



GOV. MSG. NO. 1107

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

April 11, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 11, 2016, the following bill was signed into law:

HB2329

RELATING TO CONSUMER PROTECTION
ACT 007 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on APR 11 2016

ACT 007
H.B. NO. 2329

A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Legislature has created statutes of
2 limitations to provide that a party may not initiate a court
3 action if a certain period of time has elapsed from when a claim
4 has accrued. Hawaii common law, however, has consistently
5 stated that despite these legislatively created limitations, the
6 State may initiate and maintain actions without being subject to
7 statutes of limitations. In recognition of this longstanding
8 common law rule, the legislature in 1991 codified section 657-
9 1.5, Hawaii Revised Statutes, to confirm that it would apply to
10 the State unless another statute specifically designated the
11 State as subject to a limitations period.

12 In the context of claims brought by the State and its
13 agencies pursuant to chapter 480 of the Hawaii Revised Statutes,
14 the Hawaii legislature has never specifically designated the
15 State or its agencies as being subject to any limitation period.
16 Consequently, no limitation period can apply to actions brought
17 by the State under chapter 480, Hawaii Revised Statutes.

1 The purpose of this measure is to amend section 480-24,
2 Hawaii Revised Statutes, to clarify that the statute of
3 limitations governing chapter 480, Hawaii Revised Statutes, does
4 not apply to the State and its agencies.

5 SECTION 2. Section 480-24, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~§~~480-24 Limitation of actions. [~~(a)~~] Any action to
8 enforce a cause of action arising under this chapter shall be
9 barred unless commenced within four years after the cause of
10 action accrues, except as otherwise provided in [~~subsection (b)~~
11 ~~and~~] section 480-22. For the purpose of this section, a cause
12 of action for a continuing violation is deemed to accrue at any
13 time during the period of the violation.

14 ~~[(b) The following shall toll the time for commencement of~~
15 ~~actions by the State under this chapter if at any time:~~

16 ~~(1) Any cause of action arising under this chapter accrues~~
17 ~~against any person, the person is out of the State,~~
18 ~~the action may be commenced within the terms~~
19 ~~respectively limited, after the return of the person~~
20 ~~into the State, and if, after the cause of action has~~
21 ~~accrued, the person departs from and resides out of~~
22 ~~the State, the time of the person's absence shall not~~


1 ~~be deemed or taken as any part of the time limited for~~
2 ~~the commencement of the action.~~

3 ~~(2) Any cause of action arising under this chapter accrues~~
4 ~~against any person, the person has petitioned for~~
5 ~~relief under the bankruptcy code, the time during~~
6 ~~which the bankruptcy case is pending shall not be~~
7 ~~deemed or taken as any part of the time limited for~~
8 ~~the commencement of the action.~~

9 ~~(3) Any cause of action arising under this chapter accrues~~
10 ~~against any person, there is a criminal action pending~~
11 ~~which arises out of the same occurrence, the time~~
12 ~~during which the criminal action is pending shall not~~
13 ~~be deemed or taken as any part of the time limited for~~
14 ~~the commencement of the action. As used in this~~
15 ~~paragraph, a criminal action is pending until its~~
16 ~~final adjudication in the trial court.] "~~

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken.

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

20
21 INTRODUCED BY: 
22

BY REQUEST

JAN 25 2016

H.B. NO. 2329

APPROVED this 11 day of APR, 2016

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

GOVERNOR OF THE STATE OF HAWAII