

ACT 22

H.B. NO. 1657

A Bill for an Act Relating to Antitrust Suits by the State; Amount of Recovery.

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

SECTION 1. Section 480-14, Hawaii Revised Statutes, is amended to read as follows:

**“§480-14 Suits by the State; amount of recovery.** (a) Whenever the State, any county, or city and county is injured in its business or property by reason of anything forbidden or declared unlawful by this chapter, it may sue to recover threefold the actual damages sustained by it.

(b) The attorney general may bring an action on behalf of the State or any of its political subdivisions or governmental agencies to recover the damages provided

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for by this section, or by any comparable provisions of federal law.

(c) This chapter shall not be construed to deny the right to sue for any† damages to any person by reason of such person's status as indirect purchaser injured by illegal overcharge.

(d) No person other than the attorney general of the State shall be authorized to bring a class action in any court of this State for indirect purchasers asserting claims under this chapter. Such action shall be brought as *parens patriae* on behalf of natural persons residing in the State, to secure monetary relief as provided in this section for injuries sustained by such natural persons to their property by reason of any violation of this chapter.

(e) If judgment is in favor of the State or any of its political subdivisions or governmental agencies under any provision of this chapter, the attorney general shall be awarded reasonable attorney's fees together with the cost of suit; provided further, that in any class action lawsuit brought by the attorney general in behalf of indirect purchasers, the attorney general shall in addition be awarded an amount commensurate with expenses reasonably expected to be expended in distribution of damages to the indirect purchasers."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved April 16, 1981.)

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†The word "any" is new but was not underscored.