

ACT 35

H.B. NO. 1904-86

A Bill for an Act Relating to Cemeteries and Mortuaries.

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

SECTION 1. Section 441-19, Hawaii Revised Statutes, is amended to read as follows:

“§441-19 Powers and duties of director. In addition to any other duties and powers granted by this chapter the director shall, pursuant to chapter 91:

- (1) Grant licenses to cemetery and pre-need funeral authorities pursuant to this chapter[;] and rules adopted pursuant thereto;
- (2) [Make,] Adopt, amend, or repeal [such] rules as the director deems proper to fully effectuate this chapter and carry out the purpose thereof, which purpose is the protection of the general public in its acquisitions of cemetery property, pre-need interment services, at-need funeral services, and pre-need funeral services. The rules may forbid acts or practices deemed by the director to be detrimental to the accomplishment of the purpose of this chapter, and the rules may require mortuary, cemetery, and pre-need funeral authorities to make reports to the director containing such information as will better enable the director to enforce this chapter and the rules, or as will better enable the director from time to time to amend the rules to more fully effectuate the purpose of this chapter, and further, the rules may require mortuary, cemetery, and pre-need funeral authorities to furnish reports to their clients containing such matters of information as the director deems necessary to promote the purpose of this chapter; provided that this enumeration of specific matters which may properly be made the subject of rules shall not be construed to limit the director's broad general power to make all rules necessary to fully effectuate the purpose of this chapter;
- (3) Enforce this chapter and rules adopted pursuant thereto;
- (4) Fine, suspend, or revoke any license for any cause prescribed by this chapter, or for any violation of the rules, and refuse to grant any license for any cause which would be ground for revocation or suspension of a license;
- (5) Report to the governor annually and at such other times and in such other manner as he may require concerning the director's activities;
- (6) Publish and distribute pamphlets and circulars containing such information as the director deems proper to further the accomplishments of the purpose of this chapter;
- (7) Investigate the actions of any person acting in the capacity of a licensee under this chapter if there is reason to believe that there may be a violation of this chapter or the rules adopted pursuant thereto[.];
- (8) Extend the deadline for, or defer the filing of, any periodic report required under this chapter, provided that the licensee meets the conditions and requirements set forth by the director in rules; and
- (9) Provide in the rules for alternatives to any bonding or insurance requirement imposed by this chapter when such bond or insurance cannot be reasonably secured and the alternative measures provide for the same degree of protection to the consumer."

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, 1986.)