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**PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION  
TO THE HOUSE COMMITTEE ON JUDICIARY  
THE TWENTY-EIGHTH LEGISLATURE  
REGULAR SESSION OF 2016  
TUESDAY, MARCH 15, 2016  
2:00 P.M.**

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

**TO THE HONORABLE KARL RHOADS, CHAIR,  
AND TO THE HONORABLE JOY A. SAN BUENAVENTURA, 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.

Senate Bill No. 2856 and House Bill No. 2327 are companions. There are no differences between the bills. Consequently, the OCP has no preference regarding them.

Thank you for the opportunity to testify on Senate Bill No. 2856. I am available for any questions that you may have regarding this Bill.