

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1           SECTION 1. Section 481B-5.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:  
3           "(1) Any return policies adopted by the merchant pursuant  
4 to this section that limits the purchaser's ability to obtain a  
5 refund shall not apply if the goods were damaged or defective  
6 prior to the time of sale, unless the merchant was aware of the  
7 damage or defect and notified the purchaser of the damage or  
8 defect in writing prior to the time of sale. No warranty policy  
9 adopted by a merchant in the State shall require a purchaser to  
10 pay an additional fee to obtain a repair, replacement, or refund  
11 for goods returned pursuant to the warranty."

12           SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15           SECTION 3. New statutory material is underscored.



# S.B. NO. 827

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

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INTRODUCED BY:           *David H. Baker*          

          *[Signature]*            
*John E. Baker*



# S.B. NO. 827

**Report Title:**

Merchandise; Returns; Unfair and Deceptive Trade Practices;  
Warranty Policy; Repair; Replacement; Refund

**Description:**

Prohibits a merchant from adopting a warranty policy that requires a purchaser to pay an additional fee to obtain a repair, replacement, or refund for goods returned pursuant to the warranty.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

