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## A BILL FOR AN ACT

RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS.

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

1           SECTION 1. Section 91-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Except as otherwise provided in this section, prior  
4 to the adoption of any rule authorized by law, or the amendment  
5 or repeal thereof, the adopting agency shall:

6           (1) Give at least thirty days' notice for a public  
7 hearing. The notice shall include:

8           (A) A statement of the topic of the proposed rule  
9 adoption, amendment, or repeal or a general  
10 description of the subjects involved; ~~and~~

11           (B) A statement that a copy of the proposed rule to  
12 be adopted, the proposed rule amendment, or the  
13 rule proposed to be repealed will be mailed to  
14 any interested person who requests a copy, pays  
15 the required fees for the copy and the postage,



1 if any, together with a description of where and  
2 how the requests may be made;

3 (C) A statement of when, where, and during what times  
4 the proposed rule to be adopted, the proposed  
5 rule amendment, or the rule proposed to be  
6 repealed may be reviewed in person; and

7 (D) The date, time, and place where the public  
8 hearing will be held and where interested persons  
9 may be heard on the proposed rule adoption,  
10 amendment, or repeal.

11 The notice shall be mailed to all persons who  
12 have made a timely written request of the agency for  
13 advance notice of its rulemaking proceedings, given at  
14 least once statewide for state agencies and in the  
15 county for county agencies. Proposed state agency  
16 rules shall also be posted on the Internet as provided  
17 in section 91-2.6; and

18 (2) Afford all interested persons opportunity to submit  
19 data, views, or arguments, orally or in writing. The  
20 agency shall fully consider all written and oral  
21 submissions respecting the proposed rule. The agency



1           may make its decision at the public hearing or  
2           announce then the date when it intends to make its  
3           decision. Upon adoption, amendment, or repeal of a  
4           rule, the agency, if requested to do so by an  
5           interested person, shall issue a concise statement of  
6           the principal reasons for and against its  
7           determination."

8           SECTION 2. Section 102-2, Hawaii Revised Statutes, is  
9           amended by amending subsection (d) to read as follows:

10           "(d) The bidding requirements and [~~fifteen-year~~  
11           twenty-five-year limit in subsection (a) shall not apply to any  
12           disposition or grant of rights to anyone to place one or more  
13           names, in accordance with applicable county sign ordinances, on  
14           a state or county building."

15           SECTION 3. Section 103D-412, Hawaii Revised Statutes, is  
16           amended by amending subsection (c) to read as follows:

17           "(c) For the purposes of this section:

18           "Agency" means a state agency, office, or department.

19           "Alternative fuel" shall have the same meaning as contained  
20           in title 10 Code of Federal Regulations part 490; provided that  
21           "alternative fuel" includes liquid or gaseous fuels produced



1 from renewable feedstocks, such as organic wastes, or from water  
2 using electricity from renewable energy sources.

3 "Alternative fuel vehicle" shall have the same meaning as  
4 contained in title 10 Code of Federal Regulations part 490.

5 "Covered fleet" shall have the same meaning as contained in  
6 title 10 Code of Federal Regulations part 490, subpart C.

7 "Excluded vehicles" shall have the same meaning as  
8 contained in title 10 Code of Federal Regulations section 490.3.

9 "Fuel cell electric vehicle" shall have the same meaning as  
10 contained in title 10 Code of Federal Regulations  
11 section 490.501.

12 "Hybrid electric vehicle" shall have the same meaning as  
13 contained in title 40 Code of Federal Regulations  
14 section 86.1803-01.

15 "Light-duty motor vehicle" shall have the same meaning as  
16 contained in title 10 Code of Federal Regulations part 490.

17 "Plug-in hybrid electric vehicle" shall have the same  
18 meaning as contained in title 40 Code of Federal Regulations  
19 [~~part~~] section 86.1803-01.



1 "Zero-emission vehicle" shall have the same meaning as  
2 contained in title 40 Code of Federal Regulations section  
3 [~~88.102-94.~~] 88.1."

4 SECTION 4. Section 196-9, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) With regard to motor vehicles and transportation  
7 fuel, each agency shall:

- 8 (1) Comply with title 10 Code of Federal Regulations part  
9 490, subpart C, "Mandatory State Fleet Program", if  
10 applicable;
- 11 (2) Comply with all applicable state laws regarding  
12 vehicle purchases;
- 13 (3) Once federal and state vehicle purchase mandates have  
14 been satisfied, purchase the most fuel-efficient  
15 vehicles that meet the needs of their programs;  
16 provided that the life cycle cost-benefit analysis of  
17 vehicle purchases shall include projected fuel costs;
- 18 (4) Purchase alternative fuels and ethanol blended  
19 gasoline when available;
- 20 (5) Evaluate a purchase preference for biodiesel blends,  
21 as applicable to agencies with diesel fuel purchases;



- 1           (6) Promote efficient operation of vehicles, including  
2           efficient planning of charging system locations and  
3           efficient utilization of renewable energy for charging  
4           electric vehicles;
- 5           (7) Use the most appropriate minimum octane fuel; provided  
6           that vehicles shall use 87-octane fuel unless the  
7           owner's manual for the vehicle states otherwise or the  
8           engine experiences knocking or pinging;
- 9           (8) Beginning with fiscal year 2005-2006 as the baseline,  
10          collect and maintain, for the life of each vehicle  
11          acquired, the following data:
- 12           (A) Vehicle acquisition cost;
- 13           (B) United States Environmental Protection Agency  
14           rated fuel economy;
- 15           (C) Vehicle fuel configuration, such as gasoline,  
16           diesel, flex-fuel gasoline/E85, and dedicated  
17           propane;
- 18           (D) Actual in-use vehicle mileage;
- 19           (E) Actual in-use vehicle fuel consumption;
- 20           (F) Actual in-use annual average vehicle fuel  
21           economy; and



- 1 (G) Hourly charging data by electric vehicle and  
2 electric vehicle charging system;
- 3 (9) Beginning with fiscal year 2005-2006 as the baseline  
4 with respect to each agency that operates a fleet of  
5 thirty or more vehicles, collect and maintain, in  
6 addition to the data in paragraph (8), the following:
- 7 (A) Information on the vehicles in the fleet,  
8 including vehicle year, make, model, gross  
9 vehicle weight rating, and vehicle fuel  
10 configuration;
- 11 (B) Fleet fuel usage, by fuel;
- 12 (C) Fleet mileage;
- 13 (D) Overall annual average fleet fuel economy and  
14 average miles per gallon of gasoline and diesel;  
15 and
- 16 (E) Hourly charging data by electric vehicle and  
17 electric vehicle charging system;
- 18 (10) Adopt a preference for the rental of electric vehicles  
19 or hybrid vehicles; provided that:
- 20 (A) All agencies, when renting a vehicle on behalf of  
21 a state employee in the discharge of official



1 government business, shall rent a vehicle of one  
2 of the following types, listed in order of  
3 preference:

4 (i) Electric vehicle; or

5 (ii) Hybrid vehicle;

6 provided further that the vehicle is available  
7 and suitable for the specific travel  
8 requirements;

9 (B) The agency may rent a conventional vehicle only  
10 if:

11 (i) An electric vehicle or hybrid vehicle is not  
12 suitable; or

13 (ii) Neither an electric vehicle nor a hybrid  
14 vehicle is available;

15 (C) An agency shall exercise the policy preference  
16 for rental of an electric vehicle or hybrid  
17 vehicle notwithstanding the potential higher cost  
18 associated with renting an electric vehicle or  
19 hybrid vehicle; provided that the rental rate for  
20 the electric vehicle or hybrid vehicle is  
21 comparable to that of a conventional vehicle of



1 similar class; provided further that the cost  
2 premium is consistent with any budgetary  
3 constraints and not contradicted by an existing  
4 state contract with the rental business entity  
5 from which the vehicle is rented; and

6 (D) To the extent practicable, all agencies shall  
7 rent a vehicle pursuant to subparagraph (A) from  
8 a rental contractor; and

9 [†](11)[†] Plan and coordinate vehicle acquisition to meet the  
10 following clean ground transportation goals:

11 (A) One hundred per cent of light-duty motor vehicles  
12 that are passenger cars in the State's fleet  
13 shall be zero-emission vehicles by December 31,  
14 2030; and

15 (B) One hundred per cent of light-duty motor vehicles  
16 in the State's fleet shall be zero-emission  
17 vehicles by December 31, 2035.

18 For the purposes of this subsection:

19 "Light-duty motor vehicle" shall have the same meaning as  
20 contained in title 10 Code [†]of[†] Federal Regulations  
21 part 490.



1 "Passenger car" shall have the same meaning as contained in  
2 title 49 Code of Federal Regulations section 571.3.

3 "Zero-emission vehicle" shall have the same meaning as  
4 contained in title 40 Code of Federal Regulations section  
5 ~~[88.102-94.]~~ 88.1."

6 SECTION 5. Section 249-9.7, Hawaii Revised Statutes, is  
7 amended by amending subsection (i) to read as follows:

8 "(i) For the purposes of this section:

9 ~~["Special number plate" means a license plate that is not a  
10 uniform state number plate, unless a different meaning appears  
11 from the context.]~~

12 "Electric vehicle" ~~[shall have the same meaning as the term  
13 is defined in section 196-2 and produce]~~ means a vehicle:

14 (1) Powered by an electric motor via electricity:

15 (A) Stored in a high capacity battery; or

16 (B) Generated from an onboard fuel cell; and

17 (2) That produces zero emissions.

18 "Special number plate" means a license plate that is not a  
19 uniform state number plate, unless a different meaning appears  
20 from the context."



1 SECTION 6. Section 271-27, Hawaii Revised Statutes, is  
2 amended by amending subsection (h) to read as follows:

3 "(h) Any motor carrier or lessor, or any officer, agent,  
4 employee, or representative thereof, who fails or refuses to  
5 comply with any provision of this chapter, or any rule,  
6 requirement, or order thereunder, and any person located in this  
7 State, or any officer, agent, employee, or representative of  
8 [~~any~~] the person, who engages the services of any motor carrier  
9 or lessor, or any officer, agent, employee, or representative  
10 thereof, who fails or refuses to comply with any provision of  
11 this chapter, or any rule, requirement, or order[~~7~~] thereunder,  
12 may be assessed a civil penalty for an amount determined by the  
13 department subject to this section and payable to the State in a  
14 sum:

- 15 (1) Up to \$1,000 for each offense;
- 16 (2) In the case of a continuing violation, not less than  
17 \$50 and not more than \$500 for each additional day  
18 during which the failure or refusal continues; and
- 19 (3) Up to \$5,000 for each fourth or subsequent violation  
20 within one calendar year."



1 SECTION 7. Section 286-236, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) No person shall be issued a commercial driver's  
4 license unless that person:

5 (1) Meets the qualification standards of title 49 Code of  
6 Federal Regulations, part 391, subparts B and E;

7 (2) Has passed a knowledge and driving skills test for  
8 driving a commercial motor vehicle that complies with  
9 minimum federal standards established by federal  
10 regulation enumerated in title 49 Code of Federal  
11 Regulations, part 383, subparts G and H;

12 (3) [~~Is domiciled in the State~~] Has Hawaii as the state of  
13 domicile as defined in title 49 Code of Federal  
14 Regulations[~~, part~~] section 383.5; and

15 (4) Has satisfied all other requirements of the Commercial  
16 Motor Vehicle Safety Act of 1986, Public Law 99-570,  
17 title XII, in addition to other requirements imposed  
18 by state law or federal regulation.

19 The tests shall be prescribed by the director and administered  
20 by the respective county examiner of drivers. The test  
21 examiners shall communicate with the applicant only in English



1 during the skills test. As of January 30, 2012, the examiner of  
2 drivers shall verify that the medical certification status of a  
3 driver who self-certified according to title 49 Code of Federal  
4 Regulations section 383.71(b)(1)(i), non-excepted interstate, is  
5 certified. If a driver submits a current medical examiner's  
6 certificate, the examiner of drivers shall date-stamp the  
7 certificate and post all required information to the commercial  
8 driver's license information system pursuant to title 49 Code of  
9 Federal Regulations section 383.73(b)(5) and in accordance with  
10 title 49 Code of Federal Regulations section 383.73(o). A  
11 person who is not physically qualified to drive under title 49  
12 Code of Federal Regulations section 391.41(b)(1) or (2) and who  
13 is otherwise qualified to drive a motor vehicle may be granted  
14 an intrastate waiver by the director. The process for granting  
15 intrastate waivers shall be the same as that for interstate  
16 waivers in title 49 Code of Federal Regulations section 391.49;  
17 provided that the intrastate waiver requests shall be submitted  
18 to the director."

19 SECTION 8. Section 291C-6, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:

21 "(b) The safe routes to school advisory committee shall:



- 1           (1) Develop a comprehensive, statewide safe routes to  
2           school plan that shall include:
- 3           (A) Goals, strategies, and performance metrics that  
4           ensure accountability for improving safety,  
5           active transportation mode share, community  
6           investment in supportive programming, and  
7           infrastructure quality, pursuant to sections  
8           286-7.5 and 264-142;
- 9           (B) Methods to ensure stability and consistency of  
10          the safe routes to school program special fund[~~r~~  
11          ~~which~~] that shall provide for infrastructure  
12          projects and continuity of existing programmatic  
13          (non-infrastructure) work;
- 14          (C) Recommendations to streamline and facilitate  
15          efforts by communities to apply for and implement  
16          projects pursuant to sections 286-7.5, 264-142,  
17          and 291C-3; and
- 18          (D) Identification of, and recommendations for,  
19          additional funding, planning, and programming  
20          that are inclusive and equitable pursuant to  
21          sections 286-7.5 and 264-142;



- 1           (2) Beginning July 1, 2024, ensure distribution of moneys  
2           accrued in the safe routes to school program special  
3           fund, prioritizing continuity of existing programming;
- 4           (3) Beginning July 1, 2024, review project proposals and  
5           select priority projects within one mile of any school  
6           or place of learning, pursuant to sections 286-7.5,  
7           264-142, and 291C-3, to be funded through the safe  
8           routes to school program or otherwise be prioritized  
9           and implemented by the department;
- 10          (4) Submit annual reports on the activities and  
11          recommendations of the safe routes to school program  
12          to the governor and legislature no later than  
13          December 31 of each year; and
- 14          (5) Meet no less than monthly."

15          SECTION 9. Section 302A-1705, Hawaii Revised Statutes, is  
16          amended by amending subsection (b) to read as follows:

17          "(b) If public land [~~set aside~~] set aside to a department  
18          or agency pursuant to section 171-11[7] is required by the  
19          authority for purposes of this chapter, the authority shall  
20          submit a request to the governor to withdraw the set-aside land



1 and to [~~re-set aside~~] re-set aside the land to the authority  
2 pursuant to section 171-11."

3 SECTION 10. Section 328G-4, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) The department shall adopt rules pursuant to  
6 chapter 91 that include but are not limited to:

7 (1) Inspection and sampling requirements of crude extract  
8 and manufactured hemp products;

9 (2) Establishing maximum allowable concentrations of  
10 cannabinoids in crude extract and manufactured hemp  
11 products;

12 (3) Testing protocols, including certification by state  
13 laboratories or independent third-party laboratories,  
14 to determine cannabinoid concentration, including but  
15 not limited to tetrahydrocannabinol, and screening for  
16 contaminants of crude extract and manufactured hemp  
17 products;

18 (4) [~~Recording keeping~~] Recordkeeping requirements;

19 [+](5)[+] Assessment of fees for application, renewal  
20 application, inspecting, and sampling, and any other  
21 fees as deemed necessary;



1     [+] (6) [+] Penalties for any violation;  
2     [+] (7) [+] At the discretion[~~7~~] of and as specified by the  
3             department, the addition to the types of manufactured  
4             hemp products that may be sold pursuant to  
5             section 328G-3;  
6     [+] (8) [+] Good manufacturing practices for hemp processors;  
7             and  
8     [+] (9) [+] Any other rules and procedures necessary to carry  
9             out this chapter."

10       SECTION 11. Section 342D-53, Hawaii Revised Statutes, is  
11 amended by amending subsection (f) to read as follows:

12       "(f) As used in this section, "certifying agency" has the  
13 same meaning as "certifying authority" as defined in title 40  
14 Code of Federal Regulations section [~~121.1(e)~~] 121.1(b)."

15       SECTION 12. Section 346-435, Hawaii Revised Statutes, is  
16 amended by amending subsections (c) and (d) to read as follows:

17       "(c) The wellness and [~~resiliency~~] resilience advisory  
18 board shall advise on wellness and resilience through  
19 trauma-informed care in the State. Specifically, the advisory  
20 board shall:



1           (1) Create, develop, and adopt a statewide framework for  
2           trauma-informed and responsive practice. The  
3           framework shall include:

4           (A) A clear definition of "trauma-informed and  
5           responsive practice";

6           (B) Principles of trauma-informed and responsive care  
7           that may apply to any school, health care  
8           provider, law enforcement agency, community  
9           organization, state agency, or other entity that  
10          has contact with children or youth;

11          (C) Clear examples of how individuals and  
12          institutions may implement trauma-informed and  
13          responsive practices across different domains,  
14          including organizational leadership, workforce  
15          development, policy and decision-making, and  
16          evaluation;

17          (D) Strategies for preventing and addressing  
18          secondary traumatic stress for all professionals  
19          and providers working with children and youth and  
20          their families who have experienced trauma;



- 1           (E) Recommendations to implement trauma-informed care  
2           professional development and strategy  
3           requirements in county and state contracts; and  
4           (F) An implementation and sustainability plan,  
5           consisting of an evaluation plan with suggested  
6           metrics for assessing ongoing progress of the  
7           framework;
- 8           (2) Identify best practices, including those from Native  
9           Hawaiian cultural practices, with respect to children  
10          and youth who have experienced or are at risk of  
11          experiencing trauma, and their families;
- 12          (3) Provide a trauma-informed care inventory and  
13          assessment of public and private agencies and  
14          departments;
- 15          (4) Identify various cultural practices that build  
16          wellness and resilience in communities;
- 17          (5) Convene trauma-informed care practitioners so that  
18          they may share research and strategies in helping  
19          communities build wellness and resilience;
- 20          (6) Seek ways in which federal funding may be used to  
21          better coordinate and improve the response to families



1           impacted by coronavirus disease 2019 (COVID-19),  
2           substance use disorders, domestic violence, poverty,  
3           and other forms of trauma; and make recommendations,  
4           as necessary, for a government position to communicate  
5           with federal agencies to seek and leverage federal  
6           funding with county and state agencies and  
7           philanthropical organizations; and

8           (7) Coordinate data collection and funding streams to  
9           support the efforts of the board."

10          (d) The nongovernmental members of the wellness and  
11          [~~resiliency~~] resilience advisory board shall serve without  
12          compensation but shall be reimbursed for expenses, including  
13          travel expenses, necessary for the performance of their duties."

14          SECTION 13. Section 412:1-109, Hawaii Revised Statutes, is  
15          amended as follows:

16          1. By amending the definition of "appropriate federal  
17          regulatory agency" to read:

18          ""Appropriate federal regulatory agency" means, with  
19          respect to a financial institution or financial institution  
20          holding company, any one or more regulatory agencies of the



1 federal government referred to in the following sentence [~~which~~]  
2 that either:

3 (1) [~~insures~~] Insures the deposits of the financial  
4 institution or financial institution holding  
5 company[~~7~~]; or

6 (2) [~~has~~] Has the power and duty to conduct periodic  
7 general examinations of the affairs of the financial  
8 institution or financial institution holding company  
9 by virtue of the legal characterization of the  
10 financial institution or financial institution holding  
11 company under federal law, and not by virtue of the  
12 fact of affiliation of the financial institution or  
13 financial institution holding company with any other  
14 person or an alleged violation of a specific law.

15 Subject to the preceding sentence, an appropriate federal  
16 regulatory agency may include the Federal Deposit Insurance  
17 Corporation, the Comptroller of the Currency, the Federal  
18 Reserve Board, the National Credit Union Administration, the  
19 Consumer Financial Protection Bureau, or any regulatory agency  
20 of the federal government [~~which~~] that shall succeed to the  
21 insurance or supervisory duties of one of the foregoing."



1           2. By amending the definition of "control" to read:

2            "Control" means, unless the context clearly requires  
3 otherwise, directly or indirectly, solely or through another  
4 person or transaction, or in concert with another:

5           (1) Owning or having the power to vote twenty-five per  
6 cent or more of any class of voting securities;

7           (2) Owning or having the power to exercise twenty-five per  
8 cent or more of the votes of a mutual association,  
9 credit union, or other entity whose voting rights are  
10 not determined by voting securities;

11          (3) Owning or having the power to vote ten per cent or  
12 more of any class of voting securities if:

13           (A) [~~the~~] The issuer of that class of securities has  
14 issued any class of securities under section 12  
15 of the Securities Exchange Act of 1934, as  
16 amended; or

17           (B) [~~immediately~~] Immediately after the acquisition,  
18 no other person will own a greater percentage of  
19 that class of voting securities;

20          (4) Having the power to elect by any means a majority of  
21 the directors; or



1           (5) Having the power to exercise a dominant influence over  
2           management, if so determined by the commissioner after  
3           notice and a hearing.

4           No depository institution or trust company shall be deemed  
5 to own or control a company by virtue of its ownership or  
6 control of shares in a fiduciary capacity, unless that  
7 depository institution or trust company has sole voting power  
8 over a sufficient number of voting securities of the company to  
9 constitute control hereunder."

10           3. By amending the definition of "director" to read:

11           ""Director" means any member of the board of directors of a  
12 financial institution, whether or not receiving compensation.

13 An advisory director is not considered a director if the  
14 advisory director:

15           (1) [~~is~~] Is not elected by the shareholders of the  
16 financial institution[~~7~~];

17           (2) [~~is~~] Is not authorized to vote on matters before the  
18 board of directors[~~7~~]; and

19           (3) [~~provides~~] Provides solely general policy advice to  
20 the board of directors."



1           4. By amending the definition of "financial institution  
2 subsidiary" to read:

3            "Financial institution subsidiary" means:

4           (1) [a] A financial institution that is controlled by a  
5 financial institution holding company~~[7]~~i or

6           (2) [a] A financial institution holding company that is  
7 controlled by another holding company."

8           5. By amending the definition of "in concert with another"  
9 to read:

10            "In concert with another" means:

11           (1) [~~knowing~~] Knowing participation in a joint activity or  
12 interdependent conscious parallel action towards a  
13 common goal whether or not pursuant to an express  
14 agreement; or

15           (2) [a] A combination or pooling of voting or other  
16 interests in the securities of an issuer for a common  
17 purpose pursuant to any contract, understanding,  
18 relationship, agreement, or other arrangement, whether  
19 written or otherwise."

20           6. By amending the definition of "related interest" to  
21 read:



1        "Related interest" means:

2        (1) [a] A company that is controlled by a person; or

3        (2) [a] A political or campaign committee that is  
4                controlled by a person or the funds or services of  
5                which will benefit a person."

6        7. By amending the definition of "surplus" to read:

7        "Surplus" means an amount received by a financial  
8 institution for its capital stock, membership shares, or share  
9 accounts, as the case may be:

10       (1) [~~in~~] In excess of the par value of any shares having  
11                par value; or

12       (2) [~~in~~] In excess of the amount allocated to shares  
13                without par value, membership shares, or share  
14                accounts.

15 "Surplus" also means an amount transferred or allocated to the  
16 financial institution's surplus from retained earnings, and[~~7~~]  
17 unless the context otherwise clearly requires, "surplus"  
18 includes retained earnings, whether or not transferred or  
19 allocated to surplus."

20       SECTION 14. Section 431:10C-802, Hawaii Revised Statutes,  
21 is amended by amending subsection (a) to read as follows:



1           "(a) A peer-to-peer car-sharing program shall ensure  
2 that, during each car-sharing period, the shared car is  
3 insured under a motor vehicle insurance policy that provides:

4           (1) Primary insurance coverage for each shared car  
5 available and used through a peer-to-peer  
6 car-sharing program in amounts no less than four  
7 times the amounts set forth in section  
8 431:10C-301(b) for death, bodily injury, and  
9 property damage per accident, and costs of defense  
10 outside the limits;

11          (2) Primary insurance coverage for each shared car  
12 available and used through a peer-to-peer  
13 car-sharing program for personal injury protection  
14 coverage that meets the minimum coverage amounts  
15 required by section 431:10C-103.5; and

16          (3) The following optional coverages, which any named  
17 insured may elect to reject or purchase, that  
18 [~~provides~~] provide primary coverage for each shared  
19 car available and used through a peer-to-peer  
20 car-sharing program:



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- 1           (A) Uninsured and underinsured motorist coverages,  
2           as provided in section 431:10C-301, [~~which~~  
3           that shall be equal to the primary liability  
4           limits specified in this section; provided that  
5           uninsured and underinsured motorist coverage  
6           offers shall provide for written rejection of  
7           the coverages as provided in section  
8           431:10C-301;
- 9           (B) Uninsured and underinsured motorist coverage  
10          stacking options as provided in section  
11          431:10C-301; provided that the offer of the  
12          stacking options shall provide for written  
13          rejection as provided in section 431:10C-301;
- 14          (C) An offer of required optional additional  
15          insurance coverages as provided in section  
16          431:10C-302; and
- 17          (D) In the event the only named insured under the  
18          motor vehicle insurance policy issued pursuant  
19          to this section is the peer-to-peer car-sharing  
20          program, the insurer or the peer-to-peer  
21          car-sharing program shall:



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- 1 (i) Disclose the coverages in writing to the  
2 shared car driver;
- 3 (ii) Disclose to the shared car driver in  
4 writing that all optional coverages  
5 available may not have been purchased  
6 under sections 431:10C-301 and  
7 431:10C-302; and
- 8 (iii) Obtain a written acknowledgement from the  
9 shared car driver of receipt of the  
10 written disclosures required in  
11 [~~paragraphs (1)~~] clauses (i) and [~~(2)~~].  
12 (ii).

13 The standard disclosure forms used in  
14 [~~paragraphs (1)~~] clauses (i) and [~~(2)~~], (ii),  
15 and every modification of forms intended to be  
16 used, shall be filed with the commissioner  
17 within fifteen days of providing the disclosure  
18 to the shared car driver. The insurer or the  
19 peer-to-peer car-sharing program shall also  
20 send to the shared car driver every modified  
21 disclosure form within fifteen days of the



1 filing of the modified disclosure form and  
2 comply with [~~paragraph (3).~~] clause (iii). The  
3 disclosures and acknowledgement may be sent and  
4 received by electronic means."

5 SECTION 15. Section 466M-1, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§466M-1 Findings and purpose.** The legislature finds that  
8 the regulation of appraisal management companies is essential to  
9 protect consumers. The legislature further finds that it is  
10 necessary to establish a regulatory framework for appraisal  
11 management companies in the State in conformity with the  
12 requirements of the Dodd-Frank Wall Street Reform and Consumer  
13 Protection Act, Pub. L. No. 111-203, and the final regulations  
14 published on June 9, 2015, at title 12 Code of Federal  
15 Regulations[~~7~~] sections 1222.20[~~7~~] et seq., 80 Federal Register  
16 [~~32657~~] 32687 et seq. The purpose of this chapter is to  
17 establish minimum requirements for the regulation of certain  
18 non-federally regulated appraisal management companies."

19 SECTION 16. Section 657-1.8, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:





1                   the victim's eighteenth birthday was caused by  
2                   the sexual abuse,  
3                   whichever occurs later.

4           A civil cause of action for the sexual abuse of a victim  
5 when the victim was a minor shall be based upon sexual acts that  
6 constituted or would have constituted a criminal offense under  
7 part V or VI of chapter 707."

8           SECTION 17. Section 711-1141, Hawaii Revised Statutes, is  
9 amended to read as follows:

10           "**§711-1141 Designation as dangerous dog; basis.** [~~+~~a] (1)

11 An officer may find and declare a dog to be a dangerous dog if  
12 the officer has probable cause to believe that the dog falls  
13 within the definition of "dangerous dog". The declaration shall  
14 be based upon:

15           [~~+~~1] (a) The written complaint of a person who is willing  
16           to testify that the dog has acted in a manner that  
17           causes it to fall within the definition of "dangerous  
18           dog";

19           [~~+~~2] (b) Actions of the dog witnessed by an officer; or

20           [~~+~~3] (c) Other substantial evidence admissible in court.





- 1           ~~[(A)]~~ (i) Any changes in the ownership of the
- 2           dangerous dog or the location of the dangerous
- 3           dog, along with the names, addresses, and
- 4           telephone numbers of the new owners or the new
- 5           address ~~[at which]~~ where the dangerous dog is
- 6           located;
- 7           ~~[(B)]~~ (ii) Any further instances of an attack by the
- 8           dangerous dog upon a person or an animal;
- 9           ~~[(C)]~~ (iii) Any current or future claims made or
- 10          legal actions brought as a result of an attack
- 11          by the dangerous dog upon a person or an animal;
- 12          or
- 13          ~~[(D)]~~ (iv) The death of the dangerous dog;
- 14          ~~[(4)]~~ (d) Have a microchip implanted in the dangerous dog,
- 15          register the owner's microchip information pursuant to
- 16          section 143-2.2, and provide the microchip
- 17          identification number of the dangerous dog to the
- 18          animal control authority;
- 19          ~~[(5)]~~ (e) Ensure that the dangerous dog is under the
- 20          control of a person who is at least eighteen years of



1           age, when the dangerous dog is indoors at the owner's  
2           premises;

3       ~~[(6)]~~ (f)   Ensure that when the dangerous dog is outdoors on  
4           the owner's premises and unattended, the dangerous dog  
5           is confined to an escape-proof kennel that remains  
6           locked;

7       ~~[(7)]~~ (g)   Ensure that when the dangerous dog is outdoors on  
8           the owner's premises and attended, the dangerous dog  
9           is:

10       ~~[(A)]~~ (i)   Kept on a fixed and secure leash no longer  
11           than four feet in length;

12       ~~[(B)]~~ (ii)   Under the control of a person at least  
13           eighteen years of age; and

14       ~~[(C)]~~ (iii)   Kept within a fenced or walled area ~~[from~~  
15           ~~which]~~ where it cannot escape;

16       ~~[(8)]~~ (h)   Ensure that when the dangerous dog is outdoors  
17           outside the owner's premises, the dangerous dog is:

18       ~~[(A)]~~ (i)   Kept on a fixed and secure leash no longer  
19           than four feet in length;

20       ~~[(B)]~~ (ii)   Under the control of a person who is at  
21           least eighteen years of age; and





1           "**§711-1143 Rescission of declaration.** [~~(a)~~] (1) The  
2 owner of a dangerous dog may apply to the animal control  
3 authority to have the declaration rescinded after three years if  
4 all of the following requirements have been met:

5           ~~[(1)]~~ (a) The owner and dangerous dog have had no  
6           subsequent violations of this part;

7           ~~[(2)]~~ (b) The owner has complied with all provisions of  
8           this part for a period of three years; and

9           ~~[(3)]~~ (c) The owner provides proof to the animal control  
10           authority of the dangerous dog's successful completion  
11           of a behavior modification or management program  
12           administered by an animal trainer or behaviorist who  
13           is certified by a nationally recognized organization.

14           ~~[(b)]~~ (2) If the animal control authority finds that the  
15 owner and dangerous dog have complied with all of the  
16 requirements of this section and the owner has provided  
17 sufficient evidence that the dog is no longer dangerous, the  
18 animal control authority shall rescind the declaration."

19           SECTION 20. Section 711-1144, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§711-1144 Negligent failure to control a dangerous dog;  
2 penalties. [~~a~~] (1) The owner of a dangerous dog commits the  
3 offense of negligent failure to control a dangerous dog if:  
4           [~~1~~] (a) A bite injury occurs due to the failure of the  
5 owner of a dangerous dog to comply with the  
6 requirements of this part; or  
7           [~~2~~] (b) The owner of a dangerous dog negligently fails to  
8 take reasonable measures to prevent the dangerous dog  
9 from causing a bite injury, without provocation, to a  
10 person or another animal and the attack results in:  
11           [~~A~~] (i) The serious injury to any animal or maiming  
12 or death of another animal;  
13           [~~B~~] (ii) Bodily injury to a person other than the  
14 owner; or  
15           [~~C~~] (iii) Substantial bodily injury to, serious  
16 bodily injury to, or the death of, a person  
17 other than the owner.  
18           [~~b~~] (2) An offense under subsection [~~(a)(1), (a)(2)(A),~~  
19 (1)(a), (1)(b)(i), or (1)(b)(ii)] shall be a  
20 misdemeanor for which the owner of the dangerous dog shall be  
21 sentenced to:



1        [~~1~~] (a) A fine of no less than \$1,000 but no more than  
2                    \$2,000;

3        [~~2~~] (b) A term of imprisonment of up to six months or a  
4                    period of probation of no more than one year;

5        [~~3~~] (c) The payment of restitution to any person who has  
6                    suffered bodily injury or property damage as a result  
7                    of an attack by the dangerous dog if the person  
8                    suffers financial losses or medical expenses due to  
9                    the attack. As used in this paragraph, "medical  
10                    expenses" may include the costs of necessary  
11                    counseling or rehabilitative services; and

12        [~~4~~] (d) The payment of all expenses for the boarding and  
13                    retention of the dangerous dog if the dog is seized  
14                    and impounded pursuant to this part;

15 provided that no sentence under this subsection shall be  
16 suspended.

17        [~~e~~] (3) Unless the dangerous dog has been or is ordered  
18 to be euthanized, an owner who has negligently failed to control  
19 a dangerous dog shall also be required to:

20        [~~1~~] (a) Meet all conditions imposed on the owner of a  
21                    dangerous dog pursuant to this part;



1       ~~[(2)]~~ (b) Obtain liability insurance or post bond of no  
2           less than \$50,000, or in a higher amount, if the court  
3           finds that a higher amount is appropriate to cover  
4           medical or veterinary costs, or both, resulting from  
5           potential future actions of the dangerous dog; and

6       ~~[(3)]~~ (c) Follow any other condition that the court deems  
7           necessary to restrain or control the dangerous dog.

8       ~~[(d)]~~ (4) An offense under subsection ~~[(a)(2)(C)]~~  
9       (1)(b)(iii) shall be a class C felony for which the owner of a  
10       dangerous dog shall be sentenced to:

11       ~~[(1)]~~ (a) A fine of no less than \$1,000 but no more than  
12           \$10,000;

13       ~~[(2)]~~ (b) A term of imprisonment of no less than one year  
14           but no more than five years, pursuant to chapter 706;  
15           and

16       ~~[(3)]~~ (c) The euthanasia of the dangerous dog;  
17       provided that no sentence under this subsection shall be  
18       suspended."

19       SECTION 21. Section 711-1145, Hawaii Revised Statutes, is  
20       amended to read as follows:



1           "§711-1145   **Impoundment of a dangerous dog.**   ~~(a)~~ (1)   If  
2   there is probable cause to believe that the dangerous dog poses  
3   an imminent threat to a person or another animal, or if there is  
4   probable cause to believe that there is a violation of section  
5   711-1142 or 711-1144, a law enforcement officer, after obtaining  
6   a search warrant, or in any other manner authorized by law, may  
7   enter the premises where the dangerous dog is located to seize  
8   and impound the dog.  If, after reasonable effort, the owner or  
9   person having custody of the dangerous dog cannot be found and  
10   notified of the impoundment, an impoundment notice shall be  
11   conspicuously posted on the premises and, within seventy-two  
12   hours after posting, the notice shall be sent by certified mail  
13   to the address, if any, from which the dangerous dog was  
14   removed.

15           A law enforcement officer shall not be liable for any  
16   damage resulting from an entry under this subsection, unless the  
17   damage was caused by acts beyond the scope of the officer's  
18   authority or the officer's negligence, gross negligence, or  
19   intentional misconduct.

20           ~~(b)~~ (2)   The owner of a dangerous dog that has been  
21   impounded under this section may decline to surrender ownership



1 of the dangerous dog to the animal control authority by paying  
2 to the animal control authority impoundment, care, and provision  
3 costs in an amount determined by the animal control authority to  
4 be sufficient to provide for the dangerous dog's care by the  
5 animal control authority for at least thirty days, including the  
6 day on which the animal was taken into custody.

7       ~~[(e)]~~ (3) If the owner of a dangerous dog that has been  
8 impounded under this section cannot be located within five days  
9 after the dangerous dog is impounded, ownership of the dangerous  
10 dog shall be deemed relinquished.

11       ~~[(d)]~~ (4) At the request of the dangerous dog's owner,  
12 impoundment under this section may occur at the premises of a  
13 licensed veterinarian or a commercial kennel of the dangerous  
14 dog owner's choosing; provided that:

15       ~~[(1)]~~ (a) The owner shall secure the private boarding  
16 placement for the dangerous dog within five days after  
17 the dangerous dog has been impounded by the animal  
18 control authority; and

19       ~~[(2)]~~ (b) All expenses for the dangerous dog's boarding and  
20 care shall be borne by the dangerous dog's owner.



1           ~~[(e)]~~ (5) If the owner of the dangerous dog does not  
2 arrange for private boarding placement, the following  
3 requirements shall apply:

4           ~~[(1)]~~ (a) The owner of the dangerous dog shall pay the  
5 animal control authority within five days after the  
6 dangerous dog is impounded; and

7           ~~[(2)]~~ (b) At the end of the time for which expenses are  
8 covered by an initial or any subsequent impoundment,  
9 care, and provision payment:

10           ~~[(A)]~~ (i) If the owner of the dangerous dog declines  
11 to surrender ownership of the dangerous dog to  
12 the animal control authority, the owner shall  
13 make an additional payment to the animal control  
14 authority at least five days before the  
15 expiration of the previous payment; or

16           ~~[(B)]~~ (ii) If the owner of the dangerous dog has not  
17 made an additional payment in a timely manner to  
18 the animal control authority for impoundment,  
19 care, and provision costs for the dangerous dog,  
20 ownership of the dangerous dog shall be deemed  
21 relinquished.



1           ~~(f)~~ (6) If the owner of a dangerous dog fails to pay  
2 impoundment, care, and provision costs for the dangerous dog  
3 pursuant to this section, the owner may forfeit the owner's  
4 right to contest those costs and any ownership rights to the  
5 dangerous dog.

6           ~~(g)~~ (7) Any dangerous dog that is unclaimed by its  
7 owner, within five days after the owner has been notified that  
8 the dangerous dog is eligible for release from impoundment,  
9 shall be deemed abandoned, and ownership of the dangerous dog  
10 shall be deemed relinquished.

11          ~~(h)~~ (8) If an animal control authority that is  
12 impounding a dangerous dog pursuant to this section determines  
13 that the dangerous dog is too dangerous for its staff to safely  
14 provide basic care, the dangerous dog may be euthanized by the  
15 animal control authority.

16          ~~(i)~~ (9) If a licensed veterinarian determines that an  
17 impounded dangerous dog is:

18           ~~(1)~~ (a) Experiencing extreme pain or suffering;

19           ~~(2)~~ (b) Severely injured past recovery;

20           ~~(3)~~ (c) Severely disabled past recovery; or

21           ~~(4)~~ (d) Severely diseased past recovery,



1 the dangerous dog may be euthanized by the animal control  
2 authority.

3 ~~[(j)]~~ (10) The owner of a dangerous dog shall not sell or  
4 transfer the ownership or physical custody of the dangerous dog  
5 before the time period stated in the court summons, and the  
6 citation shall notify the owner of this prohibition; provided  
7 that this prohibition shall not apply when the owner transfers  
8 ownership of the dangerous dog to an animal control authority.

9 ~~[(k)]~~ (11) Any person who refuses to surrender a dangerous  
10 dog that is subject to relinquishment pursuant to this section  
11 shall be guilty of a petty misdemeanor.

12 If the owner of a dangerous dog that is seized and  
13 impounded pursuant to this section fails to appear in court as  
14 required, ownership of the dangerous dog shall be deemed  
15 relinquished, and the court may order disposition of the  
16 dangerous dog as it deems appropriate.

17 ~~[(l)]~~ (12) Notwithstanding any relinquishment of ownership  
18 of the dangerous dog, the owner shall remain responsible for all  
19 expenses incurred in boarding, caring for, and providing for the  
20 dangerous dog and any fees and penalties that may be imposed by  
21 the court."



1 SECTION 22. Section 835-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) If the court is satisfied that the application is  
4 well-founded, the prospective witness may be compelled to appear  
5 in response thereto as follows:

6 (1) The court may issue an order directing the prospective  
7 witness to appear therein at a designated time in  
8 order that a determination may be made whether the  
9 prospective witness should be adjudged a material  
10 witness and, upon personal service of the order or a  
11 copy thereof within the State, the prospective witness  
12 shall so appear; and

13 (2) If in addition to the allegations specified in section  
14 835-2(a), the application contains further allegations  
15 demonstrating to the satisfaction of the court  
16 reasonable cause to believe that:

17 (A) The witness would be unlikely to respond to [~~such~~  
18 ~~an~~] the order; or

19 (B) After previously having been served with [~~such~~  
20 ~~an~~] the order, the witness did not respond  
21 thereto,



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1           the court may issue a warrant addressed to a police  
2           officer, directing the officer to take the prospective  
3           witness into custody within the State and to bring the  
4           prospective witness before the court forthwith in  
5           order that a proceeding may be conducted to determine  
6           whether the prospective witness is to be adjudged a  
7           material witness."

8           SECTION 23. Act 234, Session Laws of Hawaii 2024, is  
9           amended by amending section 4 to read as follows:

10          "SECTION 4. This Act shall take effect on July 1, 2024,  
11          and shall be repealed on June 30, 2029; provided that [~~any~~]:

12          (1) Sections 89-9(f) and 89-11(b), Hawaii Revised  
13          Statutes, shall be reenacted in the form in which they  
14          read on the day prior to the effective date of this  
15          Act; and

16          (2) Any negotiations on repricing pursuant to this Act  
17          that started prior to June 30, 2029, may continue  
18          after this Act is repealed."

19          SECTION 24. This Act does not affect rights and duties  
20          that matured, penalties that were incurred, and proceedings that  
21          were begun before its effective date.



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1 SECTION 25. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 26. This Act shall take effect upon its approval;  
4 provided that:

5 (1) The amendments made to section 431:10C-802(a), Hawaii  
6 Revised Statutes, by section 14 of this Act shall not  
7 be repealed when amendments to that section take  
8 effect on January 1, 2026, pursuant to sections 4  
9 and 7 of Act 138, Session Laws of Hawaii 2024; and

10 (2) Sections 17, 18, and 19 of this Act shall take effect  
11 when sections 711-1141, 711-1142, and 711-1143, Hawaii  
12 Revised Statutes, take effect pursuant to section 6 of  
13 Act 224, Session Laws of Hawaii 2024.

14

INTRODUCED BY: *Nedie K. Rubin*

JAN 23 2025



# H.B. NO. 1438

**Report Title:**

Revision Bill

**Description:**

Amends or repeals various provisions of the Hawaii Revised Statutes or the Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, or deleting obsolete or unnecessary provisions.

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

