

ACT 53

S.B. NO. 1213

A Bill for an Act Relating to Restitution for Consumers.

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

SECTION 1. Section 487-14, Hawaii Revised Statutes, is amended to read as follows:

**“§487-14 Restitution.** (a) In any [civil] action brought by the director of the office of consumer protection [to collect civil penalties or enjoin unlawful acts or practices], the court [hearing the action] may include in its orders or judgments such provisions as may be necessary to effect restitution. [to any person who is injured as a result of the unlawful acts and practices which are the subject of the action and who submits proof of entitlement to restitution in the prosecution of the action.] Any person in whose favor restitution is ordered need not accept restitution, but the person’s acceptance and full performance of restitution shall bar recovery by the person of any other damages in any action on account of the same acts or practices against the person making restitution.

(b) Whenever a corporation is ordered to pay restitution under subsection (a), the court hearing the action may include in its orders or judgments that the corporation and the individual directors, officers, or agents of the corporation who authorized, ordered, or had done, or participated in any of the unlawful acts and practices which caused, in whole or in part, injuries to any person, are jointly and severally liable for the payment [or] of restitution.

(c) The office of consumer protection may establish and maintain an account for purposes of holding and disbursing moneys received or recovered by it and which are due consumers as restitution.

(d) The director of the office of consumer protection may assign to a consumer for collection that portion of any judgment awarding restitution to that consumer.”

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 Statutory material to be repealed is bracketed.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

SECTION 3. This Act shall take effect upon its approval.

(Approved April 26, 1991.)