STAND. COM. REP. NO. 97

Honolulu, Hawaii

FC11447 , 2013

RE: H.B. No. 153

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 153 entitled:

"A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTING ACTIVITY,"

begs leave to report as follows:

The purpose of this measure is to clarify that the value of work done by an unlicensed contractor shall not be used to offset the valuation of property for the purposes of establishing the degree of unlicensed contractor fraud.

The Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs and the Maui County Department of the Prosecuting Attorney submitted testimony in support of this measure.

Your Committee finds that a contract for work performed by an unlicensed contractor is illegal; therefore, allowing an unlicensed contractor to use the value of its work as an offset enables the unlicensed contractor to receive gain from the illegal contract. This measure would clarify the calculation of the value paid or lost by a victim for the purpose of determining the offense of unlicensed contractor fraud in the first or second degree.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and

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purpose of H.B. No. 153 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ANGUS L.K. McKELVEY, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 153	Committee	Referral:	Date:	2104113	
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
CPC Members		Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)		ν			
2. KAWAKAMI, Derek S.K. (VC)		V			
3. BELATTI, Della Au		V			
4. BROWER, Tom		<u> </u>			
5. CABANILLA, Rida T.R.			*,		
6. CACHOLA, Romy M.					
7. CARROLL, Mele					<i>V</i>
8. EVANS, Cindy	1	<u> </u>			
9. HAR, Sharon E.					
10. ITO, Ken		<i>V</i>			
11. LEE, Chris					
12. TSUJI, Clift		~			
13. YAMANE, Ryan I.		V	-		
14. MCDERMOTT, Bob		/			
15. THIELEN, Cynthia					
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TOTAL (15)		12	8	0	3
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					