

A Bill for an Act Relating to Consumer Protection.

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

SECTION 1. Chapter 487, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 487- Assurance of voluntary compliance. In lieu of instituting or continuing an investigation or action pursuant to section 487-5(5), the director may accept written assurance of voluntary compliance from the person or persons suspected of violation. The director will obtain the agreement of the affected consumers where possible. In no event shall the fact that a person who enters into an assurance of voluntary compliance be considered an admission of violation, nor shall such written assurance constitute prima facie evidence of any violation. The assurance may include a stipulation for reim-

bursement to some or all consumers who have been damaged by an alleged unlawful act or practice and payment of costs of investigation. All assurances of voluntary compliance may be made a matter of public record. A consumer need not accept restitution pursuant to the stipulation, but his stipulated agreement to the assurance or his acceptance and full performance of restitution shall bar recovery of any other damages in any action on account of the same acts or practices by him against the person or persons making restitution.”

SECTION 2. This Act shall take effect upon its approval.

(Approved May 28, 1974.)