STAND. COM. REP. NO. 296

Honolulu, Hawaii Fc 18, 2009

RE: H.B. No. 1359 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1359 entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION, "

begs leave to report as follows:

The purpose of this bill is to prohibit the Office of Consumer Protection (Office) from publicly disclosing consumer complaints that have been investigated and resolved by the Office in favor of the person against whom the complaint was filed.

D & E Kawelo Construction, Inc., testified in support of this bill. The Department of Commerce and Consumer Affairs and a concerned individual opposed this measure. The Office of Information Practices provided comments.

While this bill appears to address situations where a business's reputation may be harmed by the filing of meritless consumer complaints, there are concerns that denying public access to a complete record of complaints, regardless of disposition, could significantly hamper the ability of consumers to make informed decisions.

Accordingly, your Committee has amended this bill by changing the effective date to January 1, 2020, to encourage further discussion. Technical, nonsubstantive amendments were also made for clarity and style.



STAND. COM. REP. NO. 290 Page 2

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1359, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1359, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ROBERT N. HERKES, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

	Committee Referral: CPC , JUD	: 2/11/09		
□ The committee is reconsidering its previo	us decision on the measure.	/		
	namended (as is) Pas ort form bill with HD to reco	ss, with amendments mmit for future publ		
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)				n the Inde M
2. WAKAI, Glenn (VC)				
3. BELATTI, Della Au	/			
4. CABANILLA, Rida				1
5. CARROLL, Mele				
6. ITO, Ken				
7. KARAMATSU, Jon Riki				
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.		 A shift are an area of the second seco		
10. MIZUNO, John M.				
11. MORITA, Hermina M.		/_		
12. SOUKI, Joseph M.				
13. TSUJI, Clift				Print States and
14. MARUMOTO, Barbara C.				
15. THIELEN, Cynthia				
TOTAL (15)	.][)	Ø	Z
The recommendation is: Adopt If joint re: Vice Chair's or designee's signature:		did not supp	ort recommendation	n.
Distribution: Original (White) – Committee	e Duplicate (Yellow) -	- Chief Clerk's Offic	e Duplicate (F	Pink) – HMSO