

ACT 117

H.B. NO. 41

A Bill for an Act Relating to Consumer Complaints.

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

SECTION 1. The purpose of this Act is to provide relief upon consumer complaints against those licensed or regulated by State and county boards.

SECTION 2. Part II of Chapter 92, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 92- Consumer complaints; procedures and remedies. (a) All boards established to license or regulate any profession, occupation, industry, or service, shall receive complaints from consumers and other persons claiming to be aggrieved by business practices related to their respective jurisdictions.

(b) Upon receipt of a written complaint which establishes an alleged violation of any provision of law or rule that is within its jurisdiction, the board shall notify the licensee or person regulated of the charge against him and conduct a hearing in conformity with chapter 91 if the matter cannot be settled informally after investigation. If the board finds that the charge constitutes a violation, but it is determined that the seriousness thereof does not warrant a suspension or revocation of the license or permit, the board may order appropriate relief from the licensee for the complainant, including but not limited to, refunding of money paid as fees for services, correcting the work done in providing services to the satisfaction of the complainant, or any other appropriate means to secure relief for the complainant as determined by the board.

(c) For refusal on the part of the licensee or person regulated to provide the relief which it has ordered as appropriate to the complainant, the board may apply judicially for injunctive relief, provided that the remedy at law is otherwise inadequate, and such refusal shall also constitute grounds for the suspension or revocation of the license or permit, subject to rules established by the board. Where appropriate, the board shall refer for prosecution to the proper authority any practice constituting a violation which is subject to criminal penalty.

(e) If the subject matter of the complaint does not come within its jurisdiction, or if it is found that the charge does not constitute a violation, the board shall notify and inform the complainant in writing with regard to the reasons for its inability to act upon the complaint.

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

(Approved June 3, 1974.)