
A BILL FOR AN ACT

RELATING TO LICENSING.

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

1 SECTION 1. The purpose of this Act is to allow a person
2 who does not have a social security number to provide an
3 individual taxpayer identification number with a sworn affidavit
4 in lieu of a social security number on the person's application
5 for a professional or vocational license within the department
6 of commerce and consumer affairs, given that the person
7 satisfies all other requirements to be licensed, is not
8 violating any laws regarding employment, and can show proof of
9 continued residence in the State.

10 SECTION 2. Section 436B-10, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§436B-10 Application and requirements for licensure.** (a)
13 Application for a license shall be made on an application form
14 to be furnished by the licensing authority. An applicant shall
15 provide the following information on the application form:

16 (1) The applicant's legal name;



- 1 (2) Affirmation that the applicant is beyond the age of
2 majority;
- 3 (3) The applicant's current residence, business and
4 mailing addresses, and phone numbers;
- 5 (4) The applicant's social security number if the
6 licensing authority is authorized by federal law to
7 require the disclosure; provided that if the applicant
8 does not have a social security number, the applicant
9 shall provide the applicant's individual taxpayer
10 identification number and a sworn affidavit stating
11 that the applicant does not have a social security
12 number;
- 13 (5) The date and place of any conviction of a penal crime
14 directly related to the profession or vocation in
15 which the applicant is applying for licensure, unless
16 the conviction has been expunged or annulled, or is
17 otherwise precluded from consideration by section 831-
18 3.1;
- 19 [~~(6) Proof that the applicant is a United States citizen, a~~
20 ~~United States national, or an alien authorized to work~~
21 ~~in the United States;~~



1 ~~(7)~~ (6) Disclosure of similar licensure in any state or
2 territory;

3 ~~(8)~~ (7) Disclosure of disciplinary action by any state or
4 territory against any license held by the applicant;
5 and

6 ~~(9)~~ (8) Any other information the licensing authority may
7 require to investigate the applicant's qualifications
8 for licensure.

9 Failure to provide the above information and pay the required
10 fees shall be grounds to deny the application for licensure.

11 (b) In addition to any other requirements provided by law,
12 all applicants shall ~~be~~:

13 (1) ~~Beyond~~ Be beyond the age of majority; ~~and~~

14 (2) ~~[A United States citizen, a United States national, or~~
15 ~~an alien authorized to work in the United States.]~~

16 Provide a social security number; provided that if the
17 applicant does not have a social security number, the
18 applicant shall provide the applicant's individual
19 taxpayer identification number and a sworn affidavit
20 stating that the applicant does not have a social
21 security number;



- 1 (3) Prove continued physical residence in the State; and
- 2 (4) Satisfy all other requirements to be licensed."

3 SECTION 3. Section 467-9.5, Hawaii Revised Statutes, is
 4 amended by amending subsection (a) to read as follows:

5 "(a) No individual shall be eligible for the licensing
 6 examination unless the individual:

7 (1) ~~Is [a United States citizen, a United States national,~~
 8 ~~or an alien authorized to work in the United States;]~~
 9 able to provide a social security number; provided
 10 that if the applicant does not have a social security
 11 number, the applicant shall provide the applicant's
 12 individual taxpayer identification number and a sworn
 13 affidavit stating that the applicant does not have a
 14 social security number;

15 (2) Is of the age of majority;

16 (3) Has earned a high school diploma or its equivalent;
 17 and

18 (4) Is applying for:

19 (A) The real estate salesperson examination and has
 20 satisfactorily completed a commission-approved
 21 prelicensing course for real estate salesperson



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candidates, which includes real estate principles, or its equivalent as determined by the commission; or

(B) The real estate broker examination and:

(i) Holds a current, unencumbered Hawaii real estate salesperson license or a current, unencumbered real estate salesperson or broker license in another state or in a jurisdiction recognized by the Association of Real Estate License Law Officials, with an equivalent real estate licensing law as determined by the commission;

(ii) Has satisfactorily completed a commission-approved prelicensing course for real estate broker candidates, or its equivalent as determined by the commission; and

(iii) Has experience as a full-time Hawaii-licensed real estate salesperson associated with a Hawaii-licensed real estate broker for at least three years of the five-year period immediately prior to the submission



1 of the experience certification application
2 and has practical real estate salesperson
3 experience, as certified by the principal
4 broker, principal brokers, broker in charge,
5 or brokers in charge, as the case may be,
6 during the subject period. The candidate
7 shall secure commission approval of the
8 candidate's experience certification
9 application prior to the date of the
10 examination. Subject to commission
11 approval, a candidate may request a
12 determination of equivalency for the
13 experience requirement based on real estate
14 salesperson license experience or a current,
15 unencumbered real estate broker license in
16 another state, or in a jurisdiction
17 recognized by the Association of Real Estate
18 License Law Officials, with an equivalent
19 real estate licensing law as determined by
20 the commission."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

DCCA; Professional or Vocational Licensing; Citizenship;
Individual Tax Identification Numbers

Description:

Removes the barrier that requires applicants for professional or vocational licensing to be United States citizens, United States nationals, or persons with work visas. Allows an applicant to provide the applicant's individual tax identification number with a sworn affidavit in lieu of social security numbers when the applicant does not have a social security number. Effective 7/1/3000. (HD1)

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