

A Bill for an Act Relating to Corporations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 416-95, Hawaii Revised Statutes, is amended to read:

“Sec. 416-95. Annual exhibit, exceptions; inspection by whom; penalty. Every corporation organized for profit under this chapter shall annually, between January 1 and May 1, file with the director of regulatory agencies a full and accurate exhibit of its state of affairs. The exhibit shall be made as of December 31 of each year, and shall contain such information and be made in such form as the director, with the approval of the governor, shall require. However, if the corporation has adopted a fiscal year basis other than the calendar year basis, it may make application to the director and be allowed by him to make its exhibit as of the end of its fiscal year, and file the same within one hundred twenty days immediately following the fiscal year date. In the case of an Hawaiian corporation which conducts its principal business without the State, it may file its exhibit within one hundred twenty days after the date as of which the exhibit is to be made. The director may grant a reasonable extension of time for making and filing the annual exhibits.

Examination of books, etc., by director. The director may either himself, or by one or more commissioners appointed by him, call for the production of the books and papers of the corporation, and examine its officers, members, and others touching its affairs, under oath. The annual reports above mentioned, and the result of the examination, the director may in his discretion lay before the governor, and also publish. In case any corporation refuses to produce its books and papers upon the request of the director, or

the commissioners appointed by him, or in case any of the officers or members of any corporation refuses to be examined on oath, touching the affairs of the corporation, then the director, or the commissioners, may apply to a circuit judge at chambers for an order to compel the production of the books and papers or the examination of the officers or members of the corporation, obedience to which order may be enforced by the judge, in like manner with his ordinary decrees and orders.

Penalty. Any corporation violating or neglecting or failing in any particular to conform to or comply with any of the provisions of this section shall be subject to a forfeiture of an amount to be determined by the director not exceeding \$100 for every such violation, neglect or failure, to be recovered by action brought in the name of the State by the director. A continuance of a failure to file the required exhibit shall be a separate offense for each thirty days of the continuance. The director may, for good cause shown, waive the penalty imposed by this section.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

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

(Approved May 6, 1971.)

* Edited accordingly.