STAND. COM. REP. NO. 2956

Honolulu, Hawaii

MAR 3 1 2010

H.B. No. 2548 RE: H.D. 1 S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fifth State Legislature Regular Session of 2010 State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 2548, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to update the regulation of prepaid legal service plans primarily by adding definitions, deleting the exemption for insurers regulated under chapters 431 and 432, Hawaii Revised Statutes, requiring the plan administrator to act as a trustee for funds collected by the plan and to maintain a trust account, and allowing the Insurance Commissioner to suspend, revoke, or fine any plan that fails to comply with the law.

Your Committee received testimony in support of the intent of this measure with amendments from the State Insurance Commissioner on behalf of the Department of Commerce and Consumer Affairs. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure is intended to address an increasing number of consumer complaints concerning prepaid legal service plans by modernizing Hawaii Revised Statutes chapter 488 regarding prepaid legal service plans.

Your Committee further finds that this measure will provide the Department of Commerce and Consumer Affairs with more



STAND. COM. REP. NO. 295 Page 2

comprehensive oversight and the ability to take action to order the prepaid legal service plan to cease and desist, to refer the case to the Attorney General's or Prosecutor's Office, or to require that the plan make restitution to consumers if appropriate.

Your Committee has amended this measure by:

- Adding restitution to the penalties which may be imposed by the Insurance Commissioner for violation of chapters 431, 432, 480, 481A, 481B, 481C, and 488, Hawaii Revised Statutes;
- (2) Changing the effective date to July 1, 2010; and
- (3) Making technical, nonsubstantive changes to ensure clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2548, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2548, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

ROSALYN H. BOKER, Chai:



The Senate Twenty-Fifth Legislature State of Hawaii

Record of Votes Committee on Commerce and Consumer Protection CPN

Bill / Resolution No.:*	Committee	Referral:	Da	ite:	
HB2548 HD1	CPN	l		3/23	01/10
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)		-			
IGE, David Y. (VC)					~
ESPERO, Will		/		-	
GREEN, M.D., Josh					
IHARA, Jr., Les					
SAKAMOTO, Norman					/
HEMMINGS, Fred	-	~	1. j.		
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		,/			
TOTAL		4			3
Recommendation:					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes