C. 45(a) (1)), as from time to time amended;

- (6) Investigate reported or suspected violations of laws enacted, and rules and regulations promulgated for the purpose of consumer protection and shall enforce such laws, rules and regulations;
- (7) Organize and hold conferences on problems affecting consumers; and undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services;
- (8) Provide a central clearinghouse of information by collecting and compiling all consumer complaints and inquiries;
- (9) Organize, promote and conduct consumer education programs within the State;
- (10) Appear before governmental commissions, departments and agencies to represent and be heard on behalf of consumers' interest;
- (11) Contract with other county, state or federal governmental agencies, with nonprofit social services societies, or with private nonprofit trade, professional, or business organizations which were in existence for more than five years prior to June 3, 1974, for the performance of any of the functions of the office not involving the enforcement of rules and regulations for the purpose of consumer protection under this section, or the extension of any power or authority under section 487-11, within the budget limitations for any period not exceeding a budget year, provided, however, that the purposes and policies of this chapter are in no way diluted, abridged, misdirected, or destroyed;
- (12) Perform such other acts as may be incidental to the exercise of the functions, powers and duties set forth in this section."

SECTION 2. Section 480-20, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 480-20 Duty of the attorney general; duty of the county attorney, etc.** (a) The attorney general shall enforce the criminal and civil provisions of this chapter. The county attorney of any county, the prosecuting attorney and the corporation counsel of the city and county shall investigate and report suspected violations of this chapter to the attorney general.

(b) Whenever this chapter authorizes or requires the attorney general to commence any action or proceeding, including proceedings under section 480-18, the attorney general may require the county attorney, prosecuting attorney, or corporation counsel, of any county or city and county, holding office in the circuit where the action or proceeding is to be commenced or maintained, to maintain the action or proceeding under the direction of the attorney general.

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

**ACT 57**

**SECTION 3.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 7, 1975.)

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\*Edited accordingly.