

ACT 47

H.B. NO. 3266

A Bill for an Act Relating to Attorneys' Fees.

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

SECTION 1. Section 607-14.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In any civil action in this State where a party seeks money damages or injunctive relief, or both, against another party, and the case is subsequently decided, the court may, as it deems just, assess against either party, and enter as part of its order, for which execution may issue, a reasonable sum for attorneys' fees, in an amount to be determined by the court upon a specific finding that the party's claim or defense was frivolous[; provided the amount shall not exceed twenty-five per cent of any amount originally prayed for by the party assessed].”

SECTION 2. Section 663-1.7, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) In any civil action arising under this section where a party seeks money damages or injunctive relief, or both, against another party, and the case is subsequently decided, the court may, as it deems just, assess against either party, and enter as part of its order, for which execution may issue, a reasonable sum for attorneys' fees, in an amount to be determined by the court upon a specific finding that the party's claim or defense was frivolous[; provided the amount shall not exceed twenty-five per cent of any amount originally prayed for by the party assessed].”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved April 27, 1992.)

Note

1. No underscored material.