



**GOV. MSG. NO. 1174**

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

June 21, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 21, 2024, the following bill was signed into law:

HB2463 HD2 SD2

RELATING TO THE WAGE AND HOUR LAW.  
**ACT 073**

Sincerely,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO THE WAGE AND HOUR LAW.

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

1           SECTION 1. Section 387-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "employee" to read as  
3 follows:

4           ""Employee" includes any individual employed by an  
5 employer, but shall not include any individual employed:

6           (1) At a guaranteed compensation totaling [~~\$2,000~~] \$4,000  
7 or more a month, whether paid weekly, biweekly, or  
8 monthly;

9           (2) In agriculture for any workweek in which the employer  
10 of the individual employs less than twenty employees  
11 or in agriculture for any workweek in which the  
12 individual is engaged in coffee harvesting;

13           (3) In or about the home of the individual's employer:

14           (A) In domestic service on a casual basis; or

15           (B) Providing companionship services for the aged or  
16 infirm;



- 1           (4) As a house parent in or about any home or shelter  
2           maintained for child welfare purposes by a charitable  
3           organization exempt from income tax under section 501  
4           of the federal Internal Revenue Code;
- 5           (5) By the individual's [~~brother, sister, brother-in-law,~~  
6           ~~sister-in-law, son, daughter,~~] sibling,  
7           sibling-in-law, child, spouse, parent, or  
8           parent-in-law;
- 9           (6) In a bona fide executive, administrative, supervisory,  
10          or professional capacity or in the capacity of outside  
11          salesperson or as an outside collector;
- 12          (7) In the propagating, catching, taking, harvesting,  
13          cultivating, or farming of any kind of fish,  
14          shellfish, crustacean, sponge, seaweed, or other  
15          aquatic forms of animal or vegetable life, including  
16          the going to and returning from work and the loading  
17          and unloading of [~~such~~] those products [~~prior to~~]  
18          before first processing;
- 19          (8) On a ship or vessel and who has a Merchant Mariners  
20          Document issued by the United States Coast Guard;



- 1           (9) As a driver of a vehicle carrying passengers for hire  
2                   operated solely on call from a fixed stand;
- 3           (10) As a golf caddy;
- 4           (11) By a nonprofit school during the time [~~such~~] that the  
5                   individual is a student attending [~~such~~] the school;
- 6           (12) In any capacity if by reason of the employee's  
7                   employment, in [~~such~~] that capacity and during the  
8                   term thereof, the minimum wage [~~which~~] that may be  
9                   paid to the employee or maximum hours [~~which~~] that the  
10                  employee may work during any workweek without the  
11                  payment of overtime, are prescribed by the federal  
12                  Fair Labor Standards Act of 1938, as amended, or as  
13                  the same may be further amended from time to time;  
14                  provided that if the minimum wage [~~which~~] that may be  
15                  paid to the employee under the Fair Labor Standards  
16                  Act for any workweek is less than the minimum wage  
17                  prescribed by section 387-2, then section 387-2 shall  
18                  apply in respect to the [~~employees~~] employee for  
19                  [~~such~~] that workweek; provided further that if the  
20                  maximum workweek established for the employee under  
21                  the Fair Labor Standards Act for the purposes of



1 overtime compensation is higher than the maximum  
2 workweek established under section 387-3, then section  
3 387-3 shall apply in respect to [~~sueh~~] the employee  
4 for [~~sueh~~] that workweek; except that the employee's  
5 regular rate in [~~sueh-an~~] that event shall be the  
6 employee's regular rate as determined under the Fair  
7 Labor Standards Act;

8 (13) As a seasonal youth camp staff member in a resident  
9 situation in a youth camp sponsored by charitable,  
10 religious, or nonprofit organizations exempt from  
11 income tax under section 501 of the federal Internal  
12 Revenue Code or in a youth camp accredited by the  
13 American Camping Association; or

14 (14) As an automobile salesperson primarily engaged in the  
15 selling of automobiles or trucks if employed by an  
16 automobile or truck dealer licensed under chapter  
17 437."

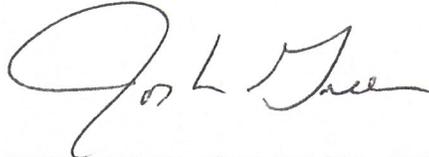
18 SECTION 2. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect upon its approval.



H.B. NO. 2463  
H.D. 2  
S.D. 2

APPROVED this 21st day of June , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 2463, HD 2, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 19, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



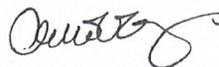
Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 9, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate