

ACT 66

H.B. NO. 1004

A Bill for an Act Relating to Chapter 480, Hawaii Revised Statutes.

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 any of its political subdivisions or governmental agencies~~;~~ is injured, directly or indirectly, 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).~~ whether directly or indirectly. The attorney general may bring an action on behalf of the State~~;~~ ~~any county,~~ or any of its political subdivisions or governmental agencies to recover the damages provided for by this section, or by any comparable provisions of federal law.

~~(c).~~ (b) The attorney general of the State shall be authorized to bring a class action for indirect purchasers asserting claims under this chapter. The attorney general or the director of the office of consumer protection may bring a class action on behalf of consumers based on unfair or deceptive acts or practices declared unlawful by section 480-2. Actions brought under this subsection shall be brought as parens patriae on behalf of natural persons residing in the State~~;~~ to secure threefold damages for injuries sustained by ~~such~~ the natural persons to their property by reason of any violation of this chapter.

~~(d).~~ (c) If judgment is in favor of the State~~;~~ ~~any county,~~ or any of its political subdivisions or governmental agencies under any provision of this chapter, the attorney general or the director of the office of consumer protection 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~~ on 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. Section 480-21, Hawaii Revised Statutes, is amended to read as follows:

“§480-21 Court and venue. (a) Any criminal action or proceeding~~;~~ ~~whether civil or criminal,~~ authorized by this chapter shall be brought in any appropriate court in the circuit in which the defendant resides, engages in business, or has an agent~~;~~ ~~unless otherwise specifically provided herein~~.

(b) Any civil action or proceeding authorized by this chapter may be brought in any appropriate court.”

SECTION 3. Statutory material to be repealed is bracketed and stricken.
New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2011.

(Approved May 26, 2011.)