

ACT 164

H.B. NO. 2343

A Bill for an Act Relating to Enforcement of Orders of Wage Payment.

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

SECTION 1. The legislature finds that the current means of enforcing and collecting on final orders of wage payment violations exclusively in a circuit court, as required by section 388-9.7, Hawaii Revised Statutes, is inefficient and results in delayed payments to employees who are entitled to reimbursement from employers who violated wage payment laws. The legislature further finds that expanding the statute to allow enforcement proceedings to be brought in a district court would improve the efficiency of the process.

The legislature further finds that the department of labor and industrial relations enforces wage provisions set forth in chapter 388, Hawaii Revised Statutes. Current enforcement procedures pursuant to section 388-9.7, Hawaii Revised Statutes, require the director of labor and industrial relations to file a certified copy of any final order of wage payment violation in a circuit court. The expedited deadlines provided for in district courts equipped to handle smaller claims would allow for more efficient adjudication of wage payment violations.

The purpose of this Act is to amend section 388-9.7, Hawaii Revised Statutes, to allow the enforcement of final orders of wage payment violation in any court of competent jurisdiction to expedite enforcement and serve the public policy of enforcing wage standards and ensuring that employees are paid in accordance with their employers' legal obligations.

SECTION 2. Section 388-9.7, Hawaii Revised Statutes, is amended to read as follows:

“[§388-9.7] Enforcement of the order of wage payment violation. The director may file in ~~[the circuit]~~ any court of competent jurisdiction in the jurisdiction in which the employer does business, a certified copy of the final order of wage payment violation. The court shall render a judgment in accordance with the final order of wage payment violation and notify the parties of the judgment. The judgment shall have the same effect, and all proceedings in relation to the judgment shall be the same, as though the judgment had been rendered in an action duly heard and determined by the court, except that there shall be no appeal from the judgment.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

(Approved July 2, 2024.)