

ACT 153

S.B. NO. 1188

A Bill for an Act Relating to Measurement Standards.

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

SECTION 1. The purpose of this Act is to update chapter 486, Hawaii Revised Statutes, to bring its provisions into alignment with national consensus standards for uniformity in weights and measures.

SECTION 2. Chapter 486, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§486- Remedies. Notwithstanding other penalties, the board may enforce this chapter in both administrative and judicial proceedings:

- (1) **Administrative.** If the administrator determines that any person is violating any provision of this chapter or any rule adopted thereunder, or any variance or exemption or waiver issued pursuant thereto, the administrator may have that person served with a notice of violation and an order. The notice shall specify the alleged violation. The order may require that the alleged violator do any or all of the following: cease and desist from the violation, pay an administrative penalty not to exceed \$2,000 for each day of violation, correct the violation at the alleged violator’s own expense, or appear before the board at a time and place specified in the order and answer the charges complained of. The order shall become final twenty calendar days after service unless within those twenty calendar days the alleged violator requests in writing a hearing before the board. Upon such request the board shall specify a time and place for the alleged violator to appear. After a hearing pursuant to this subsection, the board may affirm, modify, or rescind the order as appropriate.

Factors to be considered in imposing the administrative penalty may include the nature and history of the violation and any prior

violation and the opportunity, difficulty, and history of corrective action. It is presumed that the violator's economic and financial conditions allow payment of the penalty and the burden of proof to the contrary is on the violator.

- (2) Judicial. The board may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. In any judicial proceeding to enforce the administrative penalty imposed pursuant to this chapter, the board shall be required to show that:
 - (A) Notice was given;
 - (B) A hearing was held or the time granted for requesting a hearing had expired without such a request;
 - (C) The administrative penalty was imposed; and
 - (D) The penalty imposed remains unsatisfied.

The board may also institute a civil action in any court of competent jurisdiction for injunctive relief to enjoin violation of any order issued or rule adopted pursuant to this chapter, in addition to any other remedy or penalty provided for under this chapter."

SECTION 3. Chapter 486, Hawaii Revised Statutes, is amended by adding to part I a new section to be appropriately designated and to read as follows:

"§486- Rules; severability and continuation. (a) If any provision of the rules adopted under this chapter is declared invalid, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the rules and the applicability thereof to other persons and circumstances shall not be affected thereby.

(b) Except as specifically excepted, all rules currently in effect, as they relate to this chapter, shall remain in effect until they are updated, amended, or repealed."

SECTION 4. Chapter 486, Hawaii Revised Statutes, is amended by adding to part II a new section to be appropriately designated and to read as follows:

"§486- General duties and powers. The board may:

- (1) Enforce and administer this part by inspections, analyses, and other appropriate actions;
- (2) Have access during normal business hours to all places where petroleum products are marketed or being held for the purpose of examination, inspection, taking of samples, and investigation. If such access is refused by the owner or agent or other persons leasing the same, the board or its agent may obtain a search warrant from a court of competent jurisdiction;
- (3) Collect, or cause to be collected, samples of petroleum products marketed or being held in this State, and cause such samples to be tested or analyzed for compliance with this part; and
- (4) Issue a stop-sale order for any petroleum product found not to be in compliance and remand said stop-sale order if the petroleum product is brought into full compliance with this part."

SECTION 5. Chapter 486, Hawaii Revised Statutes, is amended by adding to part II a new section to be appropriately designated and to read as follows:

“§486- Adoption of standards and rules. The standards as published by the American Society for Testing and Materials (ASTM) and the Society of Automotive Engineers (SAE) are adopted except as amended or modified by rule of the board pursuant to chapter 91. The board may also adopt rules on the advertising, labeling, standards for, handling, storing, dispensing, and selling of petroleum products.”

SECTION 6. Chapter 486, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . MEASUREMENT STANDARDS, UNIFORM PACKAGING AND LABELING

§486- Definitions. As used in this part, unless the context otherwise requires:

“Commodity in package form” means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be considered a commodity in package form. Where the term “package” is used in this chapter, it shall mean “commodity in package form” as here defined.

“Consumer package; package of consumer commodity” means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

“Measure” includes all measures of every kind, including but not limited to weight, mass, length, volume, and count; instruments and devices for measuring; and appliances and accessories associated with any such instruments and devices. When used in connection with any commodity in package form, the term shall mean net measure.

“National type evaluation program” means a program of cooperation between the National Institute of Standards and Technology, the National Conference on Weights and Measures, the states, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices”; National Institute of Standards and Technology handbook 105-1, “Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Weights (NIST class F)”; National Institute of Standards and Technology handbook 105-2, “Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Measuring Flask”; or National Institute of Standards and Technology handbook 105-3, “Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards”.

“Net weight” means:

- (1) As applied to commodities, the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Materials, substances, or items not considered to be part

of the commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece covering, decorative accompaniments, and coupons.

- (2) As applied to services, materials considered to be part of a service may or may not include packaging materials, depending upon the type of service that is being purchased. It shall in no instance include the weight of the conveyance used to transport goods if the service is transportation of goods.

“Package” means a container or wrapper enclosing a commodity for sale, delivery, or display, but does not include shipping containers or wrapping used solely for the transportation of that commodity.

“Participating laboratory” means any state measurement laboratory that has been certified by the National Institute of Standards and Technology, in accordance with its program for the certification of capability of state measurement laboratories, to conduct a type evaluation under the national type evaluation program.

“Sale from bulk” means sale of commodities or services when the quantity is determined at the time of sale.

“Type” means a model or models of a particular measurement system, instrument, element, or a field standard that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the certificate of conformance.

“Type evaluation” means the testing, examination, or evaluation of a type by a participating laboratory under the national type evaluation program.

“Weight” as used in connection with any commodity or service, means net weight; when a commodity is sold by drained weight, the term means net drained weight.

§486- Systems of measurement. The United States customary system of weights and measures and the metric system of measurement are jointly recognized, and either one or both shall be used for all measurement purposes in the State. The definitions of basic units of measure, the tables of measure and measure equivalents, the specifications, tolerances and other technical requirements for measuring devices, as published by the National Institute of Standards and Technology and adopted, or modified and adopted by the board, together with the measurement standards provided for herein, are recognized and shall govern measurement standards, measuring equipment and measuring transactions in the State.

§486- State measurement standards. The State measurement standard artifacts shall be in conformity with the measurement standards of the United States. As applicable, they shall have been calibrated for such use by the National Institute of Standards and Technology or other appropriate agency and shall be maintained in such calibration as is prescribed by that bureau or agency by the laboratory of the State division of measurement standards. They shall not be removed from that laboratory except upon request of the National Institute of Standards and Technology or other appropriate agency for calibration audit, provided that they may be relocated for the convenience of the State by directive of the governor.

§486- Secondary standards and equipment. The State shall supply secondary standards and other equipment as is necessary to carry out the provi-

sions of this chapter. These standards shall be verified, by comparison with the State standards, upon their initial receipt and at least once a year thereafter.

§486- General testing. Unless otherwise provided by law, the department, through the division of measurement standards, shall inspect and test, to ascertain if they are correct, all measurement standards and measuring devices kept, offered, or exposed for sale, sold or in use in the State. The department may, as often as it deems necessary, inspect and test, to ascertain if they are correct, all measurement standards and measuring devices used in determining the measurement of commodities or things sold, or offered or exposed for sale, on the basis of measure; in computing the basic charge or payment, including taxes, for services rendered on the basis of measure; in determining measurement when a charge is made for such determination, including the payment of any associated tax; provided that in compliance with a rule of the board, tests may be made on representative samples of such commodities of things or devices, and the lots of which samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such samples; and provided, that with respect to single-service devices designed to be used only once and to be then discarded or with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, the inspection and testing requirements of this section will be satisfied when inspections and tests are made on representative samples of such devices, and the lots of which samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests of such samples.

§486- Testing at State-supported institutions. The department, through the division of measurement standards, shall from time to time test all measures used in establishing or verifying any other measurement, including any measure or measurement standard used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, reporting its findings, in writing, to the supervisory board and to the executive officer of the institution concerned.

§486- Type evaluation; requirements; certificate of conformance. Any weight or measure, or any weighing or measuring instrument or device, shall have a certificate of conformance indicating that it has passed a national type evaluation by a participating laboratory, prior to being introduced for use for commercial or law enforcement purposes in the State.

§486- Use; disposition of correct or incorrect apparatus. The department, through the division of measurement standards, shall seal or mark with appropriate devices, such measures and measurement standards as it finds, upon inspection and test, to be "correct" as defined in this chapter. The department, through the division of measurement standards, shall reject and mark or tag as "rejected" such measures and measurement standards as it finds, upon inspection and test, to be in non-compliance provided that sealing or marking shall not be required with respect to such measures and measurement standards as may be exempted therefrom by a rule of the board adopted under section 486-7. Measures and measurement standards that have been rejected may be confiscated and may be destroyed by the department, through the division of measurement standards, if not corrected as required by section 486- , or if used or disposed of contrary to the requirements of section 486- . In carrying out this section, the department, through the division of measurement standards, may use such terms as "rejected,"

“accepted,” “incorrect,” “inaccurate,” “accurate,” “tested,” “approved,” “certified,” or terms of similar import on marks or tags or certificates, as necessary, to convey to all interested parties the condition or state of the device or apparatus. Any such mark or tag shall be subject to section 486-7 and its unauthorized application or removal shall be a violation of this chapter.

§486- Duties of owners or custodians of measuring apparatus.

Measures and measurement standards shall be subject to the control of the department, through the division of measurement standards, until such time as they receive a certificate of conformance. Measures or measurement standards that have been initially type evaluated and approved, and subsequently found to be incorrect as defined in this chapter shall remain subject to the control of the department, through the division of measurement standards, until such time as suitable repairs shall have been made, and the measure or measurement standard is found to be correct as defined in this chapter, or such devices may be destroyed. The owners of the unapproved or rejected measures or measurement standards shall cause the same to be type evaluated and approved or made correct within thirty days or such longer period as may be authorized by the department, through the division of measurement standards; or, in lieu of this, may dispose of the same, but only in such manner as is specifically authorized by the department, through the division of measurement standards. Measures and measurement standards subject to this chapter that have not been type evaluated and approved or that have been rejected shall not be used until they have been officially type evaluated and approved or reexamined and found to be correct or until specific written permission for such use is issued by the department, through the division of measurement standards, or until the rejection tag has been removed by the department, through the division of measurement standards, and the rejected device or apparatus repaired or corrected and placed in service by a person duly registered to perform the acts under rules adopted by the board pursuant to section 486-7.

§486- Method of sale of commodities; general. Except as otherwise provided in this chapter, or by firmly established trade custom and practice, or exempted by a rule of the board:

- (1) Commodities in liquid form shall be sold by liquid measure or weight; and
- (2) Commodities not in liquid form shall be sold by weight, mass, volume, length, area, or by count;

provided that liquid commodities shall be sold by weight and commodities not in liquid form shall be sold by measures other than weight, when such methods give accurate information as to the quantity of commodity sold. All methods of sale shall provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons. The board may adopt such reasonable rules as may be necessary to assure that the measure of any commodity for sale reflects accurate information and fair measurement practices to all concerned.

§486- Packages; information required; variations; exemptions.

Except as otherwise provided in this chapter, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale, shall bear on the outside of the package definite, plain, and conspicuous declarations of:

- (1) The identity of the commodity in the package, unless the commodity can be identified easily through the wrapper or container;
- (2) The net quantity of the contents in terms of measure; and

- (3) In the case of any package kept, offered, or exposed for sale, or sold in any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor, as may be prescribed by rule of the board;

provided that, in connection with the declaration of net quantity, neither the qualifying term "when packed" or words of similar import, nor any term qualifying a unit of measure (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in the package shall be used; and provided further that the board may, by rule, establish reasonable variations from the declared measure and exemptions pertaining to the required declarations.

§486- Declarations of unit price on random packages. In addition to the declarations required by section 486- , any commodity in package form that is one of a lot containing random measure of the same commodity and that bears the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of measure, as established by rule of the board.

§486- Deceptive package. No commodity in package form shall be so wrapped or labeled, nor shall it be in a container so made, formed, or filled as to mislead the purchaser as to the quantity of the contents of the commodity in the package, and the contents of a container shall not fall below such reasonable standard of fill as has been prescribed for the commodity by rule of the board.

For commodities measured by volume and packaged in containers standardized as to capacity or generally recognized by consumers as having a set capacity, the standard of fill shall be equal to that capacity, e.g. the volume of fill in the commonly designed one-gallon jug shall be one gallon.

§486- Advertising packages for sale. Whenever a commodity in package form is advertised in any manner, excluding its labeling, and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or rule to appear on the package; provided that, where the law or rule requires a dual declaration of net quantity to appear on the package, only the declaration that sets forth the quantity in terms of the smaller unit of measure (the declaration that is required to appear first and without parentheses on the package) need appear in the advertisement; and provided further that there shall not be included as part of the declaration required under this section such qualifying terms as "when packed," "minimum," "not less than," or other terms of similar import, nor any term qualifying a unit of measure (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in the package.

§486- Sale by net measure. Commodities or services shall be offered for sale on a net weight or net measure basis.

§486- Misrepresentation of price. Whenever any commodity or service is bought or sold, or is offered, exposed, or advertised for sale or purchase, by weight, measure, or count, the price shall not be misrepresented, nor presented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser or seller. The price of commodities in package form or commodities sold from bulk, when offered for sale at retail, shall be clearly displayed and shall reflect the retail price at which the public may, without special credentials

or other requirements, purchase such commodities. Whenever an advertised, posted, or labeled price per unit of measure includes a fraction of a cent, all numerals expressing the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to and of the same general design and style as the whole numeral or numerals of the price per unit as established by rule of the board.

§486- Inspection of packages. (a) The department, through the division of measurement standards, shall measure and inspect packages or amounts of commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept, offered, or exposed for sale or sold in accordance with the law. When such packages or amounts of commodities are found not to contain the amount represented, or are found to be kept, offered, or exposed for sale in violation of law, the department, through the division of measurement standards, may order them off sale and may mark or tag them to show them to be illegal. The department, through the division of measurement standards, may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from the representative of the lot.

(b) No person shall:

- (1) Sell, or keep, offer, or expose for sale any package or amount of commodity in package form unless the package or amount of commodity in package form is in full compliance with all legal requirements;
- (2) Sell, or keep, offer, or expose for sale any package or amount of commodity in package form that has been ordered off sale or marked or tagged as provided in this section, and which package or amount of commodity in package form has subsequently been brought into legal compliance, unless and until written authorization for such action has been issued by the administrator; or
- (3) Dispose of any package or amount of commodity in package form that has been ordered off sale or marked or tagged as provided in this chapter that has not been brought into full compliance with all legal requirements, until written authorization for such disposal has been issued by the administrator.

(c) Nothing in this section shall prohibit the administrator from authorizing the disposal of any package or amount of commodity in package form, when in the administrator's discretion the best interest of the public will be served by such disposal.

(d) The department, through the division of measurement standards, may seize and dispose of any package or amount of commodity in package form that has been ordered off sale for reasons of legal noncompliance when remedial action is not effected as required under the terms of the off sale order, as established by rule of the board.

§486- Misbranding. (a) No person shall deliver for introduction, hold for introduction or introduce into the State; or keep, offer, or expose for sale; or sell any consumer commodity which is misrepresented or misbranded in any manner.

(b) The board, pursuant to section 486-7 and chapter 91, shall adopt rules relating to misbranding. The rules may:

- (1) Require any person involved in the manufacture, processing, production, assembly, fabrication, or importation of a specified consumer commodity to keep and make available for inspection or copying by the administrator adequate records to substantiate the source of the consumer commodity, or in the case of blends, the source of such constituents, as may be required by the board;
- (2) Establish fanciful names or terms, and in the case of blends, minimum constituent content by weight, to be used in labeling to differentiate a specific consumer commodity from an imitation or look-alike; and
- (3) Establish requirements to reconcile the respective volumes of specific consumer commodities received versus the total amounts output, either as whole or processed product or as blends.

In addition, the board may adopt other rules as it deems necessary for the correct and informative labeling of consumer commodities.

§486- Hawaii-made products. No person shall keep, offer, display or expose for sale, or solicit for the sale of any item, product, souvenir, or any other merchandise which is labeled "made in Hawaii" or which by any other means misrepresents the origin of the item as being from any place within the State, which has not been manufactured, assembled, fabricated, or produced within the State and which has not had at least fifty-one per cent of its wholesale value added by manufacture, assembly, fabrication, or production within the State.

§486- "Island fresh" milk. (a) No person shall keep, offer, display, expose for sale, or solicit for the sale of any processed milk or milk product which is labeled with the term "island fresh," or like terms, or which by any other means misrepresents the origin of the item as being from any place within the State unless the processed milk or milk product has been at least ninety per cent, by weight, produced in the State.

(b) It shall be unlawful for any person to sell or offer to sell to a consumer, or expose for sale to a consumer, any processed milk or milk product for human consumption which has been at least ninety per cent produced within the State, without providing notice to the consumer that the processed milk or milk product has been locally produced. The notice shall be made by displaying on a conspicuous area on the principal display panels of the carton or container a label or sign printed in bold face or other distinctive type stating that the product is "island fresh" or using another similar term.

(c) For the purpose of this section:

"Carton" or "container" means a package containing processed milk or milk products.

"Consumer" means any person who purchases processed milk or milk products.

"Processed milk or milk product" means processed fresh milk and fresh milk products.

§486- Misrepresentation of quantity. No person shall:

- (1) Sell, offer, or expose for sale less than the quantity represented; nor
- (2) Take any more than the quantity represented when the buyer furnishes the weight or measure by means of which the quantity is determined.

§486- Sale from bulk. All bulk sales in which the buyer and seller are not both present to witness the measurement, all bulk deliveries of heating fuel, and all other bulk sales specified by rule or regulation of the board shall be accompanied by a delivery ticket containing the following information:

- (1) The name and address of the buyer and seller;
- (2) The date delivered;
- (3) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;
- (4) The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale; and
- (5) The count of individually wrapped packages, if more than one.

§486- Nonapplicability. This part shall not apply to measures or measuring devices utilized in public utilities that are subject to measurement standards control under any other statute or rule of the State."

SECTION 7. Chapter 486, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . MEASUREMASTERS

§486- Definitions. For the purposes of this part:

"Certificate of measure" includes a certificate of measure issued in compliance with this part, and shall be prima facie evidence of the accuracy of the amount shown.

"Public weighing" means the weighing, measuring, or counting, upon request, of vehicles, property, produce, commodities, or articles other than those that the weigher or the weigher's employer, if any, is either buying or selling.

"Public measuremaster" means any person who performs public weighing.

"Vehicle" means any device in, upon, or by which any property, produce, commodity, or article is or may be transported or drawn.

§486- Enforcement; rules. The board is authorized to enforce the provisions of this part and shall adopt reasonable rules for the implementation and enforcement of this part. These rules shall have the force and effect of law. The board may adopt rules that include, but are not limited to, the licensing of measuremasters; determining the qualifications of the applicant for a license as a public measuremaster; annual license fees; the granting, renewal, or refusal of a license; period of license validity; measurement practices that must be followed, including the measurement or recording of tare; the required information to be submitted with or as part of a certificate; and the period of record keeping.

§486- Requirement for measuremaster license; duties; prohibitions. Any person who engages in public weighing shall be licensed as a public measuremaster and shall perform the duties as specified by rule of the board. Any person who is not licensed as a public measuremaster is prohibited from assuming the title of public measuremaster and is prohibited from performing the acts or duties of a public measuremaster.

§486- Optional licensing. The following persons shall not be required, but shall be permitted, to obtain licenses as public measuremasters:

- (1) A law enforcement or measurement standards officer, or other qualified employee of a state, city, or county agency or institution when acting within the scope of the officer's or employee's official duties;
- (2) A person weighing property, produce, commodities, or articles that the person, or the person's employer, if any, is either buying or selling; and
- (3) A person weighing property, produce, commodities, or articles in conformity with the requirements of federal statutes or the statutes of this State relative to warehousepersons or processors.

§486- Reciprocal acceptance of certificates. Whenever in any other state that licenses public weighmasters or measuremasters there is statutory authority for the recognition and acceptance of the certificates issued by measuremasters of this State, the board is authorized to recognize and accept the certificates of that state.

§486- Offenses and penalties. (a) Criminal. Any person who performs any one of the acts enumerated in this subsection shall be guilty of a misdemeanor:

- (1) Use or have in possession a device which has been altered to facilitate fraud;
- (2) Falsely certify any gross, tare, or net weight or measure required by this part to be on the certificate;
- (3) Falsify a certificate;
- (4) Issue a certificate simulating the certificate in this part;
- (5) Refuse without cause to weigh or measure any article or thing which it is the person's duty to weigh or measure, or refuse to state in any certificate anything required to be therein;
- (6) Assume the title of public measuremaster, or any title of similar import, without a valid license;
- (7) Perform the duties or acts to be performed by a public measuremaster without a valid license;
- (8) Present oneself as a public measuremaster without a valid license;
- (9) Issue any certificate, ticket, memorandum, or statement for which a fee is charged without a valid license;
- (10) Engage in the full-time or part-time business of measuring for hire without a valid license;
- (11) Delegate the person's own authority as a public measuremaster to any person not licensed as a public measuremaster;
- (12) Request a public measuremaster to weigh, measure, or count any vehicle, property, produce, commodity, or article falsely or incorrectly; or
- (13) Request a false or incorrect certificate.

(b) Civil. Any person who performs any one of the acts enumerated in this subsection shall be fined not more than \$2,000 for each separate offense:

- (1) Use any device for certification purposes that does not meet the requirements of the National Institute of Standards and Technology handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices";
- (2) Operate devices in a manner not in accordance with the National Institute of Standards and Technology handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" requirements; or

- (3) Violate any provision of this part or any rule adopted under this part for which a specific penalty has not been prescribed.

§486- Suspension and revocation of license. The board is authorized to suspend or revoke the license of any public measuremaster:

- (1) When it is satisfied, after a hearing pursuant to chapter 91, that the licensee has violated any provision of this part or of any valid rule of the board affecting public measuremasters; or
- (2) In accordance with section 831-3.1."

SECTION 8. Chapter 486, Hawaii Revised Statutes, is amended by amending the title of part I to read:

"PART I. [MEASUREMENT STANDARDS, UNIFORM PACKAGING AND LABELING] GENERAL PROVISIONS"

SECTION 9. Section 486-1, Hawaii Revised Statutes, is amended to read as follows:

"§486-1 Definitions. As used in this chapter, unless the context otherwise requires:

"Administrator" means the administering officer of the division of measurement standards.

"Advertising" or "advertising medium" includes all publicity, mass media, signs, banners, posters, placards, labels, streamers, marks, brands, grades, descriptions or displays.

"Board" means board of agriculture.

"Certificate of conformance" means a document issued by the National Institute of Standards and Technology based on testing in participating laboratories and constitutes evidence of conformance of a type with the requirements of National Institute of Standards and Technology handbooks 44, 105-1, 105-2, or 105-3.

["Certificate of measure" includes a certificate of measure issued in compliance with this chapter, and shall be prima facie evidence of the accuracy of the amount shown.]

"Chairperson" includes the chairperson of the board of agriculture and when specifically designated by the chairperson for the purpose of effectuating this chapter, the deputy to the chairperson.

["Commodity in package form" includes a measure of a consumer commodity in either bulk or packaged form, which may or may not be associated with a posted price per unit measure, exclusive however of any auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in package form in the usual sense, but with which a price per unit measure is associated is a commodity in package form.]

"Consumer commodity" means any article, product, good or agricultural or other commodity of any kind that is customarily produced or distributed for sale through mercantile or retail sales outlets for consumption or use by individuals, including but not limited to food products or consumer packages.

"Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption or use by

individuals for the [purpose] purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

“Correct” as used in connection with measurement standards, means conformance to all applicable requirements of this chapter and to rules adopted under its authority; all other measures and measurement standards are “incorrect”.

“Department” means department of agriculture.

“Gasoline” includes any product which conforms to the standards as established by the American Society for Testing and Materials, and as adopted or amended and adopted by rule of the board.

“Holding tank” includes any tank, other than vehicle tank, intended to hold, store, or otherwise contain, any product for commercial use, either as a measure per se or as a container.]

“Incorrect” means to be in non-compliance with any specification, tolerance, performance criteria, standard, or any part of this chapter or any rule adopted under it.

“Inspector” [includes the chairperson, administrator, and any qualified individual so designated by the department of personnel services and appointed as such by the board.] means any employee or official of the department authorized by the board to administer and enforce the provisions of this law.

“Intrastate commerce” means commerce or trade begun, carried on, and completed wholly within the limits of the State.

“Introduced into intrastate commerce” means the time and place at which the first sale and delivery of a commodity is made within the State, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.

“Label” includes any written, printed or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity, or a package containing any consumer commodity, for purposes of branding, pricing, identifying, or giving any information with respect to the [consumer] commodity[.] or to the contents of the package, except that an inspector’s tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be considered a label requiring the repetition of label information required by this chapter.

“Lubricating product” includes those products which are intended for use in internal combustion engines or for purposes of lubrication, and which conform to the specifications as established by the American Society for Testing and Materials, or the Society of Automotive Engineers and which have been adopted, or amended and adopted by rule of the board.

“Manufacturer” includes manufacturers, processors, producers, packers, refiners, importers, dealers, or agents at wholesale or retail level.]

“Measure” includes all measures of every kind, including but not limited to weight, mass, length, volume, and count; instruments and devices for weighing, measuring[;], or counting; and appliances and accessories associated with any such instruments and devices.

“Measurement standards” includes any standard or definition or model or reference or measurement relating to metrology including but not limited to weights and measures, artifacts, and reproducible definitions of a unit of measure and their applicable tolerances including those of the SI, and definitions of a lot size, sample and tolerances as related to statistical inspection.

Such standards shall, insofar as it is appropriate, be traceable and in agreement with their counterpart as established by the National [Bureau of Standards,] Institute of Standards and Technology, the American Society for Testing and

Materials, the American National Standards Institute, the International Organization of Legal Metrology, the International Bureau of Weights and Measures and as related to SI, to the standards established by the Secretary of Commerce and adopted or amended and adopted by rule [of the board].

"Metric system" means the SI or International System of Units, as established by the General Conference of Weights and Measures in 1960 and as interpreted or modified for the United States by the Secretary of Commerce. The modernized metric system is identified by the capital letters "SI" in all languages. Whenever the term "metric" or "metric system" or "metric system of measurement" is used, it shall mean "SI".

"Misbranded" includes:

- [(A)] (1) False, incomplete, incorrect, or misleading labeling;
- [(B)] (2) Misrepresentation as to the identity, quantity, quality, or point of origin;
- [(C)] (3) Misrepresentation as to the principal place of business of the manufacturer[;],¹ packer, or distributor;
- [(D)] (4) Misrepresentation by vignette, pictorial display, identifiable geographical location, or by any term, word, or phrase in juxtaposition to any other information associated with, labeled on, or accompanying the consumer commodity which falsely alludes to a specific point of origin, a general locale such as a state, or to historical usage by a people;
- [(E)] (5) Misrepresentation as to originality or creativity;
- [(F)] (6) Misrepresentation of the consumer commodity as an imitation [to] of another or as an imitation [to] of a generic product; and
- [(G)] (7) Misrepresentation in any other manner tending to confuse the prospective purchaser.

["Nonconsumer package" means any commodity in package form other than a consumer package, and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

"Octane index" means the resultant of the RON (Research Octane Number) plus MON (Motor Octane Number) divided by two.

"Package" means a container or wrapper enclosing a commodity for sale, delivery or display, but does not include shipping containers or wrapping used solely for the transportation of that commodity.

"Petroleum product" shall have the meaning established under section 486-50.

"Petroleum product dispenser" includes petroleum product measuring devices but is not limited to: lubricating oil bottles, measure-containers, containers, and mechanisms or machines designed to measure and deliver liquid by a definite mass or volume. Means may or may not be provided to indicate automatically or on a command signal, one of a series of unit prices or the total money value or cost of the liquid measured, or to make deliveries corresponding to specific money at a definite unit price.]

"Sell" and "sale" include barter and exchange.

"Standard test" or "standard method" includes any test or method conducted or prescribed in accordance with the measurement standards established under section 486-1.

["State" means the State of Hawaii.]

"Type" means a model or models of a particular measurement system, instrument, element, or a field standard that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the certificate of conformance.

["Vehicle tank" means any tank, which is mounted on a vehicle and is intended for use as a container.]"

SECTION 10. Section 486-4, Hawaii Revised Statutes, is amended to read as follows:

"§486-4 Division of measurement standards; administrator. There shall be a division of measurement standards within the department [of agriculture.]. The board shall appoint an administrator of measurement standards, who shall enforce the board's rules and administer the division and such technical and clerical personnel as are necessary to carry out [parts I, II, III, and IV of] this chapter, in accord with the power, authority and duties delegated by the board."

SECTION 11. Section 486-6, Hawaii Revised Statutes, is amended to read as follows:

"§486-6 General powers and duties of board. The board shall have the custody of the State measurement standards including the other standards and equipment provided for by this chapter, and shall keep accurate records of the same. The board shall maintain such standards in a protective environment, as appropriate to such standards, and through the administrator and inspectors, shall enforce [parts I, II, III and IV of] this chapter. The board shall have and maintain general supervision over the measurement standards proposed, established, or in use, and measures and measurement standards offered for sale, sold, or in use in the State."

SECTION 12. Section 486-7, Hawaii Revised Statutes, is amended to read as follows:

"§486-7 Specific powers and duties of the board; rules. (a) The board shall [issue from time to time] adopt reasonable rules pursuant to chapter 91 for the enforcement of [the respective parts of] this chapter. These rules shall have the force and effect of law and shall govern the use or application of measurement standards, measures, and measuring transactions in the State.

(b) These rules may include:

- (1) Standards of net measure, and reasonable standards of fill for any commodity in package form;
- (2) [Rules governing the] The technical and reporting procedures to be followed, the report and record forms to be used by persons subject to the provisions of this chapter, and the marks of approval and rejection to be used by the administrator, inspectors, and measurement standards personnel in the discharge of their official duties;
- (3) Exemptions from the sealing, labeling, marking, or other requirements of the respective parts of this chapter;
- (4) [Rules and fees governing the mandatory registration of resident service persons, and procedures for invalidating such registration when necessary for protection of the consumer;]

The voluntary registration of service persons and service agencies for commercial weighing and measuring devices. These rules may include, but are not limited to, provisions for registration fees, period of registration, requirements for test equipment, privileges

and responsibilities of a voluntary registrant, reports required, qualification requirements, examinations to be administered, certificates of registration, and means for revocation of registration:

- [(5)] Rules governing performance bonding of nonregistered or nonresident service persons;]
- [(6)] (5) Schedules and fees for licensing measuring devices;
- [(7)] (6) Schedules and fees for calibrating or testing measurement standards, and registration of the products covered by such measurement standards;
- [(8)] (7) Specifications, tolerances, and other technical requirements with respect to the packaging, registering, handling, storing, advertising, labeling, dispensing, and selling of petroleum products;
- (8) Specifications, tolerances, and other technical requirements for weighing and measuring devices;
- (9) [Rules] Practices to assure that amounts of commodities or services sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties at interest; [and]
- (10) Requirements for type evaluation; and
- [(10)] (11) Such other rules [or regulations] as the board deems necessary for the enforcement of [the respective parts of] this chapter.

(c) These rules shall include specifications, tolerances, and other technical requirements designed to eliminate from use those measures and measurement standards:

- [(A)] (1) That are not accurate;
- [(B)] (2) That are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly; or
- [(C)] (3) That facilitate the perpetration of fraud.

(d) In addition, the board [shall promulgate] may adopt rules relating to SI, definitions, standards, tolerances, use, applicability, and units. The specifications, tolerances, and other technical requirements for measuring devices as recommended and published by the National [Bureau of Standards] Institute of Standards and Technology as adopted, or amended and adopted by the board; and those standards published by any of the standards-setting bodies identified in the definition of measurement standards under section 486-1 as adopted, or amended and adopted by the board, together with rules [issued] adopted by the board under [authority of the respective parts of] chapter 91 and this chapter, shall be the specifications, tolerances, and other technical requirements for measures and measurement standards of the State.

(e) The board may, pursuant to chapter 91, adopt, or amend and adopt, in whole or in part, any measurement standard established by the National [Bureau of Standards] Institute of Standards and Technology or by the standards setting bodies identified in the definition of measurement standards under section 486-1. [For the purpose of parts I, II, III or IV of this chapter, a measure or measurement standard is "correct" when it conforms to all applicable sections of the respective parts of this chapter or to such rules promulgated pursuant thereto; all other measures and measurement standards are "incorrect".]

SECTION 13. Section 486-23, Hawaii Revised Statutes, is amended to read as follows:

“§486-23 Investigations[.]; power to subpoena. The administrator [of measurement standards] shall investigate complaints [made to the administrator concerning violations of this part and shall, upon the administrator’s own initiative, conduct such investigations as the administrator deems] deemed appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of this [part] chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions. In the course of any investigation, the administrator is empowered to subpoena witnesses, examine them under oath, and require the production of books, papers, documents, records, or objects which the administrator deems relevant or material to the inquiry. Upon application by the administrator, compliance with the subpoena may be enforced by the circuit court in the county where the person subpoenaed resides or is found in the same manner as a subpoena issued by the clerk of a circuit court. In addition, the administrator may conduct hearings in aid of any investigation or inquiry.”

SECTION 14. Section 486-24, Hawaii Revised Statutes, is amended to read as follows:

“§486-24 Stop-use, [stop-removal, stop movement] stop-sale, hold, and removal orders. The administrator may issue citations and, incident thereto, stop-use, [orders, stop-removal orders, stop movement] hold, and removal orders with respect to measures and measurement standards being, or susceptible of being, unlawfully used; and issue citations and, incident thereto, [stop-removal orders, stop movement] stop-sale, hold and removal orders with respect to [commodities in package form] packages or consumer commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of the administrator’s enforcement of the law the administrator determines that such measure or measurement standard or [commodities in package form] packages or consumer commodities do not comply with [the applicable sections of part I, II, III or IV of] this chapter or the rules [promulgated] adopted thereunder, and no person shall use, sell, remove, or move from the premises, as specified, any measure, measurement standard, package, or amount of commodity contrary to the terms of a stop-use, [order, stop-removal order, stop movement] stop-sale, hold, or removal order issued under [the authority of] this section.”

SECTION 15. Section 486-29, Hawaii Revised Statutes, is amended to read as follows:

“§486-29 Hindering or obstructing an officer or inspector; bribery; penalties. Any person who shall hinder or obstruct in any way an inspector or any other officer or employee of this State in the performance of the inspector’s, officer’s, or employee’s official duties prescribed by this chapter or any rule [or regulation promulgated pursuant to] adopted under this chapter, shall be [fined not less than \$200 nor more than \$500, or imprisoned not more than three months, or both.] guilty of a misdemeanor.

Any person who shall give, pay, or offer, directly or indirectly, to any inspector or any other officer or employee of this State authorized to perform any of the duties prescribed by this chapter or any rule[, regulation] or order adopted or issued pursuant to this chapter, any money or other thing of value, with intent to influence [said] the inspector, or other officer or employee of this State, in the discharge of any duty herein provided for, shall be [fined not more than \$5,000 or imprisoned not more than two years, or both] guilty of a misdemeanor.

Any inspector or other officer or employee of the State authorized to perform any of the duties prescribed by this chapter or any rule adopted under it who shall accept any money, gift, or other thing of value from any person, given with intent to influence the inspector's, officer's, or employee's official action, shall be summarily discharged from the inspector's, officer's, or employee's employment and shall be [fined not more than \$5,000 or imprisoned not more than five years, or both] guilty of a misdemeanor."

SECTION 16. Section 486-30, Hawaii Revised Statutes, is amended to read as follows:

"§486-30 [Impersonation; forgery;] Forgery; penalties. Any person who shall [impersonate in any way an inspector or any officer or employee charged with the administration or enforcement of the respective parts of this chapter, or] forge any official device, seal, or mark, shall be [fined not less than \$100 nor more than \$500, or imprisoned not more than one year, or both] guilty of a misdemeanor."

SECTION 17. Section 486-31, Hawaii Revised Statutes, is amended to read as follows:

"§486-31 Enforcement; citation and notice to appear; penalty; right of entry and inspection; stopping vehicles. Any authorized inspector or other authorized measurement standards personnel may, upon arresting any person for violation of [part I, II, III or IV of] this chapter, including rules [promulgated] adopted thereunder, take the name, address, and any other pertinent information of [such] the person and issue [him] the person a citation and notice to appear, printed in the form hereinafter described, and answer to the charge against [him] the person at a certain place and at a time as prescribed by the district courts.

There shall be a form of citation and notice to appear for use in citing violators of [part I, II, III or IV of] this chapter and the rules [promulgated] adopted thereunder by the board, which does not mandate the taking into custody of such violators. [The citation and notice to appear shall be printed in a form commensurate with the form of other citations and notice to appear used in modern methods of arrest and shall be designed to include all necessary information.] The form and contents of the citation and notice to appear shall be as adopted or prescribed by the district courts.

In every case when a citation and notice to appear is issued, it shall be [issued in accord with a regulation of the board,] consistent with the provisions [as] established by the district courts. Every citation and notice to appear shall be consecutively numbered and each carbon copy shall bear the number of the respective original.

Any person who fails to appear at the place and within the time specified in the citation and notice to appear shall be guilty of a violation as provided in the penal code.

Any authorized inspector may cite and, incident to such citation, seize, without formal warrant, incorrect or unsealed measures, measurement standards, or amounts or packages of commodity found to be used, retained, offered, or exposed for sale or sold in violation of law.

Any authorized inspector may stop any vehicle subject to this chapter where probable cause exists and require the driver to move the vehicle to a designated place for inspection.

[The chairperson or the administrator may, in the public interest, serve suitable notices or warnings rather than resorting to prosecution for minor violations and may void citations for de minimis violations hereof, when the best interest of the public is served in so doing.]

Any authorized inspector may enter and go into or upon at any reasonable time, without formal warrant, after having made a reasonable attempt to identify [himself] the inspector[,] in accordance with the law, any structure, premises, or any other place where commercial transactions or articles subject to this chapter are being conducted or are located, provided that, [in the case where an objection to such entry is expressed by] when competent authority objects to the entry, a warrant shall be obtained prior to [such] entry.

When a complaint is made to any prosecuting officer of the violation of any of the parts of this chapter[, including rules and regulations promulgated thereunder,] and the arrest or prosecution of the violator is sought, the arresting officer or employee[,] who issued the citation and notice to appear[,] shall subscribe to it under oath administered by an official, whose name has been submitted to the prosecuting officer and who has been designated by the administrator to administer [the same] oaths and, upon probable cause, the court may issue a warrant for the violator."

SECTION 18. Chapter¹ 486-32, Hawaii Revised Statutes, is amended to read as follows:

"§486-32 Offenses and penalties. (a) Criminal. Any person who[, by himself, or by his servant or agent, or as the servant or agent of another person,] performs any one of the acts enumerated in [paragraphs (1) through (9) of] this [section] subsection shall be guilty of a misdemeanor; [and, upon a first conviction thereof, shall be punished by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than three months, or both; and, upon a second or subsequent conviction thereof, shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not more than one year, or both:

- (1) Use or have in possession for the purpose of using for any purpose specified in section 486-11, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect or unapproved type measure or measurement standard or any device or instrument used to or calculated to falsify any measure.
- (2) Use, or have in possession for the purpose of current use for any purpose specified in section 486-11, an unapproved type or approved type measure or measurement standard that does not bear a seal or mark such as is specified in section 486-13, unless such measure or measurement standard has been exempted from testing by the provisions of section 486-7 or 486-11 or by a rule of the board issued under the authority of section 486-7, or unless the device has been placed in service as provided by a rule of the board issued under the authority of section 486-11, or unless the measure or measurement standard is being installed or repaired preparatory to installation.
- (3) Dispose of any rejected or condemned measure or measurement standard in a manner contrary to law or rule.
- (4) Remove from any measure or measurement standard, contrary to law or rule, any tag, seal, or mark placed thereon by the appropriate authority.

- (5) Sell, or offer or expose for sale, less than the quantity the person represents of any commodity, thing, or service.
- (6) Manipulate in any manner the representation of the quantity of any commodity, thing or service furnished, delivered or provided to the detriment or unjust enrichment of any person involved.
- (7) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or rule.
- (8) Use in retail trade, a measure that is not so positioned that its indications may be accurately read and the measuring operation observed from some position which may reasonably be assumed by a customer.
- (9) Violate any provision of the respective parts of this chapter, the rules or the regulations promulgated under the respective parts of this chapter for which a specific penalty has not been prescribed.]
- (1) Use or have in possession a device or measure or measurement standard which has been altered to facilitate fraud;
- (2) Counterfeit, or remove from any measure or measurement standard, any tag, seal, or mark placed thereon by the appropriate authority; or
- (3) Manipulate in any manner the representation of the quantity of any commodity, thing, or service furnished, delivered, or provided to the unjust enrichment of the person.
- (b) Civil. Any person who performs any one of the acts enumerated in this subsection shall be fined not more than \$2,000 for each separate offense:
 - (1) Use, or have in possession for use in commerce an incorrect device, measure, or measurement standard;
 - (2) Dispose of any rejected or condemned measure or measurement standard in a manner contrary to law or rule;
 - (3) Sell, or offer or expose for sale, less than the quantity the person represents of any commodity, thing, or service;
 - (4) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or rule; or
 - (5) Violate any provision of this chapter or any rules adopted under it for which a specific penalty has not been prescribed."

SECTION 19. Chapter 486, Hawaii Revised Statutes, is amended by amending the title of part II to read:

"PART II. PETROLEUM PRODUCT ACCOUNTING AND INSPECTION"

SECTION 20. Section 486-51, Hawaii Revised Statutes, is amended to read as follows:

"§486-51 Applicability. [This part] (a) Petroleum products accounting and the measurement requirements herein[,] shall apply to the blending, charging, dealing, dispensing, distributing, exchanging, exporting, handling, importing, labeling, loading, manufacturing, marketing, measuring, packaging, piping, processing, reprocessing, producing, refining, or re-refining, retailing, selling, transporting, taxing, or wholesaling, or to any of the variant forms of the above or to the person, equipment, measurements, and calculations incident to such actions or activities involving petroleum products.

(b) Petroleum products inspection shall apply to all petroleum products kept, offered, or exposed for sale."

SECTION 21. Chapter 486, Hawaii Revised Statutes, is amended by amending the title of part III to read:

**"PART III. [ODOMETER ACCURACY AND RECORD
MAINTENANCE] ODOMETERS"**

SECTION 22. Section 486-71, Hawaii Revised Statutes, is amended to read as follows:

§486-71 Definitions. For the purposes of this part:

["Certificate of accuracy" includes a manufacturer's certificate of accuracy, an interim certificate of accuracy and any written warranty attesting to the initial and subsequent accuracy of an odometer system, and the endorsement thereon.

"Certificate of ownership" has the meaning under section 286-47.

"Endorsement" means informational disclosure relating to a specific passenger car, including the vehicle identification number, odometer reading, seller's signature if any, and such other information as required by rule of the board.]

"Odometer" is an analog or digital measuring device that reflects distance traveled.

"Passenger car" means a vehicle with self-contained motive power and seating capacity for up to twelve passengers (excluding the driver), not exceeding 16,000 pounds gross vehicle weight."

SECTION 23. Section 486-8, Hawaii Revised Statutes, is repealed.

SECTION 24. Section 486-9, Hawaii Revised Statutes, is repealed.

SECTION 25. Section 486-10, Hawaii Revised Statutes, is repealed.

SECTION 26. Section 486-11, Hawaii Revised Statutes, is repealed.

SECTION 27. Section 486-12, Hawaii Revised Statutes, is repealed.

SECTION 28. Section 486-13, Hawaii Revised Statutes, is repealed.

SECTION 29. Section 486-14, Hawaii Revised Statutes, is repealed.

SECTION 30. Section 486-15, Hawaii Revised Statutes, is repealed.

SECTION 31. Section 486-16, Hawaii Revised Statutes, is repealed.

SECTION 32. Section 486-17, Hawaii Revised Statutes, is repealed.

SECTION 33. Section 486-18, Hawaii Revised Statutes, is repealed.

SECTION 34. Section 486-19, Hawaii Revised Statutes, is repealed.

SECTION 35. Section 486-20, Hawaii Revised Statutes, is repealed.

SECTION 36. Section 486-21, Hawaii Revised Statutes, is repealed.

ACT 153

SECTION 37. Section 486-22, Hawaii Revised Statutes, is repealed.

SECTION 38. Section 486-25, Hawaii Revised Statutes, is repealed.

SECTION 39. Section 486-26, Hawaii Revised Statutes, is repealed.

SECTION 40. Section 486-26.5, Hawaii Revised Statutes, is repealed.

SECTION 41. Section 486-27, Hawaii Revised Statutes, is repealed.

SECTION 42. Section 486-28, Hawaii Revised Statutes, is repealed.

SECTION 43. Section 486-35, Hawaii Revised Statutes, is repealed.

SECTION 44. Section 486-70, Hawaii Revised Statutes, is repealed.

SECTION 45. Section 486-72, Hawaii Revised Statutes, is repealed.

SECTION 46. Section 486-73, Hawaii Revised Statutes, is repealed.

SECTION 47. Section 486-74, Hawaii Revised Statutes, is repealed.

SECTION 48. Section 486-76, Hawaii Revised Statutes, is repealed.

SECTION 49. Section 486-85, Hawaii Revised Statutes, is repealed.

SECTION 50. Section 486-86, Hawaii Revised Statutes, is repealed.

SECTION 51. Part IV of Chapter 486, Hawaii Revised Statutes, is repealed.

SECTION 52. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 53. This Act shall take effect upon its approval.

(Approved May 22, 1991.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.