

ACT 21

S.B. NO. 1508

A Bill for an Act Relating to Statutory Revision: Amending or Repealing Various Provisions of the Hawaii Revised Statutes or the Session Laws of Hawaii for the Purposes of Correcting Errors and References, Clarifying Language, or Deleting Obsolete or Unnecessary Provisions.

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

SECTION 1. Section 91-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as otherwise provided in this section, prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall:

- (1) Give at least thirty days’ notice for a public hearing. The notice shall include:
 - (A) A statement of the topic of the proposed rule adoption, amendment, or repeal or a general description of the subjects involved; ~~and~~
 - (B) A statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be mailed to any interested person who requests a copy, pays the required fees for the copy and the postage, if any, together with a description of where and how the requests may be made;
 - (C) A statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be reviewed in person; and
 - (D) The date, time, and place where the public hearing will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal.

The notice shall be mailed to all persons who have made a timely written request of the agency for advance notice of its rule-making proceedings, given at least once statewide for state agencies and in the county for county agencies. Proposed state agency rules shall also be posted on the Internet as provided in section 91-2.6; and

- (2) Afford all interested persons opportunity to submit data, views, or arguments, orally or in writing. The agency shall fully consider all written and oral submissions respecting the proposed rule. The agency may make its decision at the public hearing or announce then the date when it intends to make its decision. Upon adoption, amendment, or repeal of a rule, the agency, if requested to do so by an interested person, shall issue a concise statement of the principal reasons for and against its determination.”

SECTION 2. Section 102-2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The bidding requirements and ~~[fifteen-year]~~ twenty-five-year limit in subsection (a) shall not apply to any disposition or grant of rights to anyone to place one or more names, in accordance with applicable county sign ordinances, on a state or county building.”

SECTION 3. Section 103D-412, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) For the purposes of this section:

“Agency” means a state agency, office, or department.

“Alternative fuel” shall have the same meaning as contained in title 10 Code of Federal Regulations part 490; provided that “alternative fuel” includes liquid or gaseous fuels produced from renewable feedstocks, such as organic wastes, or from water using electricity from renewable energy sources.

“Alternative fuel vehicle” shall have the same meaning as contained in title 10 Code of Federal Regulations part 490.

“Covered fleet” shall have the same meaning as contained in title 10 Code of Federal Regulations part 490, subpart C.

“Excluded vehicles” shall have the same meaning as contained in title 10 Code of Federal Regulations section 490.3.

“Fuel cell electric vehicle” shall have the same meaning as contained in title 10 Code of Federal Regulations section 490.501.

“Hybrid electric vehicle” shall have the same meaning as contained in title 40 Code of Federal Regulations section 86.1803-01.

“Light-duty motor vehicle” shall have the same meaning as contained in title 10 Code of Federal Regulations part 490.

“Plug-in hybrid electric vehicle” shall have the same meaning as contained in title 40 Code of Federal Regulations ~~[part]~~ section 86.1803-01.

“Zero-emission vehicle” shall have the same meaning as contained in title 40 Code of Federal Regulations section ~~[88.402-94.]~~ 88.1.”

SECTION 4. Section 196-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) With regard to motor vehicles and transportation fuel, each agency shall:

- (1) Comply with title 10 Code of Federal Regulations part 490, subpart C, “Mandatory State Fleet Program”, if applicable;
- (2) Comply with all applicable state laws regarding vehicle purchases;
- (3) Once federal and state vehicle purchase mandates have been satisfied, purchase the most fuel-efficient vehicles that meet the needs of their programs; provided that the life cycle cost-benefit analysis of vehicle purchases shall include projected fuel costs;
- (4) Purchase alternative fuels and ethanol blended gasoline when available;
- (5) Evaluate a purchase preference for biodiesel blends, as applicable to agencies with diesel fuel purchases;
- (6) Promote efficient operation of vehicles, including efficient planning of charging system locations and efficient utilization of renewable energy for charging electric vehicles;
- (7) Use the most appropriate minimum octane fuel; provided that vehicles shall use 87-octane fuel unless the owner’s manual for the vehicle states otherwise or the engine experiences knocking or pinging;

- (8) Beginning with fiscal year 2005-2006 as the baseline, collect and maintain, for the life of each vehicle acquired, the following data:
 - (A) Vehicle acquisition cost;
 - (B) United States Environmental Protection Agency rated fuel economy;
 - (C) Vehicle fuel configuration, such as gasoline, diesel, flex-fuel gasoline/E85, and dedicated propane;
 - (D) Actual in-use vehicle mileage;
 - (E) Actual in-use vehicle fuel consumption;
 - (F) Actual in-use annual average vehicle fuel economy; and
 - (G) Hourly charging data by electric vehicle and electric vehicle charging system;
 - (9) Beginning with fiscal year 2005-2006 as the baseline with respect to each agency that operates a fleet of thirty or more vehicles, collect and maintain, in addition to the data in paragraph (8), the following:
 - (A) Information on the vehicles in the fleet, including vehicle year, make, model, gross vehicle weight rating, and vehicle fuel configuration;
 - (B) Fleet fuel usage, by fuel;
 - (C) Fleet mileage;
 - (D) Overall annual average fleet fuel economy and average miles per gallon of gasoline and diesel; and
 - (E) Hourly charging data by electric vehicle and electric vehicle charging system;
 - (10) Adopt a preference for the rental of electric vehicles or hybrid vehicles; provided that:
 - (A) All agencies, when renting a vehicle on behalf of a state employee in the discharge of official government business, shall rent a vehicle of one of the following types, listed in order of preference:
 - (i) Electric vehicle; or
 - (ii) Hybrid vehicle;
 provided further that the vehicle is available and suitable for the specific travel requirements;
 - (B) The agency may rent a conventional vehicle only if:
 - (i) An electric vehicle or hybrid vehicle is not suitable; or
 - (ii) Neither an electric vehicle nor a hybrid vehicle is available;
 - (C) An agency shall exercise the policy preference for rental of an electric vehicle or hybrid vehicle notwithstanding the potential higher cost associated with renting an electric vehicle or hybrid vehicle; provided that the rental rate for the electric vehicle or hybrid vehicle is comparable to that of a conventional vehicle of similar class; provided further that the cost premium is consistent with any budgetary constraints and not contradicted by an existing state contract with the rental business entity from which the vehicle is rented; and
 - (D) To the extent practicable, all agencies shall rent a vehicle pursuant to subparagraph (A) from a rental contractor; and
- [(11)] Plan and coordinate vehicle acquisition to meet the following clean ground transportation goals:

- (A) One hundred per cent of light-duty motor vehicles that are passenger cars in the State's fleet shall be zero-emission vehicles by December 31, 2030; and
- (B) One hundred per cent of light-duty motor vehicles in the State's fleet shall be zero-emission vehicles by December 31, 2035.

For the purposes of this subsection:

"Light-duty motor vehicle" shall have the same meaning as contained in title 10 Code of Federal Regulations part 490.

"Passenger car" shall have the same meaning as contained in title 49 Code of Federal Regulations section 571.3.

"Zero-emission vehicle" shall have the same meaning as contained in title 40 Code of Federal Regulations section ~~[88.102-94.]~~ 88.1."

SECTION 5. Section 249-9.7, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) For the purposes of this section:

~~["Special number plate" means a license plate that is not a uniform state number plate, unless a different meaning appears from the context.]~~

~~"Electric vehicle" [shall have the same meaning as the term is defined in section 196-2 and produce]~~ means a vehicle:

- (1) Powered by an electric motor via electricity:
 - (A) Stored in a high capacity battery; or
 - (B) Generated from an onboard fuel cell; and
- (2) That produces zero emissions.

"Special number plate" means a license plate that is not a uniform state number plate, unless a different meaning appears from the context."

SECTION 6. Section 271-27, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(h) Any motor carrier or lessor, or any officer, agent, employee, or representative thereof, who fails or refuses to comply with any provision of this chapter, or any rule, requirement, or order thereunder, and any person located in this State, or any officer, agent, employee, or representative of ~~[any]~~ the person, who engages the services of any motor carrier or lessor, or any officer, agent, employee, or representative thereof, who fails or refuses to comply with any provision of this chapter, or any rule, requirement, or order~~;~~ thereunder, may be assessed a civil penalty for an amount determined by the department subject to this section and payable to the State in a sum:

- (1) Up to \$1,000 for each offense;
- (2) In the case of a continuing violation, not less than \$50 and not more than \$500 for each additional day during which the failure or refusal continues; and
- (3) Up to \$5,000 for each fourth or subsequent violation within one calendar year."

SECTION 7. Section 286-236, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) No person shall be issued a commercial driver's license unless that person:

- (1) Meets the qualification standards of title 49 Code of Federal Regulations, part 391, subparts B and E;

- (2) Has passed a knowledge and driving skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in title 49 Code of Federal Regulations, part 383, subparts G and H;
- (3) ~~[Is domiciled in the State]~~ Has Hawaii as the state of domicile as defined in title 49 Code of Federal Regulations~~[, part]~~ section 383.5; and
- (4) Has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, title XII, in addition to other requirements imposed by state law or federal regulation.

The tests shall be prescribed by the director and administered by the respective county examiner of drivers. The test examiners shall communicate with the applicant only in English during the skills test. As of January 30, 2012, the examiner of drivers shall verify that the medical certification status of a driver who self-certified according to title 49 Code of Federal Regulations section 383.71(b)(1)(i), non-excepted interstate, is certified. If a driver submits a current medical examiner's certificate, the examiner of drivers shall date-stamp the certificate and post all required information to the commercial driver's license information system pursuant to title 49 Code of Federal Regulations section 383.73(b)(5) and in accordance with title 49 Code of Federal Regulations section 383.73(o). A person who is not physically qualified to drive under title 49 Code of Federal Regulations section 391.41(b)(1) or (2) and who is otherwise qualified to drive a motor vehicle may be granted an intrastate waiver by the director. The process for granting intrastate waivers shall be the same as that for interstate waivers in title 49 Code of Federal Regulations section 391.49; provided that the intrastate waiver requests shall be submitted to the director."

SECTION 8. Section 291C-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- "(b) The safe routes to school advisory committee shall:
- (1) Develop a comprehensive, statewide safe routes to school plan that shall include:
 - (A) Goals, strategies, and performance metrics that ensure accountability for improving safety, active transportation mode share, community investment in supportive programming, and infrastructure quality, pursuant to sections 286-7.5 and 264-142;
 - (B) Methods to ensure stability and consistency of the safe routes to school program special fund~~[, which]~~ that shall provide for infrastructure projects and continuity of existing programmatic (non-infrastructure) work;
 - (C) Recommendations to streamline and facilitate efforts by communities to apply for and implement projects pursuant to sections 286-7.5, 264-142, and 291C-3; and
 - (D) Identification of, and recommendations for, additional funding, planning, and programming that are inclusive and equitable pursuant to sections 286-7.5 and 264-142;
 - (2) Beginning July 1, 2024, ensure distribution of moneys accrued in the safe routes to school program special fund, prioritizing continuity of existing programming;
 - (3) Beginning July 1, 2024, review project proposals and select priority projects within one mile of any school or place of learning, pursuant to sections 286-7.5, 264-142, and 291C-3, to be funded through

- the safe routes to school program or otherwise be prioritized and implemented by the department;
- (4) Submit annual reports on the activities and recommendations of the safe routes to school program to the governor and legislature no later than December 31 of each year; and
 - (5) Meet no less than monthly.”

SECTION 9. Section 302A-1705, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If public land ~~[set-aside]~~ set aside to a department or agency pursuant to section 171-11~~[.]~~ is required by the authority for purposes of this chapter, the authority shall submit a request to the governor to withdraw the set-aside land and to ~~[re-set-aside]~~ re-set aside the land to the authority pursuant to section 171-11.”

SECTION 10. Section 328G-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department shall adopt rules pursuant to chapter 91 that include but are not limited to:

- (1) Inspection and sampling requirements of crude extract and manufactured hemp products;
- (2) Establishing maximum allowable concentrations of cannabinoids in crude extract and manufactured hemp products;
- (3) Testing protocols, including certification by state laboratories or independent third-party laboratories, to determine cannabinoid concentration, including but not limited to tetrahydrocannabinol, and screening for contaminants of crude extract and manufactured hemp products;
- (4) ~~[Recording-keeping]~~ Recordkeeping requirements;
- ~~[(5)]~~ [(5)] Assessment of fees for application, renewal application, inspecting, and sampling, and any other fees as deemed necessary;
- ~~[(6)]~~ [(6)] Penalties for any violation;
- ~~[(7)]~~ [(7)] At the discretion~~[.]~~ of and as specified by the department, the addition to the types of manufactured hemp products that may be sold pursuant to section 328G-3;
- ~~[(8)]~~ [(8)] Good manufacturing practices for hemp processors; and
- ~~[(9)]~~ [(9)] Any other rules and procedures necessary to carry out this chapter.”

SECTION 11. Section 342D-53, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) As used in this section, “certifying agency” has the same meaning as “certifying authority” as defined in title 40 Code of Federal Regulations section ~~[421.1(e)]~~ 121.1(b).”

SECTION 12. Section 346-435, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) The wellness and ~~[resiliency]~~ resilience advisory board shall advise on wellness and resilience through trauma-informed care in the State. Specifically, the advisory board shall:

- (1) Create, develop, and adopt a statewide framework for trauma-informed and responsive practice. The framework shall include:
 - (A) A clear definition of “trauma-informed and responsive practice”;

- (B) Principles of trauma-informed and responsive care that may apply to any school, health care provider, law enforcement agency, community organization, state agency, or other entity that has contact with children or youth;
 - (C) Clear examples of how individuals and institutions may implement trauma-informed and responsive practices across different domains, including organizational leadership, workforce development, policy and decision-making, and evaluation;
 - (D) Strategies for preventing and addressing secondary traumatic stress for all professionals and providers working with children and youth and their families who have experienced trauma;
 - (E) Recommendations to implement trauma-informed care professional development and strategy requirements in county and state contracts; and
 - (F) An implementation and sustainability plan, consisting of an evaluation plan with suggested metrics for assessing ongoing progress of the framework;
- (2) Identify best practices, including those from Native Hawaiian cultural practices, with respect to children and youth who have experienced or are at risk of experiencing trauma, and their families;
 - (3) Provide a trauma-informed care inventory and assessment of public and private agencies and departments;
 - (4) Identify various cultural practices that build wellness and resilience in communities;
 - (5) Convene trauma-informed care practitioners so that they may share research and strategies in helping communities build wellness and resilience;
 - (6) Seek ways in which federal funding may be used to better coordinate and improve the response to families impacted by coronavirus disease 2019 (COVID-19), substance use disorders, domestic violence, poverty, and other forms of trauma; and make recommendations, as necessary, for a government position to communicate with federal agencies to seek and leverage federal funding with county and state agencies and philanthropical organizations; and
 - (7) Coordinate data collection and funding streams to support the efforts of the board.
- (d) The nongovernmental members of the wellness and ~~[resiliency]~~ resilience advisory board shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.”

SECTION 13. Section 412:1-109, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “appropriate federal regulatory agency” to read:

““Appropriate federal regulatory agency” means, with respect to a financial institution or financial institution holding company, any one or more regulatory agencies of the federal government referred to in the following sentence ~~[which] that~~ either:

- (1) ~~[insures]~~ Insures the deposits of the financial institution or financial institution holding company[-]; or
- (2) ~~[has]~~ Has the power and duty to conduct periodic general examinations of the affairs of the financial institution or financial institution holding company by virtue of the legal characterization of the

financial institution or financial institution holding company under federal law, and not by virtue of the fact of affiliation of the financial institution or financial institution holding company with any other person or an alleged violation of a specific law.

Subject to the preceding sentence, an appropriate federal regulatory agency may include the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Reserve Board, the National Credit Union Administration, the Consumer Financial Protection Bureau, or any regulatory agency of the federal government [~~which~~] that shall succeed to the insurance or supervisory duties of one of the foregoing.”

2. By amending the definition of “control” to read:

““Control” means, unless the context clearly requires otherwise, directly or indirectly, solely or through another person or transaction, or in concert with another:

- (1) Owning or having the power to vote twenty-five per cent or more of any class of voting securities;
- (2) Owning or having the power to exercise twenty-five per cent or more of the votes of a mutual association, credit union, or other entity whose voting rights are not determined by voting securities;
- (3) Owning or having the power to vote ten per cent or more of any class of voting securities if:
 - (A) [~~the~~] The issuer of that class of securities has issued any class of securities under section 12 of the Securities Exchange Act of 1934, as amended; or
 - (B) [~~immediately~~] Immediately after the acquisition, no other person will own a greater percentage of that class of voting securities;
- (4) Having the power to elect by any means a majority of the directors; or
- (5) Having the power to exercise a dominant influence over management, if so determined by the commissioner after notice and a hearing.

No depository institution or trust company shall be deemed to own or control a company by virtue of its ownership or control of shares in a fiduciary capacity, unless that depository institution or trust company has sole voting power over a sufficient number of voting securities of the company to constitute control hereunder.”

3. By amending the definition of “director” to read:

““Director” means any member of the board of directors of a financial institution, whether or not receiving compensation. An advisory director is not considered a director if the advisory director:

- (1) [~~is~~] Is not elected by the shareholders of the financial institution[;];
- (2) [~~is~~] Is not authorized to vote on matters before the board of directors[;]; and
- (3) [~~provides~~] Provides solely general policy advice to the board of directors.”

4. By amending the definition of “financial institution subsidiary” to read:

““Financial institution subsidiary” means:

- (1) [~~a~~] A financial institution that is controlled by a financial institution holding company[;]; or
- (2) [~~a~~] A financial institution holding company that is controlled by another holding company.”

5. By amending the definition of “in concert with another” to read:
 ““In concert with another” means:

- (1) [~~knowing~~] Knowing participation in a joint activity or interdependent conscious parallel action towards a common goal whether or not pursuant to an express agreement; or
- (2) [~~a~~] A combination or pooling of voting or other interests in the securities of an issuer for a common purpose pursuant to any contract, understanding, relationship, agreement, or other arrangement, whether written or otherwise.”

6. By amending the definition of “related interest” to read:

““Related interest” means:

- (1) [~~a~~] A company that is controlled by a person; or
- (2) [~~a~~] A political or campaign committee that is controlled by a person or the funds or services of which will benefit a person.”

7. By amending the definition of “surplus” to read:

““Surplus” means an amount received by a financial institution for its capital stock, membership shares, or share accounts, as the case may be:

- (1) [~~in~~] In excess of the par value of any shares having par value; or
- (2) [~~in~~] In excess of the amount allocated to shares without par value, membership shares, or share accounts.

“Surplus” also means an amount transferred or allocated to the financial institution’s surplus from retained earnings, and[.] unless the context otherwise clearly requires, “surplus” includes retained earnings, whether or not transferred or allocated to surplus.”

SECTION 14. Section 431:10C-802, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A peer-to-peer car-sharing program shall ensure that, during each car-sharing period, the shared car is insured under a motor vehicle insurance policy that provides:

- (1) Primary insurance coverage for each shared car available and used through a peer-to-peer car-sharing program in amounts no less than four times the amounts set forth in section 431:10C-301(b) for death, bodily injury, and property damage per accident, and costs of defense outside the limits;
- (2) Primary insurance coverage for each shared car available and used through a peer-to-peer car-sharing program for personal injury protection coverage that meets the minimum coverage amounts required by section 431:10C-103.5; and
- (3) The following optional coverages, which any named insured may elect to reject or purchase, that [~~provides~~] provide primary coverage for each shared car available and used through a peer-to-peer car-sharing program:
 - (A) Uninsured and underinsured motorist coverages, as provided in section 431:10C-301, [~~which~~] that shall be equal to the primary liability limits specified in this section; provided that uninsured and underinsured motorist coverage offers shall provide for written rejection of the coverages as provided in section 431:10C-301;
 - (B) Uninsured and underinsured motorist coverage stacking options as provided in section 431:10C-301; provided that the offer of the stacking options shall provide for written rejection as provided in section 431:10C-301;

- (C) An offer of required optional additional insurance coverages as provided in section 431:10C-302; and
- (D) In the event the only named insured under the motor vehicle insurance policy issued pursuant to this section is the peer-to-peer car-sharing program, the insurer or the peer-to-peer car-sharing program shall:
 - (i) Disclose the coverages in writing to the shared car driver;
 - (ii) Disclose to the shared car driver in writing that all optional coverages available may not have been purchased under sections 431:10C-301 and 431:10C-302; and
 - (iii) Obtain a written acknowledgement from the shared car driver of receipt of the written disclosures required in ~~[paragraphs (1)]~~ clauses (i) and [(2)-] (ii).

The standard disclosure forms used in ~~[paragraphs (1)]~~ clauses (i) and [(2)-] (ii). and every modification of forms intended to be used, shall be filed with the commissioner within fifteen days of providing the disclosure to the shared car driver. The insurer or the peer-to-peer car-sharing program shall also send to the shared car driver every modified disclosure form within fifteen days of the filing of the modified disclosure form and comply with ~~[paragraph (3)-]~~ clause (iii). The disclosures and acknowledgement may be sent and received by electronic means.”

SECTION 15. Section 466M-1, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§466M-1~~]]~~ Findings and purpose. The legislature finds that the regulation of appraisal management companies is essential to protect consumers. The legislature further finds that it is necessary to establish a regulatory framework for appraisal management companies in the State in conformity with the requirements of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, and the final regulations published on June 9, 2015, at title 12 Code of Federal Regulations~~[.]~~ sections 1222.20~~[.]~~ et seq., 80 Federal Register ~~[32657]~~ 32687 et seq. The purpose of this chapter is to establish minimum requirements for the regulation of certain non-federally regulated appraisal management companies.”

SECTION 16. Section 657-1.8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any law to the contrary, no action for recovery of damages based on physical, psychological, or other injury or condition suffered by a victim when the victim was a minor, arising from the sexual abuse of the victim by any person when the victim was a minor, shall be commenced against the person who committed the act of sexual abuse more than:

- (1) For sexual abuse committed before July 1, 2024:
 - ~~[(A)]~~ Eight years after the eighteenth birthday of the victim; or~~[(B)]~~
 - (B) Three years after the date the victim discovers or reasonably should have discovered that psychological injury or illness occurring after the victim’s eighteenth birthday was caused by the sexual abuse,
- whichever occurs later; or
- (2) For sexual abuse committed on or after July 1, 2024:
 - (A) Thirty-two years after the eighteenth birthday of the victim; or

- (B) Five years after the date the victim discovers or reasonably should have discovered that psychological injury or illness occurring after the victim's eighteenth birthday was caused by the sexual abuse,
whichever occurs later.

A civil cause of action for the sexual abuse of a victim when the victim was a minor shall be based upon sexual acts that constituted or would have constituted a criminal offense under part V or VI of chapter 707."

SECTION 17. Section 711-1141, Hawaii Revised Statutes, is amended to read as follows:

"§711-1141¹ Designation as dangerous dog; basis. ~~[(a)]~~ (1) An officer may find and declare a dog to be a dangerous dog if the officer has probable cause to believe that the dog falls within the definition of "dangerous dog". The declaration shall be based upon:

- ~~[(1)]~~ (a) The written complaint of a person who is willing to testify that the dog has acted in a manner that causes it to fall within the definition of "dangerous dog";
- ~~[(2)]~~ (b) Actions of the dog witnessed by an officer; or
- ~~[(3)]~~ (c) Other substantial evidence admissible in court.
- ~~[(b)]~~ (2) The declaration in subsection ~~[(a)]~~ (1) shall be in writing and shall be served by the officer upon the owner of the dangerous dog, if known, using one of the following methods:

- ~~[(1)]~~ (a) Certified mail to the owner's last known address; or
- ~~[(2)]~~ (b) Personally.
- ~~[(e)]~~ (3) The owner of a dog declared to be a dangerous dog may initiate a contested case with the declarant officer's department or agency within thirty days following the service date of the declaration."

SECTION 18. Section 711-1142, Hawaii Revised Statutes, is amended to read as follows:

"§711-1142¹ Legal requirements of owner. ~~[(a)]~~ (1) The owner of a dog declared to be a dangerous dog shall:

- ~~[(1)]~~ (a) Provide the owner's name, address, and telephone number to the animal control authority;
- ~~[(2)]~~ (b) Provide the location ~~[at which]~~ where the dangerous dog is currently kept, if the location is not the owner's address, to the animal control authority;
- ~~[(3)]~~ (c) Promptly notify the animal control authority of:
 - ~~[(A)]~~ (i) Any changes in the ownership of the dangerous dog or the location of the dangerous dog, along with the names, addresses, and telephone numbers of the new owners or the new address ~~[at which]~~ where the dangerous dog is located;
 - ~~[(B)]~~ (ii) Any further instances of an attack by the dangerous dog upon a person or an animal;
 - ~~[(C)]~~ (iii) Any current or future claims made or legal actions brought as a result of an attack by the dangerous dog upon a person or an animal; or
 - ~~[(D)]~~ (iv) The death of the dangerous dog;
- ~~[(4)]~~ (d) Have a microchip implanted in the dangerous dog, register the owner's microchip information pursuant to section 143-2.2, and provide the microchip identification number of the dangerous dog to the animal control authority;

- [(5)] (e) Ensure that the dangerous dog is under the control of a person who is at least eighteen years of age, when the dangerous dog is indoors at the owner's premises;
 - [(6)] (f) Ensure that when the dangerous dog is outdoors on the owner's premises and unattended, the dangerous dog is confined to an escape-proof kennel that remains locked;
 - [(7)] (g) Ensure that when the dangerous dog is outdoors on the owner's premises and attended, the dangerous dog is:
 - [(A)] (i) Kept on a fixed and secure leash no longer than four feet in length;
 - [(B)] (ii) Under the control of a person at least eighteen years of age; and
 - [(C)] (iii) Kept within a fenced or walled area ~~[from which]~~ where it cannot escape;
 - [(8)] (h) Ensure that when the dangerous dog is outdoors outside the owner's premises, the dangerous dog is:
 - [(A)] (i) Kept on a fixed and secure leash no longer than four feet in length;
 - [(B)] (ii) Under the control of a person who is at least eighteen years of age; and
 - [(C)] (iii) Muzzled with a properly fitted, basket muzzle that prevents the dangerous dog from biting any person or animal but does not cause injury to the dangerous dog or interfere with its vision or respiration;
 - [(9)] (i) Place on the owner's premises a sign or signs provided by the animal control authority informing the public of the presence and dangerousness of the dangerous dog; and
 - [(10)] (j) Neuter or spay the dangerous dog at the owner's expense, unless neutering or spaying the dangerous dog is medically contraindicated.
- [(b)] (2) The owner of a dangerous dog who keeps the dangerous dog in a manner found to be in violation of this section commits the offense of negligent failure to control a dangerous dog and the dangerous dog shall be subject to seizure and impoundment pursuant to this part if the owner is unable to immediately secure the dangerous dog."

SECTION 19. Section 711-1143, Hawaii Revised Statutes, is amended to read as follows:

"§711-1143¹ **Rescission of declaration.** [(a)] (1) The owner of a dangerous dog may apply to the animal control authority to have the declaration rescinded after three years if all of the following requirements have been met:

- [(4)] (a) The owner and dangerous dog have had no subsequent violations of this part;
 - [(2)] (b) The owner has complied with all provisions of this part for a period of three years; and
 - [(3)] (c) The owner provides proof to the animal control authority of the dangerous dog's successful completion of a behavior modification or management program administered by an animal trainer or behaviorist who is certified by a nationally recognized organization.
- [(b)] (2) If the animal control authority finds that the owner and dangerous dog have complied with all of the requirements of this section and the owner has provided sufficient evidence that the dog is no longer dangerous, the animal control authority shall rescind the declaration."

SECTION 20. Section 711-1144, Hawaii Revised Statutes, is amended to read as follows:

“§711-1144¹ Negligent failure to control a dangerous dog; penalties.

~~[(a)]~~ (1) The owner of a dangerous dog commits the offense of negligent failure to control a dangerous dog if:

- [(+)] (a) A bite injury occurs due to the failure of the owner of a dangerous dog to comply with the requirements of this part; or
- [(2)] (b) The owner of a dangerous dog negligently fails to take reasonable measures to prevent the dangerous dog from causing a bite injury, without provocation, to a person or another animal and the attack results in:
 - ~~[(A)]~~ (i) The serious injury to any animal or maiming or death of another animal;
 - ~~[(B)]~~ (ii) Bodily injury to a person other than the owner; or
 - ~~[(C)]~~ (iii) Substantial bodily injury to, serious bodily injury to, or the death of, a person other than the owner.

~~[(b)]~~ (2) An offense under subsection ~~[(a)]~~(1), ~~(a)~~(2)~~(A)~~; (1)(a), (1)(b)(i), or ~~(a)~~(2)(B) (1)(b)(ii) shall be a misdemeanor for which the owner of the dangerous dog shall be sentenced to:

- [(+)] (a) A fine of no less than \$1,000 but no more than \$2,000;
- [(2)] (b) A term of imprisonment of up to six months or a period of probation of no more than one year;
- [(3)] (c) The payment of restitution to any person who has suffered bodily injury or property damage as a result of an attack by the dangerous dog if the person suffers financial losses or medical expenses due to the attack. As used in this paragraph, “medical expenses” may include the costs of necessary counseling or rehabilitative services; and
- [(+)] (d) The payment of all expenses for the boarding and retention of the dangerous dog if the dog is seized and impounded pursuant to this part;

provided that no sentence under this subsection shall be suspended.

~~[(e)]~~ (3) Unless the dangerous dog has been or is ordered to be euthanized, an owner who has negligently failed to control a dangerous dog shall also be required to:

- [(+)] (a) Meet all conditions imposed on the owner of a dangerous dog pursuant to this part;
- [(2)] (b) Obtain liability insurance or post bond of no less than \$50,000, or in a higher amount, if the court finds that a higher amount is appropriate to cover medical or veterinary costs, or both, resulting from potential future actions of the dangerous dog; and
- [(3)] (c) Follow any other condition that the court deems necessary to restrain or control the dangerous dog.

~~[(d)]~~ (4) An offense under subsection ~~[(a)~~(2)~~(C)~~ (1)(b)(iii) shall be a class C felony for which the owner of a dangerous dog shall be sentenced to:

- [(+)] (a) A fine of no less than \$1,000 but no more than \$10,000;
- [(2)] (b) A term of imprisonment of no less than one year but no more than five years, pursuant to chapter 706; and
- [(3)] (c) The euthanasia of the dangerous dog;

provided that no sentence under this subsection shall be suspended.”

SECTION 21. Section 711-1145, Hawaii Revised Statutes, is amended to read as follows:

“§711-1145¹ Impoundment of a dangerous dog. ~~[(a)]~~ (1) If there is probable cause to believe that the dangerous dog poses an imminent threat to a person or another animal, or if there is probable cause to believe that there is a violation of section 711-1142 or 711-1144, a law enforcement officer, after obtaining a search warrant, or in any other manner authorized by law, may enter the premises where the dangerous dog is located to seize and impound the dog. If, after reasonable effort, the owner or person having custody of the dangerous dog cannot be found and notified of the impoundment, an impoundment notice shall be conspicuously posted on the premises and, within seventy-two hours after posting, the notice shall be sent by certified mail to the address, if any, from which the dangerous dog was removed.

A law enforcement officer shall not be liable for any damage resulting from an entry under this subsection, unless the damage was caused by acts beyond the scope of the officer's authority or the officer's negligence, gross negligence, or intentional misconduct.

~~[(b)]~~ (2) The owner of a dangerous dog that has been impounded under this section may decline to surrender ownership of the dangerous dog to the animal control authority by paying to the animal control authority impoundment, care, and provision costs in an amount determined by the animal control authority to be sufficient to provide for the dangerous dog's care by the animal control authority for at least thirty days, including the day on which the animal was taken into custody.

~~[(c)]~~ (3) If the owner of a dangerous dog that has been impounded under this section cannot be located within five days after the dangerous dog is impounded, ownership of the dangerous dog shall be deemed relinquished.

~~[(d)]~~ (4) At the request of the dangerous dog's owner, impoundment under this section may occur at the premises of a licensed veterinarian or a commercial kennel of the dangerous dog owner's choosing; provided that:

~~[(1)]~~ (a) The owner shall secure the private boarding placement for the dangerous dog within five days after the dangerous dog has been impounded by the animal control authority; and

~~[(2)]~~ (b) All expenses for the dangerous dog's boarding and care shall be borne by the dangerous dog's owner.

~~[(e)]~~ (5) If the owner of the dangerous dog does not arrange for private boarding placement, the following requirements shall apply:

~~[(1)]~~ (a) The owner of the dangerous dog shall pay the animal control authority within five days after the dangerous dog is impounded; and

~~[(2)]~~ (b) At the end of the time for which expenses are covered by an initial or any subsequent impoundment, care, and provision payment:

~~[(A)]~~ (i) If the owner of the dangerous dog declines to surrender ownership of the dangerous dog to the animal control authority, the owner shall make an additional payment to the animal control authority at least five days before the expiration of the previous payment; or

~~[(B)]~~ (ii) If the owner of the dangerous dog has not made an additional payment in a timely manner to the animal control authority for impoundment, care, and provision costs for the dangerous dog, ownership of the dangerous dog shall be deemed relinquished.

~~[(f)]~~ (6) If the owner of a dangerous dog fails to pay impoundment, care, and provision costs for the dangerous dog pursuant to this section, the owner may forfeit the owner's right to contest those costs and any ownership rights to the dangerous dog.

~~[(g)]~~ (7) Any dangerous dog that is unclaimed by its owner, within five days after the owner has been notified that the dangerous dog is eligible for release from impoundment, shall be deemed abandoned, and ownership of the dangerous dog shall be deemed relinquished.

~~[(h)]~~ (8) If an animal control authority that is impounding a dangerous dog pursuant to this section determines that the dangerous dog is too dangerous for its staff to safely provide basic care, the dangerous dog may be euthanized by the animal control authority.

~~[(i)]~~ (9) If a licensed veterinarian determines that an impounded dangerous dog is:

- ~~[(1)]~~ (a) Experiencing extreme pain or suffering;
- ~~[(2)]~~ (b) Severely injured past recovery;
- ~~[(3)]~~ (c) Severely disabled past recovery; or
- ~~[(4)]~~ (d) Severely diseased past recovery,

the dangerous dog may be euthanized by the animal control authority.

~~[(j)]~~ (10) The owner of a dangerous dog shall not sell or transfer the ownership or physical custody of the dangerous dog before the time period stated in the court summons, and the citation shall notify the owner of this prohibition; provided that this prohibition shall not apply when the owner transfers ownership of the dangerous dog to an animal control authority.

~~[(k)]~~ (11) Any person who refuses to surrender a dangerous dog that is subject to relinquishment pursuant to this section shall be guilty of a petty misdemeanor.

If the owner of a dangerous dog that is seized and impounded pursuant to this section fails to appear in court as required, ownership of the dangerous dog shall be deemed relinquished, and the court may order disposition of the dangerous dog as it deems appropriate.

~~[(4)]~~ (12) Notwithstanding any relinquishment of ownership of the dangerous dog, the owner shall remain responsible for all expenses incurred in boarding, caring for, and providing for the dangerous dog and any fees and penalties that may be imposed by the court."

SECTION 22. Section 835-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If the court is satisfied that the application is well-founded, the prospective witness may be compelled to appear in response thereto as follows:

- (1) The court may issue an order directing the prospective witness to appear therein at a designated time in order that a determination may be made whether the prospective witness should be adjudged a material witness and, upon personal service of the order or a copy thereof within the State, the prospective witness shall so appear; and
- (2) If in addition to the allegations specified in section 835-2(a), the application contains further allegations demonstrating to the satisfaction of the court reasonable cause to believe that:
 - (A) The witness would be unlikely to respond to ~~[such an]~~ the order; or
 - (B) After previously having been served with ~~[such an]~~ the order, the witness did not respond thereto,
 the court may issue a warrant addressed to a police officer, directing the officer to take the prospective witness into custody within the

State and to bring the prospective witness before the court forthwith in order that a proceeding may be conducted to determine whether the prospective witness is to be adjudged a material witness.”

SECTION 23. Act 234, Session Laws of Hawaii 2024, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect on July 1, 2024, and shall be repealed on June 30, 2029; provided that ~~any~~:

- (1) Sections 89-9(f) and 89-11(b), Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act; and
- (2) Any negotiations on repricing pursuant to this Act that started prior to June 30, 2029, may continue after this Act is repealed.”

SECTION 24. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 25. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 26. This Act shall take effect upon its approval; provided that:

- (1) The amendments made to section 431:10C-802(a), Hawaii Revised Statutes, by section 14 of this Act shall not be repealed when amendments to that section take effect on January 1, 2026, pursuant to sections 4 and 7 of Act 138, Session Laws of Hawaii 2024; and
- (2) Sections 17, 18, and 19 of this Act shall take effect when sections 711-1141, 711-1142, and 711-1143, Hawaii Revised Statutes, take effect pursuant to section 6 of Act 224, Session Laws of Hawaii 2024.

(Approved April 22, 2025.)

Note

1. Prior to amendment, brackets appeared around section number.