
A BILL FOR AN ACT

RELATING TO REAL ESTATE LICENSEE ADVERTISING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that real estate
2 licensees customarily use marketing materials that include
3 business cards, flyers, newspaper and magazine advertisements,
4 lawn signs, and electronic media, such as electronic mail and
5 websites. However, under the current law, a clear definition of
6 advertising materials and how such materials can be used does
7 not exist.

8 The legislature further finds that it is important to
9 consumers and real estate licensees that there be a clear and
10 unambiguous definition of advertising in the state law
11 regulating real estate licensees. Providing such a definition
12 will provide stronger protection for consumers and real estate
13 licensees. The consumer has the right to have information about
14 real estate licensees and their respective real estate
15 brokerages when a licensee solicits business from the consumer.
16 Accordingly, including a real estate licensee's license number
17 in certain advertising and solicitation materials will make the
18 real estate licensees' credentials more accessible.



1 The purpose of this Act is to provide a clear definition of
2 advertising and solicitation materials for real estate licensees
3 and to specify how such advertising materials can be used.

4 SECTION 2. Chapter 467, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§467- Real estate advertising requirements. (a) Real
8 estate advertising and solicitation materials shall prominently
9 and conspicuously include:

10 (1) The legal name of the brokerage firm or trade name
11 registered by the brokerage firm within the department
12 of commerce and consumer affairs business registration
13 division; and

14 (2) The license number of the brokerage.

15 (b) The license number of the brokerage shall not be
16 required for advertising and solicitation materials that already
17 refer to the individual licensee's legal name as licensed by the
18 commission and licensee's license number as issued by the
19 commission."



1 SECTION 3. Section 467-1, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Advertising" means solicitation materials intended to be
5 the first point of contact with consumers and designed to
6 solicit the creation of a professional relationship between the
7 licensee and a consumer or solicitation materials intended to
8 incentivize, induce, or entice a consumer to contact the
9 licensee about any services for which a real estate license is
10 required; provided that "advertising" does not include items
11 designed to create general awareness of the individual licensee
12 or brokerage firm licensee, including but not limited to
13 promotional items, such as hats, clothing, pins, pens, memo
14 pads, name badges, and office signage identifying a brokerage's
15 principal place of business and branch office.

16 "Solicitation materials" includes the following:

- 17 (1) Business cards;
18 (2) Business letterhead stationary;
19 (3) Websites owned, controlled, or maintained by the
20 soliciting real estate licensee;
21 (4) Advertising flyers, leaflets, and brochures;



1 (5) Newspaper and magazine advertisements;

2 (6) Electronic mail messages; and

3 (7) Lawn and automobile signage."

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6



Report Title:

Real Estate Brokers; Real Estate Salespersons; Advertising;
Solicitation Materials; Requirements

Description:

Provides definitions of "advertising" and "solicitation materials" as they apply to the regulation of real estate brokers and salespersons. Specifies information that must be included on advertising and solicitation materials. (SD1)

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