

ACT 45

S.B. NO. 1562-84

A Bill for an Act Relating to the Department of Commerce and Consumer Affairs.

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

SECTION 1. Purpose. The purpose of this bill is to authorize the attorneys hired by the department of commerce and consumer affairs to exercise authority granted to the attorney general and to responsible attorneys for the various counties under Section 92-51, Hawaii Revised Statutes, by permitting the attorneys to withhold documents and records, when appropriate, which are within the custody and/or control of Regulated Industries Complaints Office, Department of Commerce and Consumer Affairs.

Also, the various boards and commissions within the department of commerce and consumer affairs have imposed monetary fines as appropriate relief in certain disciplinary cases. The amount of the fines imposed by the board or commission has been determined by the specific statutory provision which provides for the imposition of fines. The purpose of the amendatory language is merely to clarify the boards' and commissions' authority to impose fines as appropriate relief in disciplinary cases. The amendments provided herein should not undermine the legislature's recognition of the existence of the boards' and commissions' authority to impose fines even prior to the effective date of the amendment.

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SECTION 2. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (g) to read:

“(g) The director may appoint a complaints and enforcement officer not subject to chapters 76 and 77 who shall facilitate the receipt, arbitration, investigation, prosecution, and hearing of complaints regarding any person who furnishes commodities or services for which a license is required from the department or any board or commission thereunder. In representing the State in bringing any action to enjoin unlicensed activities, the department of commerce and consumer affairs’ attorneys shall be empowered to exercise all authority granted to the attorney general and to the director of consumer protection under sections 487-12, 487-14, 480-3.1, 480-15, 480-15.1, 480-20(c), and 480-22, as such sections now exist and as they may be subsequently amended. The attorneys shall also be empowered to exercise all authority granted to the attorney general and to the responsible attorneys of the various counties under section 92-51 in all cases involving documents and records within the custody or control of the regulated industries complaints office.”

SECTION 3. Section 92-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) Upon receipt of a written complaint or upon receipt of an investigation report generated by the board on its own motion which establishes an alleged violation of any provision of law or rule that is within its jurisdiction, the board shall notify the licensee or person regulated of the charge against him and conduct a hearing in conformity with chapter 91 if the matter cannot be settled informally. If the board finds that the charge constitutes a violation, the board may order one or more of the following remedies as appropriate relief:

- (1) Refunding the money paid as fees for services;
 - (2) Correcting the work done in providing services;
 - (3) Revocation of the licensee’s permit or license;
 - (4) Suspension of the licensee’s permit or license; [and]
 - (5) Imposition of a fine; and
- [(5)] (6) Any other reasonable means to secure relief as determined by the board.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 18, 1984.)