
A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1 SECTION 1. Section 487-14, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§487-14 Restitution.** (a) In any action brought by the
4 director of the office of consumer protection, the court may
5 include in its orders or judgments such provisions as may be
6 necessary to effect restitution. Any person in whose favor
7 restitution is ordered need not accept restitution, but the
8 person's acceptance and full performance of restitution shall
9 bar recovery by the person of any other damages in any action on
10 account of the same acts or practices against the person making
11 restitution. This section shall not apply to bar actions brought
12 against parties engaged in unfair or deceptive acts or practices
13 in the conduct of any trade or commerce within the meaning of
14 section 480-2 and subject to penalties and remedies under
15 chapter 480.

16 (b) Whenever a corporation is ordered to pay restitution
17 under subsection (a), the court hearing the action may include



1 in its orders or judgments that the corporation and the
2 individual directors, officers, or agents of the corporation who
3 authorized, ordered, or had done, or participated in any of the
4 unlawful acts and practices which caused, in whole or in part,
5 injuries to any person, are jointly and severally liable for the
6 payment of restitution.

7 (c) Whenever a domestic or foreign limited liability
8 company is ordered to pay restitution under subsection (a), the
9 court hearing the action may include in its orders or judgments
10 that the limited liability company and the individual members,
11 managers, or agents of the limited liability company who
12 authorized, ordered, had done, or participated in any of the
13 unlawful acts and practices that caused, in whole or in part,
14 injuries to any person, are jointly and severally liable for the
15 payment of restitution.

16 (d) The office of consumer protection may establish and
17 maintain an account for purposes of holding and disbursing
18 moneys received or recovered by it and which are due consumers
19 as restitution.



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1 (e) The director of the office of consumer protection may
 2 assign to a consumer for collection that portion of any judgment
 3 awarding restitution to that consumer.

4 (f) If a person commits a violation of section 480-2 which
 5 is directed toward, targets, or injures an elder, the court, in
 6 addition to the restitution authorized by [subsection] (a), may
 7 award the elder an additional sum up to but not to exceed the
 8 amount of restitution ordered in subsection (a). In determining
 9 the amount, if any, of an award under this subsection, the court
 10 shall consider the factors set forth in section 480-13.5."

11 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: *Jan M. White*
 JAN 17 2025



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Report Title:

Consumer Protection; Remedies; Penalties; Recovery; Civil Suit

Description:

Creates an exemption within the existing limits on recovery to ensure that accepting restitution under chapter 487 does not prohibit an individual from a separate recovery from an action brought under chapter 480 for unfair and deceptive practices.

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