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**PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION**

**TO THE SENATE COMMITTEE ON  
JUDICIARY AND LABOR**

**THE TWENTY-EIGHTH LEGISLATURE  
REGULAR SESSION OF 2016**

**FRIDAY, FEBRUARY 26, 2016  
10:00 A.M.**

**WRITTEN TESTIMONY ONLY**

TESTIMONY ON SENATE BILL NO. 2856, RELATING TO CONSUMER PROTECTION.

TO THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR,  
AND TO THE HONORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs (“DCCA”), Office of Consumer Protection (“OCP”) supports Senate Bill No. 2856 , Relating to Consumer Protection. My name is Stephen Levins and I am the Executive Director of the OCP.

This Administration Bill clarifies that the power and authority of OCP investigators referenced in section 487-10, Hawaii Revised Statutes (“H.R.S.”) only pertains to promote the service of process and to the service of subpoenas. The amendment will reconcile a possible ambiguity under current law and will harmonize the statute with

other provisions in Hawaii law governing the service of process and subpoenas. See, H.R.S. §§ 26-9(j) and 634-21 and Rule 4(c) of the Hawaii Rules of Civil Procedure.

When H.R.S. § 487-10 was initially enacted more than 40 years ago, only police officers or sheriffs were legally authorized to serve legal documents in the State of Hawaii. Consequently, at that time the Legislature decided to explicitly provide police powers to OCP investigators so that they too could serve subpoenas and service of process. Since the law has changed in this regard, as reflected in the above referenced legal authority, and service of process or subpoenas is no longer restricted to police officers or sheriffs, it is no longer necessary or appropriate for H.R.S. § 487-10 to contain such broad expansive language regarding the authority of OCP investigators.

Thank you for the opportunity to submit testimony on Senate Bill No. 2856.