
A BILL FOR AN ACT

RELATING TO CONSTRUCTION.

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

1 SECTION 1. Chapter 607, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§607- Actions challenging the validity of government
5 permits or approvals; attorneys' fees and costs. (a) In any
6 civil action in this State where a private party obtains
7 injunctive relief revoking or amending a previously issued
8 government permit or approval, the court shall not award
9 attorneys' fees and costs in favor of a prevailing party and
10 against the recipient of the government permit or approval
11 absent a demonstration that the recipient of the government
12 permit or approval received the permit or approval due to fraud,
13 misrepresentation, corruption, deceit, undue means, or failure
14 to disclose material information; provided that this limitation
15 shall not include attorneys' fees and costs that the court may
16 award as a sanction.



1 **(b)** For purposes of this section, "permit or approval"
2 shall be the same as the permits or approvals required by law
3 referenced in section 607-25(c)."

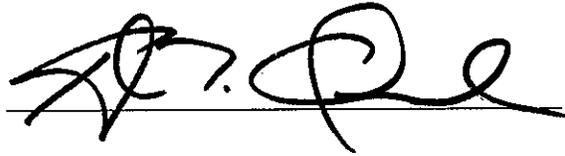
4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 3. New statutory material is underscored.

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

9

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "A. P.", written over a horizontal line.

JAN 23 2014



H.B. NO. 2641

Report Title:

Government Permits and Approvals; Attorneys' Fees and Costs

Description:

Absolves duly awarded government permit and approval recipients from awards of attorneys' fees and costs if permit or approval is overturned in court.

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

