

**ACT 7**

**H.B. NO. 2329**

**A Bill for an Act Relating to Consumer Protection.**

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

**SECTION 1.** The Hawaii Legislature has created statutes of limitations to provide that a party may not initiate a court action if a certain period of time

has elapsed from when a claim has accrued. Hawaii common law, however, has consistently stated that despite these legislatively created limitations, the State may initiate and maintain actions without being subject to statutes of limitations. In recognition of this longstanding common law rule, the legislature in 1991 codified section 657-1.5, Hawaii Revised Statutes, to confirm that it would apply to the State unless another statute specifically designated the State as subject to a limitations period.

In the context of claims brought by the State and its agencies pursuant to chapter 480 of the Hawaii Revised Statutes, the Hawaii legislature has never specifically designated the State or its agencies as being subject to any limitation period. Consequently, no limitation period can apply to actions brought by the State under chapter 480, Hawaii Revised Statutes.

The purpose of this measure is to amend section 480-24, Hawaii Revised Statutes, to clarify that the statute of limitations governing chapter 480, Hawaii Revised Statutes, does not apply to the State and its agencies.

SECTION 2. Section 480-24, Hawaii Revised Statutes, is amended to read as follows:

**“§480-24 Limitation of actions.** ~~[(a)]~~ Any action to enforce a cause of action arising under this chapter shall be barred unless commenced within four years after the cause of action accrues, except as otherwise provided in ~~[subsection (b) and]~~ section 480-22. For the purpose of this section, a cause of action for a continuing violation is deemed to accrue at any time during the period of the violation.

~~[(b) The following shall toll the time for commencement of actions by the State under this chapter if at any time:~~

- ~~(1) Any cause of action arising under this chapter accrues against any person, the person is out of the State, the action may be commenced within the terms respectively limited, after the return of the person into the State, and if, after the cause of action has accrued, the person departs from and resides out of the State, the time of the person's absence shall not be deemed or taken as any part of the time limited for the commencement of the action.~~
- ~~(2) Any cause of action arising under this chapter accrues against any person, the person has petitioned for relief under the bankruptcy code, the time during which the bankruptcy case is pending shall not be deemed or taken as any part of the time limited for the commencement of the action.~~
- ~~(3) Any cause of action arising under this chapter accrues against any person, there is a criminal action pending which arises out of the same occurrence, the time during which the criminal action is pending shall not be deemed or taken as any part of the time limited for the commencement of the action. As used in this paragraph, a criminal action is pending until its final adjudication in the trial court.]”~~

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

SECTION 4. This Act shall take effect upon its approval.

(Approved April 11, 2016.)