

ACT 17

H.B. NO. 2520

A Bill for an Act Relating to Frivolous Lobbying Charges.

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

SECTION 1. Section 97-6, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) A person who files a frivolous charge with the commission against any person covered by this chapter shall be civilly liable to the person charged for all costs incurred in defending the charge, including but not limited to costs and attorneys’ fees. In any case where the commission [decides not to issue a complaint in response to a charge,] does not issue a decision or final conclusion in which the

commission concludes that a person has violated this chapter, the commission shall, upon the written request of the person charged, make a finding as to whether or not the charge was frivolous. The person charged may initiate an action in the circuit court for recovery of fees and costs incurred in commission proceedings within one year after the commission renders a decision that the charge was frivolous. The commission's decision shall be binding upon the court for purposes of a finding pursuant to section 607-14.5.''

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 Statutory material to be repealed is bracketed.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

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

(Approved April 13, 1998.)