
A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1 SECTION 1. Section 481A-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~**481A-3**~~§~~ **Deceptive trade practices.** (a) A person
4 engages in a deceptive trade practice when, in the course of the
5 person's business, vocation, or occupation, the person:

6 (1) Passes off goods or services as those of another;

7 (2) Causes likelihood of confusion or of misunderstanding
8 as to the source, sponsorship, approval, or
9 certification of goods or services;

10 (3) Causes likelihood of confusion or of misunderstanding
11 as to affiliation, connection, or association with, or
12 certification by, another;

13 (4) Uses deceptive representations or designations of
14 geographic origin in connection with goods or
15 services;

16 (5) Represents that goods or services have sponsorship,
17 approval, characteristics, ingredients, uses,



1 benefits, or quantities that they do not have or that
2 a person has a sponsorship, approval, status,
3 affiliation, or connection that the person does not
4 have;

5 (6) Represents that goods are original or new if they are
6 deteriorated, altered, reconditioned, reclaimed, used,
7 or secondhand;

8 (7) Represents that goods or services are of a particular
9 standard, quality, or grade, or that goods are of a
10 particular style or model, if they are of another;

11 (8) Disparages the goods, services, or business of another
12 by false or misleading representation of fact;

13 (9) Advertises goods or services with intent not to sell
14 them as advertised;

15 (10) Advertises goods or services with intent not to supply
16 reasonably expectable public demand, unless the
17 advertisement discloses a limitation of quantity;

18 (11) Makes false or misleading statements of fact
19 concerning the reasons for, existence of, or amounts
20 of price reductions; [~~e~~]



1 (12) Advertises, displays, or offers a price for goods or
2 services that does not include all mandatory fees or
3 charges other than either of the following:

4 (A) Taxes or fees imposed by a government on the
5 transaction; or

6 (B) Postage or carriage charges that will be
7 reasonably and actually incurred to ship the
8 physical good to the consumer; or

9 ~~[(12)]~~ (13) Engages in any other conduct [which] that
10 similarly creates a likelihood of confusion or of
11 misunderstanding.

12 (b) In order to prevail in an action under this chapter, a
13 complainant need not prove competition between the parties or
14 actual confusion or misunderstanding.

15 (c) This section does not affect unfair trade practices
16 otherwise actionable at common law or under other statutes of
17 this State."

18 SECTION 2. Section 481A-5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[~~§~~481A-5~~§~~] **Application.** (a) This chapter does not
21 apply to:



1 (1) Conduct in compliance with the orders or rules of, or
2 a statute administered by, a federal, state, or local
3 governmental agency;

4 (2) Publishers, broadcasters, printers, or other persons
5 engaged in the dissemination of information or
6 reproduction of printed or pictorial matters who
7 publish, broadcast, or reproduce material without
8 knowledge of its deceptive character; or

9 (3) Actions or appeals pending on July 14, 1969.

10 (b) Sections 481A-3(a)(2) and 481A-3(a)(3) do not apply to
11 the use of a service mark, trademark, certification mark,
12 collective mark, trade name, or other trade identification that
13 was used and not abandoned before July 14, 1969 if the use was
14 in good faith and is otherwise lawful except for this chapter.

15 (c) Section 481A-3(a)(12) does not apply to persons
16 providing broadband internet access service on its own or as
17 part of a bundle of services in compliance with the broadband
18 consumer label requirements of title 47 Code of Federal
19 Regulations section 8.1(a).



1 For the purposes of this subsection, "broadband internet
2 access service" shall have the same meaning as in title 47 Code
3 of Federal Regulations section 8.1(b)."

4 SECTION 7. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 8. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 9. This Act shall take effect on July 1, 2050.

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Report Title:

Deceptive Trade Practices; Motor Vehicle Rental Industry; Hidden Fees; False Advertising

Description:

Establishes as a deceptive practice advertising, displaying, or offering a price for goods or services that does not include all mandatory fees or charges, subject to certain exceptions. Effective 7/1/2050. (SD1)

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

