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# A BILL FOR AN ACT

RELATING TO MILITARY BENEFITS.

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

1 PART I

2 SECTION 1. The legislature finds that the 1993 Apology  
3 Resolution, Public Law 103-150, acknowledged the 100th  
4 anniversary of the United States military's role in the illegal  
5 overthrow of the Hawaiian Kingdom.

6 The legislature further finds that lands held by the State,  
7 including so-called ceded lands, are subject to public trust  
8 obligations assigned by Congress through the Organic Act of 1900  
9 and reaffirmed by the Hawaii Admission Act. These obligations  
10 are now expressly embodied and enforceable under articles XI and  
11 XII of the Hawaii State Constitution, as ratified by the people  
12 of Hawaii. As a result of this legal framework, the State has  
13 an affirmative duty to conserve and protect its lands and  
14 natural resources and to safeguard Native Hawaiian traditional  
15 and customary practices, cultural resources, and environmental  
16 integrity.



1           Since then, the United States military's activities in  
2 Hawaii have caused substantial environmental harm, including the  
3 destruction of Kahoolawe's natural and cultural resources and  
4 aquifer, the contamination of drinking water from the Red Hill  
5 Bulk Fuel Storage Facility, and a fuel spill associated with  
6 United States Space Force operations on Haleakala.

7           The United States Department of Defense has continually  
8 under-reimbursed the State by approximately \$300,000,000 in  
9 impact aid annually, resulting in an estimated \$6,000,000,000 in  
10 unpaid obligations over just the past twenty years. Despite all  
11 of the United States military's transgressions against the  
12 people of Hawaii, the State has granted numerous benefits,  
13 entitlements, privileges, and compacts favoring United States  
14 military personnel.

15           The legislature firmly believes that the commencement of  
16 land condemnation proceedings by the United States government or  
17 any agency thereof against the State constitutes a material  
18 change in circumstances that is inconsistent with the  
19 continuation of such discretionary statutory accommodations and  
20 directly affects the State's ability to fulfill its





1           The department shall be responsible for the defense of the  
2 State and its people from mass violence, originating from either  
3 human or natural causes.

4           The devolution of command of the military forces in the  
5 absence of the adjutant general shall be within the military  
6 establishment. The devolution of command of the Hawaii  
7 emergency management agency in the absence of the adjutant  
8 general, as director of the agency, shall be within the agency.

9           ~~[(b) The office of veterans' services and the advisory  
10 board on veterans' services as constituted by chapter 363 are  
11 placed within the department of defense for administrative  
12 purposes.]"~~

13           SECTION 3. Section 29-25, Hawaii Revised Statutes, is  
14 amended by amending subsection (c) to read as follows:

15           "**§29-25 Department of education; federal funds; general**  
16 **fund offset.** (a) Federal impact aid, United States Department  
17 of Defense funds, and federal indirect overhead reimbursements  
18 received by the department of education shall not be returned to  
19 the general fund.

20           (b) If the amount of federal impact aid and United States  
21 Department of Defense funds received by the department of



1 education exceeds the authorized appropriation in the general  
2 appropriations act or the supplemental appropriations act, then  
3 the governor shall:

4 (1) Allow the department of education to increase the  
5 federal fund expenditure ceiling for all program  
6 identification numbers, each by an amount  
7 proportionate to its portion of the total general fund  
8 appropriation made by the legislature and by the  
9 amount that the federal impact aid and United States  
10 Department of Defense funds received by the department  
11 of education exceeds the authorized appropriation in  
12 the general appropriations act or the supplemental  
13 appropriations act; and

14 (2) Allow the department of education to retain the full  
15 amount of the general fund offset created by increased  
16 impact aid receipts; provided that the department  
17 shall not use the general fund offset to create new  
18 programs or expand existing programs.

19 ~~[(c) Beginning July 1, 2004, and for each fiscal year~~  
20 ~~thereafter, the department of education may set aside \$100,000~~



1 ~~of federal impact aid moneys received pursuant to this section~~  
2 ~~to:~~

3 ~~(1) Establish and fund a permanent, full-time military~~  
4 ~~liaison position within the department of education;~~  
5 ~~and~~

6 ~~(2) Fund the joint-venture education program to facilitate~~  
7 ~~interaction between the military community and the~~  
8 ~~department of education.~~

9 ~~The military liaison position established under paragraph~~  
10 ~~(1) shall be exempt from chapter 76 but shall be eligible to~~  
11 ~~receive the benefits of any state or federal employee benefit~~  
12 ~~program generally applicable to officers and employees of the~~  
13 ~~State.~~

14 ~~(d)]~~ (c) The department of education shall submit a report  
15 to the legislature, not fewer than twenty days prior to the  
16 convening of each regular session, concerning the exact amount  
17 and specific nature of federal impact aid, United States  
18 Department of Defense funds, and federal indirect overhead  
19 reimbursements received under this section."

20 SECTION 4. Section 78-1, Hawaii Revised Statutes, is  
21 amended by amending subsection (c) to read as follows:



1           "(c) All persons seeking employment with the government of  
2 the State or in the service of any county shall be citizens,  
3 nationals, or permanent resident aliens of the United States, or  
4 eligible under federal law for unrestricted employment in the  
5 United States, and shall become residents of the State within  
6 thirty days after beginning their employment and as a condition  
7 of eligibility for continued employment [~~; provided that bona~~  
8 ~~fide military service members' dependents shall be exempt from~~  
9 ~~the requirement to become residents if the dependents are in the~~  
10 ~~State by virtue of the military service members' orders.]~~

11           For purposes of this subsection [~~;~~],

12           [~~"Dependent", with respect to a service member, means the~~  
13 ~~service member's spouse, child who is under the age of eighteen~~  
14 ~~years, or an individual for whom the service member provided~~  
15 ~~more than one-half of the individual's financial support for one~~  
16 ~~hundred eighty days immediately preceding an application for an~~  
17 ~~exemption under this section.~~

18           "~~Resident~~"] "resident" means a person who is physically  
19 present in the State at the time the person claims to have  
20 established the person's domicile in the State and shows the



1 person's intent is to make Hawaii the person's primary  
2 residence."

3 SECTION 5. Section 88-55.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) This section shall not[+]

6 ~~(1) Preclude]~~ preclude from membership in the system

7 pursuant to section 88-42 any member of the Hawaii

8 national guard who is an employee of the State or any

9 county, in a position other than as a member of the

10 Hawaii national guard ordered into active duty to

11 provide services to the State[+~~or~~

12 ~~(2) Prevent the Hawaii national guard member from being~~

13 ~~credited with membership service credit for active~~

14 ~~military service pursuant to sections 88-132 and 88-~~

15 ~~132.5]."~~

16 SECTION 6. Section 88-272, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§88-272 Credited service.** Credited service includes:

19 (1) Service by an employee rendered since becoming a

20 member;



- 1           (2) Service credited under part II as a class A or class B  
2           member for members who make the election described in  
3           section 88-271(a);
- 4           (3) Service for members who return to service in the  
5           manner described in section 88-271(b);
- 6           ~~[(4) Service in the armed forces as provided by subpart E  
7           of part II; provided that the service shall be  
8           credited at no cost upon certification by the system;~~
- 9           ~~+(5)]~~ (4) Mandatory maternity leave as provided in part II;  
10           provided that such service shall be credited at no  
11           cost upon certification by the system;
- 12           ~~+(6)]~~ (5) Service rendered prior to becoming a class C  
13           member as described in section 88-51 that is not  
14           included in paragraphs (1) to (5); provided that the  
15           service shall be credited at no cost. Upon  
16           certification by the system, that service shall be  
17           credited at the rate of one month of service credit  
18           for each month of service rendered following the  
19           return to membership; and
- 20           ~~+(7)]~~ (6) Unused sick leave as provided in section 88-63;  
21           provided that any additional service credit shall not



1           be used in determining eligibility for retirement or  
2           for any other purpose as a class C member."

3           SECTION 7. Section 88-321, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5           "(a) Any member, except for a member described in  
6 subsection (c), who is in service on June 30, 2006, may elect to  
7 become a class H member effective July 1, 2006, by filing an  
8 election form with the system in accordance with this section.  
9 The election shall be made prior to April 1, 2006, by members in  
10 service on February 28, 2006[~~; provided that any member in~~  
11 ~~service on February 28, 2006, who is absent from the State on~~  
12 ~~that date while in the military service of the United States,~~  
13 ~~shall have thirty days after the member returns to the member's~~  
14 ~~regular employment with the State or a county to make the~~  
15 ~~election. The election shall be made by members entering or~~  
16 ~~returning to service from March 1, 2006, through June 30, 2006,~~  
17 ~~within sixty days of entering or returning to service]. The  
18 election shall be irrevocable."~~

19           SECTION 8. Section 88-322, Hawaii Revised Statutes, is  
20 amended as follows:

21           1. By amending subsection (a) to read:



1           "(a) Class C members who are in service on June 30, 2006,  
2 and make the election to become class H members pursuant to  
3 section 88-321(a), shall have the option to convert some or all  
4 of their class C credited service, as of June 30, 2006, to class  
5 H credited service by paying the full actuarial cost of the  
6 conversion as of December 31, 2008, in the manner provided in  
7 subsection (d). The option to convert class C credited service  
8 to class H credited service shall also apply:

- 9           (1) To forfeited credit for previous service that a member  
10           is eligible to have restored as of June 30, 2006; and  
11           (2) To membership service credit that a member is eligible  
12           to claim under section 88-272(4) to [~~4~~] 5 as of  
13           June 30, 2006;

14 provided that the member shall claim the forfeited service  
15 credit and the membership service credit by the date established  
16 by the board at a meeting held pursuant to chapter 92."

17           2. By amending subsection (d) to read as follows:

18           "(d) The board may permit the cost of conversion of class  
19 C credited service to class H credited service pursuant to  
20 subsection (a) or (b) to be paid by the member in any one of the  
21 following methods at the member's option:



1           (1) By after-tax deductions from the member's  
2           compensation. An irrevocable payroll authorization  
3           filed by the member for a period not to exceed one  
4           hundred twenty months shall remain in effect until the  
5           completion of the payroll payments or termination of  
6           employment, whichever is earlier. The amount of the  
7           deductions shall be in an amount sufficient to  
8           amortize the actuarial cost of the conversion,  
9           together with interest at the rate of eight per cent a  
10          year, in level bi-monthly payments over the period  
11          specified in the irrevocable authorization. Service  
12          credited will be proportional on the basis of whole  
13          months. For example, a member electing to convert one  
14          hundred twenty months of service over sixty months and  
15          terminating after thirty and one-half months of  
16          deductions pursuant to this subsection, will have  
17          converted sixty months of class C service to class H  
18          service; or

19          (2) By lump sum payment.

20          The deductions from compensation or lump sum payment shall  
21          be paid to the system and shall be credited to the member's



1 individual account and become part of the member's accumulated  
2 contributions. The deductions from compensation shall commence,  
3 and any lump sum payment shall be paid to the system, within one  
4 hundred eighty days after the deadline for making the election  
5 to convert class C credited service to class H credited service.  
6 ~~[If a member is absent from the state while in the military  
7 service of the United States during the one hundred eighty-day  
8 period after the deadline for making the election, the  
9 deductions from the member's compensation shall commence, and  
10 any lump sum payment shall be made by the member, within one  
11 hundred eighty days after the member's return to the member's  
12 regular employment with the State or county; provided that any  
13 extension, pursuant to subsection (c), of the deadline for  
14 making the election to convert class C credited service to class  
15 H credited service shall not extend the time for the deductions  
16 from the member's compensation to commence or for the member to  
17 make any lump sum payment unless the extension pursuant to  
18 subsection (c) is applicable to all members eligible to make the  
19 election.]~~ A member's election to convert class C credited  
20 service to class H credited service shall be deemed revoked as  
21 to any service for which payments by deductions from



1 compensation do not commence, or for which the lump sum payment  
2 is not made, within the time required by this subsection."

3 SECTION 9. Section 88-323, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[~~+~~]**§88-323**[~~+~~] **Class H credited service.** Class H credited  
6 service includes:

7 (1) Service by an employee rendered since becoming a class  
8 H member;

9 (2) Service credited under part II as a class A member or  
10 a class B member and converted to class H credited  
11 service pursuant to section 88-322(b);

12 (3) Service credited under part VII as a class C member  
13 and converted to class H credited service pursuant to  
14 section 88-322(a);

15 [~~(4)~~] ~~Service in the armed forces as provided by subpart E~~  
16 ~~of part II;~~

17 ~~(5)]~~ (4) Mandatory maternity leave as provided in part II;  
18 and

19 [~~(6)]~~ (5) Unused sick leave as provided in section 88-63;  
20 provided that any additional service credit shall not



1           be used in determining eligibility for retirement or  
2           for any other purpose as a class H member."

3           SECTION 10. Section 88-324, Hawaii Revised Statutes, is  
4 amended by amending subsections (b) and (c) to read as follows:

5           "(b) Except as otherwise provided in subsection (c), (d),  
6 or (e), verified membership service shall be paid for in any one  
7 of the following methods, at the member's option:

8           (1) If deductions commence or the lump sum payment is made  
9           prior to July 1, 2020:

10           (A) By deductions from the member's compensation  
11           pursuant to section 414(h)(2) of the Internal  
12           Revenue Code of 1986, as amended, under the  
13           employer pick up plan under section 88-326. An  
14           irrevocable payroll authorization filed by the  
15           member for a period not to exceed sixty months  
16           shall remain in effect until the completion of  
17           the payroll payments or termination of  
18           employment, whichever is earlier. The amount of  
19           service credit that may be acquired pursuant to  
20           this method shall not exceed the period over



1           which the payroll payments are made. The member  
2           may elect to have:

3           (i) Deductions from the member's compensation of  
4           twice the contribution rate provided for in  
5           section 88-325 over a period equal to the  
6           period for which membership service credit  
7           is allowable not to exceed sixty months; or

8           (ii) Deductions from the member's compensation of  
9           one and one-half times the contribution rate  
10          provided for in section 88-325 over a period  
11          equal to twice the period for which  
12          membership service credit is allowable, not  
13          to exceed sixty months; or

14          (B) By lump sum payment of contributions computed at  
15          the contribution rate provided for in section 88-  
16          325 applied to the member's monthly rate of  
17          compensation at the time of payment multiplied by  
18          the number of months for which membership service  
19          credit is allowable.

20          (2) If the payment is made after June 30, 2020, by lump  
21          sum payment equal to the actuarial cost of the



1 membership service to be credited; provided that the  
2 member has at least five years of membership exclusive  
3 of any previous service acquired under paragraph (1).

4 The actuarial cost of the membership service to be credited  
5 shall be determined by the actuary for the system based on  
6 the age of the member in full years as of the date the  
7 claim for service credit is made, the investment yield rate  
8 assumption in effect as of the date the claim for service  
9 credit is made, the retirement age eligibility requirements  
10 and retirement allowance provisions applicable to the  
11 member, and other actuarial assumptions adopted by the  
12 board in effect as of the date the claim for service is  
13 made.

14 The deductions from compensation or lump sum payment shall  
15 be paid to the system and shall be credited to the member's  
16 individual account and become part of the member's accumulated  
17 contributions.

18 Class H membership service credit in addition to any other  
19 service credited to the member shall be allowed for the period  
20 for which the deductions from compensation or lump sum payment  
21 have been made in accordance with this subsection; provided that



1 payment shall commence within one year after the system notifies  
2 the member that the service claimed has been verified and that  
3 service credit is allowable; provided further that, for a member  
4 who becomes a member after June 30, 2016: membership service  
5 credit for prior service or for service rendered prior to the  
6 member's last becoming a member shall be claimed within one year  
7 after the member enters service[~~; membership service credit for~~  
8 ~~military service pursuant to section 88-132.5 shall be claimed~~  
9 ~~within one year after the member meets the requirements of~~  
10 ~~section 88-132.5(a) or (b);~~] and any other membership service  
11 credit acquired pursuant to this section shall be claimed within  
12 one year after the member becomes eligible to receive the  
13 service credit upon satisfaction of the requirements of this  
14 section.

15 (c) Verified membership service for which a former class A  
16 or class B member in service on June 30, 2006, was eligible as  
17 of June 30, 2006, but failed to claim by the date established by  
18 the board pursuant to section 88-322(b), shall be paid for in  
19 any one of the following methods, at the member's option:

20 (1) If deductions commence or the lump sum payment is made  
21 prior to July 1, 2020:



- 1           (A) By deductions from the member's compensation  
2           pursuant to section 414(h)(2) of the Internal  
3           Revenue Code of 1986, as amended, under the  
4           employer pick up plan under section 88-326. An  
5           irrevocable payroll authorization filed by the  
6           member for a period not to exceed sixty months  
7           shall remain in effect until the completion of  
8           the payroll payments or termination of  
9           employment, whichever is earlier. The amount of  
10          service credit that may be acquired pursuant to  
11          this method shall not exceed the period over  
12          which the payroll payments are made. The member  
13          may elect to have:
- 14          (i) Deductions from the member's compensation of  
15               twice the contribution rate applicable to  
16               the member under section 88-45 as of  
17               June 30, 2006, over a period equal to the  
18               period for which membership service credit  
19               is allowable, not to exceed sixty months; or  
20          (ii) Deductions from the member's compensation of  
21               one and one-half times the contribution rate



1 applicable to the member under section 88-45  
2 as of June 30, 2006, over a period equal to  
3 twice the period for which membership  
4 service credit is allowable, not to exceed  
5 sixty months; or

6 (B) By lump sum payment of contributions computed at  
7 the contribution rate applicable to the member  
8 under section 88-45 as of June 30, 2006, applied  
9 to the member's monthly rate of compensation at  
10 the time of payment, multiplied by the number of  
11 months for which membership service credit is  
12 allowable.

13 (2) If the payment is made after June 30, 2020, by lump  
14 sum payment equal to the actuarial cost of the  
15 membership service to be credited; provided that the  
16 member has at least five years of membership exclusive  
17 of any previous service acquired under paragraph (1).

18 The actuarial cost of the membership service to be credited  
19 shall be determined by the actuary for the system based on  
20 the age of the member in full years as of the date the  
21 claim for service credit is made, the investment yield rate



1        assumption in effect as of the date the claim for service  
2        credit is made, the retirement age eligibility requirements  
3        and retirement allowance provisions applicable to the  
4        member, and other actuarial assumptions adopted by the  
5        board in effect as of the date the claim for service is  
6        made.

7        The deductions from compensation or lump sum payment shall be  
8        paid to the system and shall be credited to the member's  
9        individual account and become part of the member's accumulated  
10       contributions.

11       Class H membership service credit in addition to any other  
12       service credited to the member shall be allowed for the period  
13       for which the deductions from compensation or lump sum payment  
14       have been made in accordance with this subsection; provided that  
15       payment shall commence within one year after the system notifies  
16       the member that the service claimed has been verified and that  
17       service credit is allowable; and provided further that, for a  
18       member who becomes a member after June 30, 2016: membership  
19       service credit for prior service or for service rendered prior  
20       to the member's last becoming a member shall be claimed within  
21       one year after the member enters service [~~membership service~~



1 ~~credit for military service pursuant to section 88-132.5 shall~~  
2 ~~be claimed within one year after the member meets the~~  
3 ~~requirements of section 88-132.5(a);~~] and any other membership  
4 service credit acquired pursuant to this section shall be  
5 claimed within one year after the member becomes eligible to  
6 receive the service credit upon satisfaction of the requirements  
7 of this section."

8 SECTION 11. Section 122A-6, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10 "(b) [~~When in the active service of the Hawaii state~~  
11 ~~defense force, members of the Hawaii state defense force are~~  
12 ~~subject to chapter 124B.~~] Members are deemed to be in the  
13 active service of the Hawaii state defense force from the date  
14 and time specified in any order lawfully calling them into such  
15 service."

16 SECTION 12. Section 134-2, Hawaii Revised Statutes, is  
17 amended by amending subsection (g) to read as follows:

18 "(g) No person shall be issued a permit under this section  
19 for the acquisition of a firearm unless the person, within the  
20 four years before the issuance of the permit, has completed:



- 1 (1) An approved hunter education course as authorized  
2 under section 183D-28, unless the applicant seeks to  
3 acquire a pistol or revolver, in which case the  
4 applicant shall complete a training satisfying the  
5 requirements of paragraph (2), (3), or (4);
- 6 (2) A firearms safety or training course or class  
7 available to the general public offered by a law  
8 enforcement agency of the State or of any county;
- 9 (3) A firearms safety or training course offered to law  
10 enforcement officers, security guards, investigators,  
11 deputy sheriffs, or any division or subdivision of law  
12 enforcement or security enforcement by a state or  
13 county law enforcement agency; or
- 14 (4) A firearms training or safety course or class  
15 conducted by a firearms instructor certified or  
16 verified by the chief of police of the respective  
17 county or a designee of the chief of police or  
18 certified by a nongovernmental organization approved  
19 for such purposes by the chief of police of the  
20 respective county or a designee of the chief of  
21 police[, or conducted by a certified military firearms



1           ~~instructor~~]; provided that the firearms training or  
2           safety course or class provides, at a minimum, a total  
3           of at least two hours of firing training at a firing  
4           range and a total of at least four hours of classroom  
5           instruction, which may include a video, that focuses  
6           on:

7           (A)   The safe use, handling, and storage of firearms  
8                 and firearm safety in the home, as well as a  
9                 component on mental health, suicide prevention,  
10                and domestic violence issues associated with  
11                firearms and firearm violence; and

12           (B)   Education on the firearm laws of the State.

13           An affidavit signed by the certified or verified  
14           firearms instructor who conducted or taught the  
15           course, providing the name, address, and phone number  
16           of the instructor and attesting to the successful  
17           completion of the course by the applicant shall  
18           constitute evidence of certified successful completion  
19           under this paragraph; provided that an instructor  
20           shall not submit an affidavit signed by the instructor  
21           for the instructor's own permit application."



1 SECTION 13. Section 134-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

3 "(e) The course of training for issuance of a license  
4 under this section may be any course acceptable to the licensing  
5 authority that meets all of the following criteria:

6 (1) The course shall include in-person instruction on  
7 firearm safety; firearm handling; shooting technique;  
8 safe storage; legal methods to transport firearms and  
9 secure firearms in vehicles; laws governing places in  
10 which persons are prohibited from carrying a firearm;  
11 firearm usage in low-light situations; situational  
12 awareness and conflict management; and laws governing  
13 firearms, including information regarding the  
14 circumstances in which deadly force may be used for  
15 self-defense or the defense of another;

16 (2) The course shall include a component on mental health  
17 and mental health resources;

18 (3) Except for the component on mental health and mental  
19 health resources, the course shall be conducted by one  
20 or more firearms instructors certified or verified by  
21 the chief of police of the respective county or a



1           designee of the chief of police or certified by a  
2           nongovernmental organization approved for those  
3           purposes by the chief of police of the respective  
4           county or a designee of the chief of police [~~or~~  
5           ~~conducted by one or more certified military firearms~~  
6           ~~instructors~~];

7           (4) The course shall require participants to demonstrate  
8           their understanding of the covered topics by achieving  
9           a score of at least seventy per cent on a written  
10          examination; and

11          (5) The course shall include live-fire shooting exercises  
12          on a firing range and shall include a demonstration by  
13          the applicant of safe handling of, and shooting  
14          proficiency with, each firearm that the applicant is  
15          applying to be licensed to carry."

16          SECTION 14. Section 183D-22, Hawaii Revised Statutes, is  
17          amended by amending subsection (b) to read as follows:

18          "(b) The hunting license fee shall be:

19          (1) \$10 for any person who has resided in the State for  
20          one year or longer, [~~or who is a member of the armed~~  
21          ~~forces of the United States on active duty and the~~



1 ~~spouse and children thereof,~~] or who elects to forgo  
2 the exemption provided in paragraph (4);

3 (2) \$95 for all other persons;

4 (3) \$50 for a three-day period and \$95 for a seven-day  
5 period for hunting on a private and commercial  
6 shooting preserve for persons who do not meet the  
7 requirements of paragraph (1) or (4); and

8 (4) Free to all Hawaii residents sixty-five years of age  
9 or older and to all persons with Hansen's disease who  
10 are residents of Kalaupapa, Molokai."

11 SECTION 15. Section 188-72, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) It shall be unlawful for any nonresident of the State  
14 who has attained the age of fifteen[~~, except members of the~~  
15 ~~armed forces of the United States on active duty in the State~~  
16 ~~and their spouse and minor children,~~] to fish for, take, or  
17 catch any marine life for noncommercial or recreational purposes  
18 without first obtaining a nonresident recreational marine  
19 fishing license. The department shall adopt rules pursuant to  
20 chapter 91 necessary for the purposes of this section."



1 SECTION 16. Section 201H-49, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Real property purchased under this chapter shall be  
4 occupied by the purchaser at all times during the ten-year  
5 restriction period set forth in section 201H-47, except in  
6 hardship circumstances where the inability to reside on the  
7 property arises out of unforeseeable job [~~or military~~] transfer,  
8 a temporary educational sabbatical, serious illness of the  
9 person, or in other hardship circumstances as determined by the  
10 corporation on a case-by-case basis.

11 The corporation may waive the owner-occupancy requirement  
12 for a total of not more than ten years after the purchase of the  
13 dwelling, during which time the dwelling unit may be rented or  
14 leased. Waivers may be granted only to qualified residents who  
15 have paid resident state income taxes during all years in which  
16 they occupied the dwelling, who continue to pay resident state  
17 income taxes during the waiver period, and whose inability to  
18 reside on the property does not stem from a natural disaster.  
19 The ten-year owner-occupancy requirement shall be extended by  
20 one month for every month or fraction thereof that the owner-  
21 occupancy requirement is waived.



1           The corporation shall adopt rules under chapter 91 to  
2 implement the letter and spirit of this subsection and to  
3 prescribe necessary terms and conditions. The rules shall  
4 include:

- 5           (1) Application and approval procedures for the waivers;
- 6           (2) Exceptions authorized by this subsection;
- 7           (3) The amounts of rents that may be charged by persons  
8           allowed to rent or lease a dwelling unit; and
- 9           (4) Schedules of fees needed to cover administrative  
10           expenses and attorneys' fees.

11           No qualified resident who fails to reoccupy a dwelling unit  
12 after any waiver period shall receive more than the maximum to  
13 which the person would be entitled under section 201H-47. Any  
14 person who disagrees with the corporation's determination under  
15 this section shall be entitled to a contested case proceeding  
16 under chapter 91."

17           SECTION 17. Section 201H-71, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19           "(a) The corporation, with the approval of the governor,  
20 may issue from time to time bonds (including refunding bonds to  
21 pay, retire, or provide for the retirement of bonds previously



1 issued by the corporation) in amounts not exceeding the total  
2 amount of bonds authorized to be issued by the legislature for  
3 any of its corporate purposes. [~~Bonds may also be issued in~~  
4 ~~connection with any program whose primary purpose is to provide~~  
5 ~~housing for active or retired United States military personnel,~~  
6 ~~their families, and other persons authorized by any branch of~~  
7 ~~the United States military to reside in the housing; provided~~  
8 ~~that the aggregate principal amount of all outstanding bonds~~  
9 ~~issued by the corporation for military housing projects shall~~  
10 ~~total no more than \$2,000,000,000.]"~~

11 SECTION 18. Section 206E-284, Hawaii Revised Statutes, is  
12 amended by amending subsection (e) to read as follows:

13 "(e) The authority may adopt rules pursuant to chapter 91  
14 that authorize the executive director to waive the requirements  
15 set forth in subsection (a), where the inability of an owner to  
16 reside in the residential condominium unit is due to unforeseen  
17 circumstances, [~~military transfer,~~] serious illness, or other  
18 hardship circumstances as determined by the executive director."

19 SECTION 19. Section 249-9.3, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§249-9.3 Special number plates; design and issuance by

2 **counties.** (a) In lieu of the number plates contracted on

3 behalf of the counties by the director of finance of the city

4 and county of Honolulu, the county directors of finance shall

5 issue special number plates to any organization in the State

6 that meets the minimum standards and qualifications established

7 under this section. Organizations are authorized to retain the

8 fees collected, less expenses, for the special number plates.

9           The director of finance of the city and county of Honolulu,

10 in consultation with the directors of finance of the counties of

11 Kauai, Maui, and Hawaii, shall establish special design

12 parameters and restrictions for decals or graphic

13 representations affixable to special number plates; provided

14 that the decal shall not be larger than four inches wide by four

15 inches high.

16           (b) For the purposes of this section, the following terms

17 shall have the following meanings:

18           "Director" unless indicated otherwise by its context, means

19 the county directors of finance.

20           "Organization" means:



1 (1) A not-for-profit organization recognized as such by  
2 the Internal Revenue Service and whose primary purpose  
3 is to provide the community with specific programs to  
4 improve the public's health, education, or general  
5 welfare;

6 [~~2~~] ~~A military service veterans group;~~

7 ~~3~~] (2) A state or county agency approved by the  
8 director; or

9 [~~4~~] (3) Any school or accredited institution of higher  
10 learning or a college or recognized program thereof.

11 "Special number plate" means a license plate with a decal  
12 on its face that represents an organization as defined in this  
13 section.

14 (c) Organizations as defined under subsection (b) may  
15 apply for a special number plate with the director. The  
16 organization shall design a decal to be placed on the license  
17 plate that represents the organization and complies with this  
18 section.

19 All organizations shall be headquartered in the State;  
20 provided that an organization that is a chapter or branch of an  
21 international, national, or regional organization shall be in



1 good standing and authorized in writing by the parent  
2 organization to use the decal design applied for by the  
3 organization.

4 (d) An organization shall apply for a special number plate  
5 with the director on an application form prescribed by the  
6 director. The application shall include:

7 (1) A design of the organization's decal;

8 (2) A signed notarized statement by an officer or director  
9 of the organization that the organization will acquire  
10 at least one hundred fifty special number plates; and

11 (3) The dollar amount the organization plans to raise from  
12 each special number plate.

13 The director shall determine, based on criteria in this  
14 section, and the director's discretion, whether an  
15 organization's application has been accepted or rejected. The  
16 director shall also seek the approval of an organization's decal  
17 design from the county chief of police where the application is  
18 made.

19 If the director rejects an application, the director shall  
20 state the reasons for the rejection in writing and shall allow



1 the applicant to reapply within a reasonable period after the  
2 rejection.

3 After an organization's application has been approved, a  
4 motor vehicle owner may apply for the organization's special  
5 number plate. The director may require the completion of a form  
6 as prescribed by the director. Special number plates shall be  
7 issued only to the registered owner of an applicant motor  
8 vehicle.

9 (e) The design of the decal used on an organization's  
10 special number plate shall not:

- 11 (1) Infringe or otherwise violate any trademark, trade  
12 name, service mark, copyright, or other proprietary or  
13 property right;
- 14 (2) Represent any obscene or degrading image, idea, word,  
15 or phrase;
- 16 (3) Advertise or endorse a product, brand, or service that  
17 is provided for sale;
- 18 (4) Promote any religious belief; or
- 19 (5) Promote any philosophy based on prejudice or that is  
20 contrary to state civil rights laws;



1 provided that the decal does not obstruct the visibility of the  
2 number or letters or any other information that is required by  
3 law to be on the license plate and is readily identifiable and  
4 distinguishable under actual traffic conditions.

5 (f) The director shall charge a special number plate fee  
6 equal to the county's cost of providing the special number plate  
7 plus the organization's fundraising amount applied for under  
8 subsection (d). The fee shall be in addition to any other state  
9 or county fees collected for a motor vehicle registration or  
10 license plate. The fundraising portion of the fee shall be  
11 deposited in the name of the organization in a separate county  
12 budget account. The director shall determine the most efficient  
13 means of reimbursing organizations for their fundraising portion  
14 of the fee.

15 (g) The director may revoke the approval of an  
16 organization's application for special number plates if the  
17 total number of registered vehicles that obtained the special  
18 number plates is less than one hundred fifty within three years  
19 of receiving approval to issue the organization's special number  
20 plate. Upon the revocation of the approval, the director shall  
21 return the unused decals to the organization.



1       ~~[(h) Nothing in this section shall be construed to apply~~  
2 ~~to special number plates issued pursuant to section 249-9.2.]~~"

3       SECTION 20. Section 249-9.4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5       "**§249-9.4 Special series number plates.** A qualified  
6 household member, as defined in section 291E-1, or a co-owner of  
7 a motor vehicle owned by a respondent under part III of chapter  
8 291E, who has been granted a special motor vehicle registration  
9 under section 291E-48, shall apply to the appropriate county  
10 director of finance for special number plates that shall bear a  
11 special series of numbers or letter so as to be readily  
12 identifiable by law enforcement officers and readily  
13 distinguishable from number plates or special number plates  
14 issued under sections 249-9.1~~[, 249-9.2,]~~ and 249-9.3. The  
15 director of finance may issue the special series number plates  
16 only if:

17       (1) The director of finance receives written approval for  
18       the issuance of special series number plates from the  
19       administrative director of the courts, or the  
20       administrative director's appointee pursuant to  
21       section 291E-1;



1           (2) The qualified household member or a co-owner of the  
2           motor vehicle has a license that has not expired or  
3           been suspended or revoked; and

4           (3) The applicant pays a fee for the special series number  
5           plates that is equal to the costs of the plates and  
6           tag or emblem, plus the administrative costs of  
7           furnishing the plates and tag or emblem and effecting  
8           the registration for each motor vehicle for which  
9           special series number plates are issued."

10           SECTION 21. Section 249-9.5, Hawaii Revised Statutes, is  
11 amended by amending subsection (i) to read as follows:

12           "(i) Nothing in this section shall be construed to apply  
13 to any plates issued pursuant to [~~sections 249-9.2 and~~] section  
14 249-9.6."

15           SECTION 22. Section 249-9.6, Hawaii Revised Statutes, is  
16 amended by amending subsection (i) to read as follows:

17           "(i) Nothing in this section shall be construed as to  
18 apply to any plates issued pursuant to [~~sections 249-9.2 or~~]  
19 section 249-9.5."

20           SECTION 23. Section 249-9.7, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§249-9.7 Special number plates for environmental  
2 **conservation; authorized.** (a) Notwithstanding any law to the  
3 contrary, the director of finance shall issue to any registered  
4 owner of an electric vehicle, who is a resident of the State and  
5 has completed the application and paid the required fees,  
6 special number plates that commemorate the importance of  
7 environmental conservation, for the registered owner's motor  
8 vehicle. The special number plates shall be granted the same  
9 benefits and restrictions granted to any other electric vehicle  
10 special number plates.

11           (b) The director of finance of the city and county of  
12 Honolulu shall establish special number plate designs that  
13 commemorate the importance of environmental conservation. The  
14 design:

15           (1) Shall contain words or images, or both, that indicate  
16           that the special number plate is being issued to  
17           commemorate the importance of environmental  
18           conservation;

19           (2) Shall be similar in shape and size to the uniform  
20           state number plate prescribed by law;



- 1           (3) Shall be readily identifiable and distinguishable  
2                   under actual traffic conditions; and
- 3           (4) May, but shall not be required to, bear the words  
4                   "Aloha State" along the lower portion of the plate.
- 5 The director of finance of the city and county of Honolulu shall  
6 consult with the directors of finance of the counties of Kauai,  
7 Maui, and Hawaii; the chiefs of police of the city and county of  
8 Honolulu and the counties of Kauai, Maui, and Hawaii; and the  
9 chairperson of the board of land and natural resources in  
10 establishing the special number plate design, which shall be  
11 visually attractive and highlight Hawaii's environment, native  
12 species, or both.
- 13           (c) Each special number plate design shall not:
- 14           (1) Infringe upon or otherwise violate any trademark,  
15                   trade name, service mark, copyright, or other  
16                   proprietary or property right;
- 17           (2) Represent any obscene or degrading image, idea, word,  
18                   or phrase;
- 19           (3) Advertise or endorse a product, brand, or service that  
20                   is provided for sale;
- 21           (4) Promote any religious belief;



1 (5) Promote any philosophy based on prejudice or that is  
2 contrary to state civil rights laws; or

3 (6) Obstruct the visibility of the number plate's numbers  
4 or letters or any other information that is required  
5 by law to be on a number plate.

6 (d) Each special number plate shall be securely fastened  
7 to the electric vehicle in lieu of the uniform state number  
8 plate.

9 (e) The director of finance shall charge a special number  
10 plate fee at least equal to the county's cost of providing the  
11 special number plate and administrative costs, if any, plus a  
12 fundraising fee to be set by the department of land and natural  
13 resources. The fundraising fee established by this subsection  
14 shall be in addition to any other state or county fees collected  
15 for a motor vehicle registration or license plates.

16 (f) The revenue generated by the fundraising fees  
17 established pursuant to subsection (e) shall be deposited into  
18 the conservation and resources enforcement special fund  
19 established under section 199-1.5.

20 (g) The director of finance may revoke all special number  
21 plates issued pursuant to this section if the total number of



1 registered owners of electric vehicles that obtain the special  
2 number plates is less than one hundred fifty within three years  
3 of issuance of the first special number plate.

4 ~~[(h) Nothing in this section shall be construed to apply  
5 to any plates issued pursuant to section 249-9.2.~~

6 ~~(i)]~~ (h) For the purposes of this section:

7 "Electric vehicle" means a vehicle:

8 (1) Powered by an electric motor via electricity:

9 (A) Stored in a high capacity battery; or

10 (B) Generated from an onboard fuel cell; and

11 (2) That produces zero emissions.

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

15 SECTION 24. Section 249-9.8, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§249-9.8[+] **Special number plates for Duke Kahanamoku**

18 **authorized.** (a) Notwithstanding any law to the contrary, the

19 director of finance shall issue to any registered owner of a

20 motor vehicle, who is a resident of the State, upon completed

21 application and payment of required fees, a special number plate



1 for the registered owner's motor vehicle commemorating Duke  
2 Kahanamoku and his contributions to Hawaii; provided that the  
3 director of finance of the city and county of Honolulu shall not  
4 issue any special number plate pursuant to this section before  
5 receiving from the owner of the Duke Kahanamoku trademark,  
6 Malama Pono, Inc., written permission for the trademark to be  
7 used for the special number plate and for all proceeds to  
8 benefit the Outrigger Duke Kahanamoku Foundation.

9 (b) The director of finance of the city and county of  
10 Honolulu, in consultation with the directors of finance of the  
11 counties of Kauai, Maui, and Hawaii, the chiefs of police of the  
12 city and county of Honolulu and the counties of Kauai, Maui, and  
13 Hawaii, and the executive director of the Outrigger Duke  
14 Kahanamoku Foundation, shall establish a special number plate  
15 design that:

- 16 (1) Is similar in shape and size to the uniform state  
17 number plate prescribed by law;
- 18 (2) Complies with all other requirements in section 249-  
19 9(a);
- 20 (3) Contains words, images, or both, not to exceed four  
21 and a half inches in height by four inches in width,



1 that indicate the special number plate is issued to  
2 recognize Duke Kahanamoku; and

3 (4) Does not obstruct the visibility of the number or  
4 letters or any other information that is required by  
5 law to be on a number plate and is readily  
6 identifiable and distinguishable under actual traffic  
7 conditions;

8 provided that the director of finance of the city and county of  
9 Honolulu may also establish additional special number plate  
10 designs in conformance with this subsection and subsection (c)  
11 that jointly or separately recognize Duke Kahanamoku.

12 (c) The special number plate design shall not:

13 (1) Infringe upon or otherwise violate any trademark,  
14 trade name, service mark, copyright, or other  
15 proprietary or property right;

16 (2) Represent any obscene or degrading image, idea, word,  
17 or phrase;

18 (3) Advertise or endorse a product, brand, or service that  
19 is provided for sale;

20 (4) Promote any religious belief; or



1           (5) Promote any philosophy based on prejudice or that is  
2           contrary to state civil rights laws.

3           (d) Each special number plate shall be securely fastened  
4 to the motor vehicle in lieu of the uniform state number plate.

5           (e) The director of finance shall charge a special number  
6 plate fee at least equal to the county's cost of providing the  
7 special number plate and administrative costs, if any, plus a  
8 fundraising fee to be determined by the director of finance in  
9 consultation with the executive director of the Outrigger Duke  
10 Kahanamoku Foundation. The fundraising fee shall be in addition  
11 to any other state or county fees collected for a motor vehicle  
12 registration or license plate.

13           (f) The director of finance may charge an additional  
14 fundraising fee, of the same or a different amount as the  
15 fundraising fee established pursuant to subsection (e), for the  
16 renewal of a special number plate. If an additional fundraising  
17 fee is implemented pursuant to this subsection, the director of  
18 finance shall not renew and instead shall revoke the special  
19 number plate of the registered owner of a motor vehicle who  
20 fails to pay the additional fundraising fee imposed by this  
21 subsection.



1 (g) The revenue generated by the fundraising fees, or a  
2 portion of the revenue generated by the fundraising fees as  
3 determined by the director of finance, shall be deposited in the  
4 name of the Outrigger Duke Kahanamoku Foundation in a separate  
5 county budget account. The director of finance shall determine  
6 the most efficient means of directing the net revenue generated  
7 by the fundraising fees to the Outrigger Duke Kahanamoku  
8 Foundation, as appropriate, to fund programs that promote water  
9 safety and swim education across the State while developing  
10 world class water athletes as a tribute to, and in the spirit  
11 of, Duke Kahanamoku.

12 (h) The director of finance may revoke all special number  
13 plates issued pursuant to this section if the total number of  
14 registered owners of motor vehicles who obtain the special  
15 number plates is less than one hundred fifty within three years  
16 of issuance of the first special number plate.

17 ~~[(i) Nothing in this section shall be construed to apply~~  
18 ~~to any plates issued pursuant to section 249-9.2.~~

19 ~~(j)]~~ (i) For the purposes of this section, unless a  
20 different meaning appears from the context, "special number  
21 plate" means a license plate that commemorates Duke Kahanamoku."



1 SECTION 25. Section 249-9.9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§249-9.9[+] **Special number plates for Malama Puuloa;**  
4 **authorized.** (a) Notwithstanding any law to the contrary, the  
5 director of finance shall issue to any registered owner of a  
6 motor vehicle, who is a resident of the State and has completed  
7 the application and paid the required fees, a special number  
8 plate for the registered owner's motor vehicle that commemorates  
9 Malama Puuloa and observes the organization's contributions to  
10 the restoration of Puuloa, also known as Pearl Harbor.

11 (b) The director of finance of the city and county of  
12 Honolulu, in consultation with the directors of finance of the  
13 counties of Kauai, Maui, and Hawaii; the chiefs of police of the  
14 city and county of Honolulu and the counties of Kauai, Maui, and  
15 Hawaii; and the chief executive officer of Hui o Ho`ohonua shall  
16 establish a special number plate design that:

17 (1) Contains words, images, or both, that indicate the  
18 special number plate is issued to recognize Malama  
19 Puuloa;

20 (2) Is similar in shape and size to the uniform state  
21 number plate prescribed by law;



- 1           (3) Does not exceed four and one-half inches in height by  
2                   four and one-half inches in width;
- 3           (4) Complies with all other requirements in section 249-  
4                   9(a); and
- 5           (5) Does not obstruct the visibility of the number or  
6                   letters or any other information that is required by  
7                   law to be on a number plate and is readily  
8                   identifiable and distinguishable under actual traffic  
9                   conditions;
- 10 provided that the director of finance of the city and county of  
11 Honolulu may also establish additional special number plate  
12 designs in conformance with this subsection and subsection (c)  
13 that jointly or separately recognize Malama Puuloa.
- 14           (c) The special number plate design shall not:
- 15           (1) Infringe upon or otherwise violate any trademark,  
16                   trade name, service mark, copyright, or other  
17                   proprietary or property right;
- 18           (2) Represent any obscene or degrading image, idea, word,  
19                   or phrase;
- 20           (3) Advertise or endorse a product, brand, or service that  
21                   is provided for sale;



1 (4) Promote any religious belief; or

2 (5) Promote any philosophy based on prejudice or that is  
3 contrary to state civil rights laws.

4 (d) Each special number plate shall be securely fastened  
5 to the motor vehicle in lieu of the uniform state number plate.

6 (e) The director of finance shall charge a special number  
7 plate fee at least equal to the county's cost of providing the  
8 special number plate and administrative costs, if any, plus a  
9 fundraising fee to be determined by the director of finance in  
10 consultation with the chief executive officer of Hui o  
11 Ho`ohonua. The fundraising fee shall be in addition to any  
12 other state or county fees collected for a motor vehicle  
13 registration or license plate.

14 (f) The director of finance may charge an additional  
15 fundraising fee, of the same or a different amount as the  
16 fundraising fee established pursuant to subsection (e), for the  
17 renewal of a special number plate. If an additional fundraising  
18 fee is implemented pursuant to this subsection, the director of  
19 finance shall not renew and instead shall revoke the special  
20 number plate of the registered owner of a motor vehicle who



1 fails to pay the additional fundraising fee imposed by this  
2 subsection.

3 (g) The revenue generated by the fundraising fees, or a  
4 portion of the revenue generated by the fundraising fees as  
5 determined by the director of finance, shall be deposited in the  
6 name of Malama Puuloa in a separate county budget account. The  
7 director of finance shall determine the most efficient means of  
8 directing the net revenue generated by the fundraising fees to  
9 Malama Puuloa, as appropriate, to fund the restoration of  
10 Puuloa, or Pearl Harbor.

11 (h) The director of finance may revoke all special number  
12 plates issued pursuant to this section if the total number of  
13 registered owners of motor vehicles who obtain the special  
14 number plates is less than one hundred fifty within three years  
15 of issuance of the first special number plate.

16 ~~[(i) Nothing in this section shall be construed to apply~~  
17 ~~to any plates issued pursuant to section 249-9.2.]~~

18 ~~(j)]~~ (i) For the purposes of this section, unless a  
19 different meaning appears from the context, "special number  
20 plate" means a license plate that commemorates Malama Puuloa."



1 SECTION 26. Section 249-31, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) All vehicles and motor vehicles in the State as  
4 defined in section 249-1, including antique motor vehicles,  
5 except as otherwise provided in sections 249-4[7] and 249-6,  
6 [~~and 249-31.5,~~] shall be subject to a \$46 annual vehicle  
7 registration fee; provided that alternative fuel vehicles shall  
8 pay an annual vehicle registration surcharge of \$50, which shall  
9 be assessed and collected beginning with the first registration  
10 renewal for every alternative fuel vehicle and shall be  
11 deposited into the state highway fund established under section  
12 248-8. The surcharge shall be paid each year together with all  
13 other taxes and fees levied by this chapter on a staggered basis  
14 as established by each county as authorized by section 286-51,  
15 and the state registration for that county shall likewise be  
16 staggered so that the state registration fee is due and payable  
17 at the same time and shall be collected together with the county  
18 fee. The state registration fee shall be deemed delinquent if  
19 not paid with the county registration fee. The respective  
20 counties shall collect this fee together with the vehicle



1 registration tax collected for the county and shall transfer the  
2 moneys collected under this section to the State.

3 For the purposes of this subsection, "alternative fuel  
4 vehicle" means a vehicle powered by a non-petroleum-based fuel,  
5 but excludes an electric vehicle as defined in section 249-  
6 36(g)."

7 SECTION 27. Section 249-33, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) All vehicles and motor vehicles in the State as  
10 defined in section 249-1, including antique motor vehicles,  
11 except as otherwise provided in sections 249-4, 249-5.5, and  
12 249-6, [~~and 249-6.5,~~] in addition to all other fees and taxes  
13 levied by this chapter, shall be subject to an annual state  
14 vehicle weight tax. The tax shall be levied by the county  
15 director of finance at the rate of 1.75 cents a pound according  
16 to the net weight of each vehicle as the "net weight" is defined  
17 in section 249-1 up to and including four thousand pounds net  
18 weight; vehicles over four thousand pounds and up to and  
19 including seven thousand pounds net weight shall be taxed at the  
20 rate of 2.00 cents a pound; vehicles over seven thousand pounds  
21 and up to and including ten thousand pounds net weight shall be



1 taxed at the rate of 2.25 cents a pound; vehicles over ten  
2 thousand pounds net weight shall be taxed at a flat rate of  
3 \$300."

4 SECTION 28. Section 249-36, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) Vehicles subject to the state mileage-based road  
7 usage charge shall include all electric vehicles in the State  
8 except for vehicles that qualify for any of the exemptions in  
9 sections 249-4, 249-5.5, and 249-6 [~~and 249-6.5~~]."

10 SECTION 29. Section 249-37, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) In addition to any other fees required by law, each  
13 county shall impose and collect a \$5 surcharge on every motor  
14 vehicle registration issued under section 249-31 [~~or 249-31.5~~],  
15 no later than December 31, 2025."

16 SECTION 30. Section 286-107, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§286-107 License renewals; procedures and requirements.**

19 (a) The examiner of drivers may accept an application for a  
20 renewal of a driver's license made not more than six months  
21 prior to the date of expiration.



1           If, however, the renewal is not applied for within ninety  
2 days after the expiration of the license, the applicant for  
3 renewal shall be treated as an applicant for a new license and  
4 examined as provided in section 286-108.

5           (b) Except as otherwise provided in subsection (c), an  
6 applicant for a renewal of a driver's license under this  
7 section, or the reactivation of an expired license under section  
8 286-107.5(a), shall appear in person before the examiner of  
9 drivers and the examiner of drivers shall administer such  
10 physical examinations as the state director of transportation  
11 deems necessary to determine the applicant's fitness to continue  
12 to operate a motor vehicle.

13           (c) Any person who holds a category (1), (2), or (3)  
14 license issued under this part may apply for a renewal of the  
15 license online via any electronic or digital means provided by  
16 the examiner of drivers, or by mail, if the person is not  
17 disqualified from renewing the license under subsection (a)  
18 except as provided under subsection (h). The applicant's  
19 request to have the license renewed by mail must be received by  
20 the examiner of drivers within ninety days after the expiration  
21 of the license or it shall be treated as an application for



1 reactivation of an expired license under section 286-107.5. The  
2 examiner of drivers shall, upon receipt of the request, furnish  
3 the applicant with all necessary forms and instructions. An  
4 application for renewal made by electronic or digital means or  
5 by mail pursuant to this subsection shall be accompanied by a  
6 statement from a licensed physician, physician assistant, or  
7 advanced practice registered nurse certifying that the applicant  
8 was examined by the licensed physician, physician assistant, or  
9 advanced practice registered nurse no more than six months  
10 before the expiration date of the applicant's license and that  
11 the applicant was found by the examination to have met the  
12 physical requirements established by the state director of  
13 transportation for the renewal of licenses. The application for  
14 renewal by electronic or digital means or by mail shall also be  
15 accompanied by:

16 (1) A notarized statement of the applicant certifying that  
17 the applicant does not possess any valid license to  
18 operate the same or similar category or categories of  
19 motor vehicles, issued by another licensing authority  
20 (unless the license is concurrently surrendered); and



1           (2) Any other information as may be required by the  
2           examiner of drivers that is reasonably necessary to  
3           confirm the identity of the applicant and the  
4           applicant's fitness to continue to operate a motor  
5           vehicle.

6           (d) An applicant for a renewal of the applicant's driver's  
7           license, whether applying pursuant to subsections (b) or (c),  
8           shall pay the fee determined by the council of the appropriate  
9           county. Payment of the fee shall be by certified check or money  
10          order, tendered together with the application.

11          (e) No driver's license shall be renewed by the examiner  
12          of drivers unless:

13           (1) The examiner of drivers is satisfied of the  
14           applicant's fitness to continue to operate a motor  
15           vehicle;

16           (2) The fee required by subsection (d) is tendered  
17           together with the application for renewal;

18           (3) The applicant complies with section 286-102.5; and

19           (4) The examiner of drivers is satisfied that the  
20           applicant does not have outstanding charges and fines  
21           relating to the disposition of an abandoned vehicle.



1 (f) No driver's license shall be renewable by electronic  
2 or digital means or by mail:

3 (1) For more than two consecutive renewals, regardless of  
4 whether the license expires, as provided under section  
5 286-106, on the eighth or fourth birthday after  
6 issuance; or

7 (2) Sixteen years have lapsed since the applicant had  
8 appeared in person[~~+~~

9 ~~provided that this subsection shall not apply to a resident~~  
10 ~~military person or that person's immediate family if the~~  
11 ~~resident military person resides outside the State on official~~  
12 ~~military orders].~~

13 ~~[(g) Notwithstanding subsection (a), any applicant for a~~  
14 ~~renewal of a driver's license who is a member of any component~~  
15 ~~of the United States armed forces and who is on active federal~~  
16 ~~service outside of the State at the time the applicant's license~~  
17 ~~should be renewed, may file an application for a renewal of the~~  
18 ~~driver's license, which shall be accompanied by verification of~~  
19 ~~federal active service outside the State as required by the~~  
20 ~~examiner of drivers, within ninety days of the applicant's~~  
21 ~~return to the State or discharge from hospitalization. The~~



1 ~~examiner of drivers may waive the reactivation fee otherwise~~  
2 ~~required by section 286-107.5.~~

3 ~~(h)]~~ (g) The state director of transportation shall adopt  
4 rules and regulations pursuant to chapter 91, necessary for the  
5 purposes of this section, including rules and regulations  
6 governing the effect to be given to convictions for violations  
7 of traffic laws of a foreign jurisdiction, upon license renewal  
8 procedures."

9 SECTION 31. Section 286-109, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) Upon payment of the required fee and upon  
12 demonstrating the ability to operate a certain category or  
13 categories of motor vehicles to the satisfaction of the examiner  
14 of drivers, an applicant for a driver's license shall be issued  
15 a single license of a design approved by the director of  
16 transportation upon which is made a notation of:

17 (1) The person's full legal name, date of birth, gender  
18 designation, residence address, and license number;

19 (2) The category or categories of motor vehicles the  
20 applicant may operate;



1 (3) Any restrictive provisions to which the license is  
2 subject;

3 ~~[(4) Veteran status, if desired by the applicant; provided~~  
4 ~~that the notation shall be on the front of the license~~  
5 ~~and shall not include any designation other than the~~  
6 ~~term "veteran";] and~~

7 ~~[(5)]~~ (4) When the license is issued to a person under  
8 twenty-one years of age, a statement, in clearly  
9 legible print that shall contrast with the other  
10 information appearing on the license, which indicates  
11 the date on which the person will attain the age of  
12 twenty-one years.

13 As used in this subsection:

14 "Gender designation" includes the options of F, M, or X.

15 ~~["Veteran" means any person who served in any of the~~  
16 ~~uniformed services of the United States, including veterans of~~  
17 ~~the Korean conflict and persons who served in the armed forces~~  
18 ~~of the Republic of Korea, who fought under the command of the~~  
19 ~~United Nations led by the United States, during the Korean~~  
20 ~~conflict and are currently United States citizens, and was~~  
21 ~~discharged under conditions other than dishonorable.]"~~



1 SECTION 32. Section 286-111, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3 "(d) Every application shall state the full name, date of  
4 birth, gender designation, occupation, [~~veteran status if  
5 applicable (including veterans of the Korean conflict and  
6 persons who served in the armed forces of the Republic of Korea,  
7 who fought under the command of the United Nations led by the  
8 United States, during the Korean conflict and are currently  
9 United States citizens) and desired by the applicant,~~] social  
10 security number if the applicant is eligible for a social  
11 security number, the residence address, and business address, if  
12 any, of the applicant, shall briefly describe the applicant, and  
13 shall state whether the applicant has theretofore been licensed  
14 as a driver, and, if so, when and in what state or country, and  
15 whether any such license has ever been suspended or revoked, or  
16 whether an application has ever been refused, and if so, the  
17 date of and reason for the suspension, revocation, or refusal.

18 The examiner of drivers shall not require documentation for  
19 an applicant's selection of gender designation or an applicant's  
20 request for an amendment to a gender designation other than the  
21 applicant's self-certification of their chosen gender



1 designation; provided that the examiner of drivers shall not be  
2 prohibited from requiring documentation that may incidentally  
3 show an applicant's birth sex category if the documentation is  
4 necessary to establish that the applicant is legally entitled to  
5 a license.

6 For purposes of this subsection, "gender designation" shall  
7 have the same meaning as in section 286-109(a)."

8 SECTION 33. Section 286-235.5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§286-235.5 Persons exempt from licensure.** The following  
11 persons shall be exempt from licensure under this part:

12 [~~(1) Individuals who operate commercial motor vehicles for~~  
13 ~~military purposes. This exception is limited to~~  
14 ~~active-duty military personnel, members of the~~  
15 ~~military reserves, members of the national guard on~~  
16 ~~active duty, including personnel on full-time national~~  
17 ~~guard duty, personnel on part-time national guard~~  
18 ~~training, and national guard military technicians~~  
19 ~~(civilians who are required to wear military~~  
20 ~~uniforms), and active-duty United States Coast Guard~~



1            ~~personnel. This exception is not applicable to United~~  
2            ~~States reserve technicians; and~~  
3            ~~(2) Federal,~~ federal, state, and county firefighters, and  
4            law enforcement officers who drive federal, state, or  
5            county fire trucks, including fire pumpers, aerial  
6            ladder trucks, and elevated platform trucks, or  
7            authorized emergency vehicles; provided that they are  
8            trained by the federal, state, or county government  
9            and the commercial motor vehicles are equipped with  
10           audible and visual signals and are not subject to  
11           normal traffic regulation. For purposes of this  
12           paragraph, "authorized emergency vehicle" shall have  
13           the same meaning as in section 291C-1."

14           SECTION 34. Section 286-303, Hawaii Revised Statutes, is  
15           amended by amending subsection (c) to read as follows:

16           "(c) Every application for an identification card or  
17           duplicate of an identification card shall be made on a form  
18           developed by the director and furnished by the examiner of  
19           drivers, signed by the applicant, and signed by the applicant's  
20           parent or guardian if the applicant is under eighteen years of  
21           age. The application shall contain the following information:



- 1 (1) Name and complete address, including the number and  
2 street name, of the applicant's permanent residence;
- 3 (2) The applicant's occupation and any pertinent data  
4 relating thereto;
- 5 (3) The applicant's citizenship status;
- 6 ~~[(4) The applicant's veteran status if applicable and  
7 desired by the applicant;~~
- 8 ~~-(5)]~~ (4) The applicant's date and place of birth;
- 9 ~~[(6)]~~ (5) General description of the applicant, including  
10 the applicant's gender designation, height, weight,  
11 hair color, and eye color;
- 12 ~~[(7)]~~ (6) The applicant's left and right index fingerprints  
13 or, if clear impressions cannot be obtained, other  
14 identifying imprints as specified by rules of the  
15 director;
- 16 ~~[(8)]~~ (7) The social security number of the applicant; and
- 17 ~~[(9)]~~ (8) A digitized frontal photograph of the applicant's  
18 full face.
- 19 Each applicant shall present documentary evidence as required by  
20 the examiner of drivers of the applicant's age and identity, and  
21 the applicant shall swear or affirm that all information given



1 is true and correct; provided that an applicant shall not be  
2 required to provide documentation to prove the applicant's  
3 gender designation other than the applicant's self-certification  
4 of their chosen gender designation; provided further that  
5 documentation that may incidentally show an applicant's birth  
6 gender may be required if necessary to establish that the  
7 applicant is legally entitled to an identification card.

8 For purposes of this subsection, "gender designation" shall  
9 have the same meaning as in section 286-109(a)."

10 SECTION 35. Section 291E-1, Hawaii Revised Statutes, is  
11 amended by amending the definition of "number plates" to read as  
12 follows:

13 ""Number plates" refer to the number plates or special  
14 number plates, which are commonly known as license plates, that  
15 are issued under sections 249-9, 249-9.1, [~~249-9.2,~~] and 249-9.3  
16 and that are required to be attached on a motor vehicle pursuant  
17 to sections 249-1 to 249-13."

18 SECTION 36. Section 302A-121, Hawaii Revised Statutes, is  
19 amended to read as follows:



1           " [†]§302A-121[†] Board of education; members; student [and  
2 ~~military representatives.~~] representative. (a) The board shall  
3 consist of nine members as follows:

4           (1) One member from the county of Hawaii;

5           (2) One member from the county of Maui;

6           (3) One member from the county of Kauai;

7           (4) Three members from the city and county of Honolulu;

8           and

9           (5) Three at-large members; provided that the governor

10           shall select an at-large member as the chairperson.

11 The members shall be appointed by the governor, with the advice  
12 and consent of the senate. The governor may remove or suspend  
13 for cause any member of the board.

14           (b) Pursuant to article XVIII, section 12, of the Hawaii  
15 State Constitution, the period of transition from the elected to  
16 the appointed board shall be as determined in section 21 of Act  
17 5, Session Laws of Hawaii 2011.

18           (c) The members of the board shall serve without pay but  
19 shall be entitled to reimbursement for necessary expenses,  
20 including travel and board and lodging expenses, while attending



1 meetings of the board or when actually engaged in business  
2 relating to the work of the board.

3 (d) Pursuant to section 302A-447, the state student  
4 council shall select a nonvoting public high school student  
5 representative to the board.

6 [~~(e) Pursuant to section 302A-1101(c), the board shall  
7 invite the senior military commander in Hawaii to appoint a  
8 nonvoting military representative to the board.]~~"]

9 SECTION 37. Section 302A-1101, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§302A-1101 Department of education; board of education;**  
12 **superintendent of education.** (a) There shall be a principal  
13 executive department to be known as the department of education,  
14 which shall be headed by a policy-making board to be known as  
15 the board of education. The board shall have power in  
16 accordance with law to formulate statewide educational policy,  
17 adopt student performance standards and assessment models,  
18 monitor school success, and appoint the superintendent of  
19 education as the chief executive officer of the public school  
20 system.



1 (b) The board shall appoint, and may remove, the  
2 superintendent by a majority vote of its members. The  
3 superintendent:

4 (1) May be appointed without regard to the state residency  
5 provisions of section 78-1(b);

6 (2) May be appointed for a term of up to four years; and

7 (3) May be terminated only for cause.

8 ~~[(c) The board shall invite the senior military commander  
9 in Hawaii to appoint a nonvoting military representative to the  
10 board, who shall serve for a two-year term without compensation.  
11 As the liaison to the board, the military representative shall  
12 advise the board regarding state education policies and  
13 departmental actions affecting students who are enrolled in  
14 public schools as family members of military personnel. The  
15 military representative shall carry out these duties as part of  
16 the representative's official military duties and shall be  
17 guided by applicable state and federal statutes, regulations,  
18 and policies and may be removed only for cause by a majority  
19 vote of the members of the board.]~~

20 ~~(d)]~~ (c) The board shall appoint the state public charter  
21 school commission which shall serve as the statewide charter



1 authorizer for charter schools, with the power and duty to issue  
2 charters, oversee and monitor charter schools, hold charter  
3 schools accountable for their performance, and revoke charters."

4 SECTION 38. Section 302A-1404, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "~~§302A-1404~~ **Federal impact aid** [~~military liaison~~]. [~~(a)~~]

7 The department and the state public charter school commission or  
8 an authorizer, as appropriate, may retain and expend federal  
9 indirect overhead reimbursements for grants for the  
10 reimbursements as determined by:

11 (1) The director of finance and the superintendent; or

12 (2) The director of finance and the state public charter  
13 school commission or an authorizer, as appropriate.

14 [~~(b)~~ ~~Each fiscal year the department of education may set~~  
15 ~~aside \$100,000 of federal impact aid moneys received pursuant to~~  
16 ~~this section to:~~

17 ~~(1) Establish and fund a permanent, full-time military~~  
18 ~~liaison position within the department of education;~~

19 and



1       ~~(2) Fund the joint venture education forum to facilitate~~  
2           ~~interaction between the military community and the~~  
3           ~~department of education.~~

4       ~~The military liaison position established under paragraph~~  
5       ~~(1) shall be exempt from chapter 76 but shall be eligible to~~  
6       ~~receive the benefits of any state or federal employee benefit~~  
7       ~~program generally applicable to officers and employees of the~~  
8       ~~State.]"~~

9       SECTION 39. Section 304A-102, Hawaii Revised Statutes, is  
10      amended to read as follows:

11       "~~[+]§304A-102[+]~~ **Purposes of the university.** The purposes  
12      of the university are to give thorough instruction and conduct  
13      research in, and disseminate knowledge of, agriculture, mechanic  
14      arts, mathematical, physical, natural, economic, political, and  
15      social sciences, languages, literature, history, philosophy, and  
16      such other branches of advanced learning as the board of regents  
17      from time to time may prescribe [~~and to give such military~~  
18      ~~instruction as the board of regents may prescribe and that the~~  
19      ~~federal government requires]~~. The standard of instruction shall  
20      be equal to that given and required in similar universities on  
21      the mainland United States. Upon the successful completion of



1 prescribed courses, the board of regents may confer a  
2 corresponding degree upon every student who becomes entitled  
3 thereto."

4 SECTION 40. Section 304A-502, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[+]§304A-502[+] **Power of regents to grant tuition**  
7 **waivers.** The board of regents, or its designated  
8 representatives, is authorized to grant, modify, or suspend  
9 tuition waivers.

10 The board may:

- 11 (1) Waive entirely or reduce the tuition fee or any of the  
12 other fees for graduate teaching and research  
13 assistants;
- 14 (2) Enter into agreements with government and university  
15 officials of any other state or foreign country to  
16 provide for reciprocal waiver of the nonresident  
17 tuition and fee differential;
- 18 (3) Waive the nonresident tuition and fee differential for  
19 selected students from Pacific and Asian jurisdictions  
20 when their presence would be beneficial to the  
21 university or the State; and



1           (4) Waive entirely or reduce the tuition fee or any of the  
2           other fees for students, resident or nonresident [~~7~~ and  
3           ~~(5) Waive the nonresident tuition and fee differential for~~  
4           ~~members in good standing of the following military~~  
5           ~~units, regardless of their actual state of residence:~~  
6           ~~(A) The Hawaii national guard; and~~  
7           ~~(B) The federal reserve components of the Army, Navy,~~  
8           ~~Air Force, Marine Corps, and Coast Guard who~~  
9           ~~attend drills with units located within the~~  
10           State].

11 The board shall determine the percentage of allowable tuition  
12 and fee waivers for financial need and other university  
13 priorities. These tuition waivers and waivers of the  
14 nonresident tuition and fee differential shall be awarded in  
15 accordance with guidelines established by the board."

16           SECTION 41. Section 304A-802, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "**§304A-802 College-credit equivalency program established;**  
19 **purpose; policies and procedures; eligibility.** (a) There is  
20 established at the university and the community colleges a  
21 college-credit equivalency program. The purpose of this program



1 is to award college credits to students who are enrolled in a  
2 degree or certificate program at the university or at a  
3 community college and who have successfully completed, at a high  
4 school, business school, trade school, or adult education  
5 school, [~~or military training program,~~] courses that are  
6 equivalent to courses offered for credit in the University of  
7 Hawaii system. [~~The program shall also award credits for~~  
8 ~~professional experience gained through service in the United~~  
9 ~~States armed forces.~~] Credits may also be awarded for work or  
10 other experiences at the discretion of the university.

11 (b) The university shall be responsible for the  
12 establishment of policies and procedures to administer the  
13 program. In this regard, the university, among other things,  
14 shall prepare and make public the following:

15 (1) The list of the high school, business school, trade  
16 school, and adult education school courses for which  
17 college credits may be earned;

18 (2) The number of credits that may be earned for each  
19 course; and

20 (3) The minimum standards or grades necessary to earn  
21 college credits[ ~~and~~



1       ~~(4) A learning assessment or other criteria to determine~~  
2           ~~college-level learning gained during service in the~~  
3           ~~United States armed forces]."~~

4       SECTION 42. Section 329-4, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "**§329-4 Duties of the Hawaii advisory commission on drug**  
7 **abuse and controlled substances.** The Hawaii advisory commission  
8 on drug abuse and controlled substances shall:

9       (1) Assist the department of health in coordinating all  
10           action programs of community agencies (state, county,  
11           ~~[military,~~ or private) specifically focused on the  
12           problem of drug abuse;

13       (2) Assist the department of health in carrying out  
14           educational programs designed to prevent and deter  
15           abuse of controlled substances;

16       (3) Create public awareness and understanding of the  
17           problems of drug abuse;

18       (4) Sit in an advisory capacity to the governor and other  
19           state departments as may be appropriate on matters  
20           relating to the commission's work; and



1 (5) Act in an advisory capacity to the director of health  
2 in substance abuse matters under chapter 321, part  
3 XVI. For the purposes of this paragraph, "substance"  
4 shall include alcohol in addition to any drug on  
5 schedules I through IV of this chapter and any  
6 substance that includes in its composition volatile  
7 organic solvents."

8 SECTION 43. Section 431:8-327, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§431:8-327 Prerequisites for license renewal.** (a) To  
11 qualify for a license renewal, a licensee shall:

12 (1) Preceding a license renewal, complete the required  
13 number of credit hours specified in subsection (b) in  
14 approved continuing education courses; and

15 (2) Pay the fees as required under section 431:7-101.

16 (b) The required number of credit hours in approved  
17 continuing education courses shall be as follows:

18 (1) For a licensee authorized to sell surplus lines  
19 insurance but who does not hold a producer license,  
20 the requisite number of credit hours shall be twenty-  
21 four credit hours, consisting of twenty-one credit



1 hours relating to property, marine and transportation,  
2 vehicle, general casualty, or surety insurance, and  
3 three credit hours relating to ethics training or  
4 relating to the insurance laws and rules.

5 (2) For a licensee who also holds a producer license to  
6 sell life or accident and health or sickness lines of  
7 insurance pursuant to article 9A, the total requisite  
8 number of credit hours shall be twenty-four credit  
9 hours, consisting of:

10 (A) Ten credit hours relating to life or accident and  
11 health or sickness insurance;

12 (B) Eleven credit hours relating to property, marine  
13 and transportation, vehicle, general casualty, or  
14 surety insurance; and

15 (C) Three credit hours relating to ethics training or  
16 to insurance laws and rules.

17 For purposes of this section, ethics training shall include but  
18 not be limited to the topics of fiduciary responsibility,  
19 commingling of funds, payment and acceptance of commissions,  
20 unfair claims practices, policy replacement considerations, and  
21 conflicts of interest.



1 (c) Continuing education equivalents, as determined and  
2 approved by the commissioner, may include the teaching of  
3 continuing education courses and holding certain professional  
4 designations, but shall not include the use of carryover credit  
5 hours earned in excess of the required hours in any two-year  
6 renewal cycle.

7 (d) Unless an extension of time has been granted in  
8 advance by the commissioner, a licensee's failure to satisfy all  
9 of the continuing education requirements by the renewal date  
10 shall result in that licensee's license being automatically  
11 placed on an inactive status. To reactivate a license, the  
12 licensee shall submit proof to the commissioner that the  
13 requisite number of credit hours has been completed and the  
14 licensee shall pay any required fees and penalties.

15 (e) After a licensee completes an approved continuing  
16 education course, the approved course provider shall issue to  
17 the licensee a certificate of completion in a form approved by  
18 the commissioner that certifies that the licensee has  
19 successfully completed the course. Both the licensee and a  
20 person authorized to sign on behalf of the approved course  
21 provider shall sign the certificate of completion. The approved



1 course provider shall electronically submit the certificate of  
2 completion to the commissioner within fifteen days of course  
3 completion.

4 (f) This section shall not apply to a licensee granted an  
5 exemption by the commissioner from this section pursuant to  
6 section 431:8-322.

7 ~~[(g) The commissioner may grant an extension of time to  
8 meet the requirements of this section to a licensee on extended  
9 active military duty for a period of time equal to the number of  
10 days the licensee was on active military duty, provided there  
11 are no federal laws mandating an extension of time in a  
12 specified situation.~~

13 ~~(h)]~~ (g) A licensee need not retake the surplus lines  
14 broker license examination; provided that all renewal  
15 requirements in this section are met or reactivation occurs  
16 within twelve months of the date of inactivation."

17 SECTION 44. Section 431:9A-107, Hawaii Revised Statutes,  
18 is amended to read as follows:

19 "**§431:9A-107 License.** (a) Except as provided in section  
20 431:9A-112, a person who has met the requirements of sections  
21 431:9A-105 and 431:9A-106 shall be issued an insurance producer



1 license. An insurance producer may receive a license in one or  
2 more of the following lines of authority:

3 (1) Life: insurance coverage on human lives, including  
4 benefits of endowment and annuities, benefits in the  
5 event of death or dismemberment by accident, and  
6 benefits for disability income;

7 (2) Accident and health or sickness: insurance coverage  
8 for sickness, bodily injury, or accidental death and  
9 benefits for disability income;

10 (3) Property: insurance coverage for the direct or  
11 consequential loss or damage to property of every  
12 kind;

13 (4) Casualty: insurance coverage against legal liability,  
14 including that for death, injury, or disability or  
15 damage to real or personal property;

16 (5) Variable life and variable annuity products:  
17 insurance coverage provided under variable life  
18 insurance contracts and variable annuities;

19 (6) Personal: property and casualty insurance coverage  
20 sold to individuals and families for primarily  
21 noncommercial purposes;



1 (7) Credit: limited line credit insurance; or

2 (8) Any other line of insurance permitted under state law  
3 or rule.

4 (b) Except as provided in section 431:9A-112, an insurance  
5 producer license shall remain in effect so long as the fee set  
6 forth in section 431:7-101 is paid and the educational  
7 requirements for resident individual producers are timely met.

8 (c) An insurance producer who allows the producer's  
9 license to become inactive for nonpayment of the renewal fee may  
10 reinstate that license without the necessity of passing a  
11 written examination, if the fee payable and a penalty in the  
12 amount of double the then-unpaid renewal fees are paid within  
13 twelve months from the inactivation date and the producer is in  
14 compliance with all the requirements of chapter 431.

15 ~~[(d) A licensed insurance producer who is unable to comply~~  
16 ~~with license renewal procedures due to military service or an~~  
17 ~~extenuating circumstance as determined by the commissioner may~~  
18 ~~request a waiver of those procedures. The producer also may~~  
19 ~~request a waiver of any examination requirement or any other~~  
20 ~~fine or sanction imposed for failure to comply with renewal~~  
21 ~~procedures.~~



1       ~~(e)~~] (d) The license shall contain the licensee's name,  
2 address, personal identification number, and the date of  
3 issuance, the lines of authority, the expiration date, and any  
4 other information the commissioner deems necessary.

5       ~~(f)~~] (e) A licensee shall:

6       (1) Inform the commissioner by any means acceptable to the  
7 commissioner of any change of status within thirty  
8 days of the change; and

9       (2) Report any change of status to the business  
10 registration division if the licensee is a business  
11 entity registered with the department of commerce and  
12 consumer affairs pursuant to title 23 or title 23A, or  
13 if the licensee has registered a trade name pursuant  
14 to part II of chapter 482.

15       Failure to timely inform the commissioner or the business  
16 registration division of a change of status may result in a  
17 penalty pursuant to section 431:2-203.

18       As used in this subsection, "change of status" includes but  
19 shall not be limited to change of legal name, assumed name,  
20 trade name, business address, home address, mailing address,



1 business phone number, business fax number, business electronic  
2 mail address, or business website address.

3 [~~(g)~~] (f) In order to assist in the performance of the  
4 commissioner's duties, the commissioner may contract with  
5 nongovernmental entities, including the National Association of  
6 Insurance Commissioners or any affiliates or subsidiaries that  
7 the National Association of Insurance Commissioners oversees, to  
8 perform any ministerial functions, including the collection of  
9 fees, related to producer licensing as agreed upon by the  
10 commissioner and the nongovernmental entity."

11 SECTION 45. Section 431:9A-111, Hawaii Revised Statutes,  
12 is amended by amending subsection (a) to read as follows:

13 "(a) The commissioner may issue a temporary insurance  
14 producer license for a period not to exceed one hundred eighty  
15 days without requiring an examination if the commissioner deems  
16 that the temporary license is necessary for the servicing of an  
17 insurance business in the following cases:

18 (1) To the surviving spouse or court-appointed personal  
19 representative of a licensed insurance producer who  
20 dies or becomes mentally or physically disabled to  
21 allow adequate time for the sale of the insurance



1 business owned or controlled by the producer or for  
 2 the recovery or return of the producer to the business  
 3 or to provide for the training and licensing of new  
 4 personnel to operate the producer's business;

5 (2) To a member or employee of a business entity licensed  
 6 as an insurance producer, upon the death or disability  
 7 of an individual designated in the business entity  
 8 application or the license; or

9 ~~[(3) To the designee of a licensed insurance producer  
 10 entering active service in the armed forces of the  
 11 United States of America; or~~

12 ~~+(4)]~~ (3) In any other circumstance where the commissioner  
 13 deems that the public interest will best be served by  
 14 the issuance of this temporary license."

15 SECTION 46. Section 431:9A-124, Hawaii Revised Statutes,  
 16 is amended to read as follows:

17 "**§431:9A-124 Prerequisites for license renewal.** (a) To  
 18 qualify for a license renewal, a licensee shall:

19 (1) Preceding a license renewal, complete the required  
 20 number of credit hours as set forth in subsection (b)  
 21 in approved continuing education courses; and



1 (2) Pay the fees as required under section 431:7-101.

2 (b) The required number of credit hours shall be as  
3 follows:

4 (1) For a licensee authorized to sell lines of insurance  
5 in only one of the following groups:

6 (A) Life or accident and health or sickness; or

7 (B) Property, marine and transportation, vehicle,  
8 general casualty, or surety;

9 the requisite number of credit hours shall be twenty-  
10 four credit hours, consisting of twenty-one credit  
11 hours relating to the line of authority for which the  
12 license is held and three credit hours relating to  
13 ethics training or relating to the insurance laws and  
14 the insurance rules;

15 (2) For a licensee with a license to sell lines of  
16 insurance in both groups in paragraph (1), the total  
17 requisite number of credit hours shall be twenty-four  
18 credit hours, consisting of:

19 (A) Ten credit hours relating to paragraph (1) (A);

20 (B) Eleven credit hours relating to paragraph (1) (B);

21 and



1           (C) Three credit hours relating to ethics training or  
2           to insurance laws and rules.

3 For purposes of this section, ethics training shall include but  
4 shall not be limited to the study of fiduciary responsibility,  
5 commingling of funds, payment and acceptance of commissions,  
6 unfair claims practices, policy replacement considerations, and  
7 conflicts of interest.

8           (c) Continuing education equivalents, as determined and  
9 approved by the commissioner, may include the teaching of  
10 continuing education courses and holding certain professional  
11 designations, but shall not include the use of carryover credit  
12 hours earned in excess of the required hours in any two-year  
13 renewal cycle.

14           (d) Unless an extension of time has been granted in  
15 advance by the commissioner, a licensee's failure to satisfy all  
16 of the continuing education requirements by the renewal date  
17 shall result in that licensee's license being automatically  
18 placed on an inactive status. To reactivate a license, the  
19 licensee shall submit proof to the insurance division that the  
20 requisite number of credit hours has been completed and the  
21 licensee shall pay any required fees and penalties.



1           (e) After a licensee completes an approved continuing  
2 education course, the approved course provider shall issue to  
3 the licensee a certificate of completion in a form approved by  
4 the commissioner that certifies that the licensee has  
5 successfully completed the course. Both the licensee and a  
6 person authorized to sign on behalf of the approved course  
7 provider shall sign the certificate of completion. The approved  
8 course provider shall electronically submit the certificate of  
9 completion to the insurance division within fifteen days of  
10 course completion.

11           (f) This section shall not apply to a licensee granted an  
12 exemption by the commissioner from this section pursuant to  
13 section 431:9A-116.

14           ~~[(g) The commissioner may grant an extension of time to~~  
15 ~~meet the requirements of this section to a licensee on extended~~  
16 ~~active military duty for a period of time equal to the number of~~  
17 ~~days the licensee was on active military duty.~~

18           ~~(h)]~~ (g) A licensee need not retake the producer license  
19 examination; provided that renewal requirements in this section  
20 are met or reactivation occurs within twelve months of the date  
21 of inactivation."



1 SECTION 47. Section 431:10C-119, Hawaii Revised Statutes,  
2 is amended to read as follows:

3 **"§431:10C-119 Insurer's requirements.** (a) Prior to  
4 licensing an insurer to transact a motor vehicle insurance  
5 business in this State, the commissioner:

6 (1) Shall effect a thorough examination of the insurer's  
7 business experience, financial soundness, and general  
8 reputation as an insurer in this and other states. In  
9 the discretion of the commissioner, this examination  
10 may include an examination of any or all of the  
11 business records of the insurer, and an audit of all  
12 or any part of the insurer's motor vehicle insurance  
13 business, each to be performed by the commissioner's  
14 staff or by independent consultants. No license shall  
15 be issued until the commissioner is satisfied as to  
16 the business experience, financial solvency, and the  
17 economic soundness of the insurer;

18 (2) Except for a member-owned reciprocal insurer and its  
19 wholly owned insurer subsidiaries, as specified in  
20 subsection (c), shall require of each insurer, and  
21 determine that satisfactory arrangements have been



1           made for, the provision of a complete sales and claims  
2           service office in the State; provided that the  
3           establishment and maintenance of an office by licensed  
4           producers of an insurer in every county the insurer  
5           does business shall meet the requirements of this  
6           paragraph; provided further that the preceding shall  
7           not be required for the county of Kalawao; and

8           (3) Notwithstanding any other requirements of this section  
9           or of the insurance code, may require a bond in a  
10          reasonable amount and with deposits or sureties  
11          determined in the commissioner's discretion of any  
12          applicant for a license hereunder. The commissioner  
13          may, at any time, make and enforce such a requirement  
14          of any licensed insurer or self-insurer.

15          (b) The commissioner, prior to issuing a certificate of  
16          self-insurance to any person, shall require the applicant to  
17          provide for a complete claims service office and an officer for  
18          the purpose of service of process in this State.

19          ~~[(c) A member-owned reciprocal insurer and its wholly~~  
20          ~~owned insurer subsidiaries shall make satisfactory arrangements~~



1 ~~for claims service and adjustment and for policy service of all~~  
 2 ~~policies sold or issued to consumers in this State if:~~

3 ~~(1) A majority of its members are members of the United~~  
 4 ~~States military services, veterans of the United~~  
 5 ~~States military services, current or former spouses or~~  
 6 ~~dependents of these persons; and~~

7 ~~(2) The primary purpose of the insurer is to serve these~~  
 8 ~~persons.~~

9 ~~The member-owned reciprocal insurer and its wholly owned insurer~~  
 10 ~~subsidiaries, upon request by the commissioner, shall provide in~~  
 11 ~~writing, specific information as to those arrangements.~~

12 ~~(d)]~~ (c) The commissioner shall adopt rules to permit any  
 13 licensed accident and health or sickness insurer to secure a  
 14 license to engage in the business of motor vehicle insurance to  
 15 provide only those personal injury protection benefits defined  
 16 in section 431:10C-103.5(a) and optional major medical  
 17 coverages."

18 SECTION 48. Section 440E-26, Hawaii Revised Statutes, is  
 19 amended to read as follows:

20 "[+]§440E-26[+] Chapter does not apply to [active-duty  
 21 ~~armed forces, National Guard, armed forces reserve, or] Police~~



1 **Activities League.** This chapter shall not apply to any mixed  
 2 martial arts contest held as a recreational activity by [~~active~~  
 3 ~~duty armed forces, armed forces reserve, or National Guard~~  
 4 ~~personnel, or~~] the Police Activities League, when the contest is  
 5 held under the supervision of a [~~recreational officer of the~~  
 6 ~~active duty armed forces, armed forces reserve, National Guard,~~  
 7 ~~or a~~] Police Activities League staff member."

8 SECTION 49. Section 457-9.2, Hawaii Revised Statutes, is  
 9 amended by amending subsection (c) to read as follows:

10 "(c) The board may extend the deadline for compliance with  
 11 the continuing competency requirements and shall consider each  
 12 case on an individual basis. Prior to the expiration of the  
 13 license, a nurse licensee may submit a written request for an  
 14 extension and any documentation requested by the board to  
 15 substantiate the reason for the extension of the deadline for  
 16 compliance with the continuing competency requirements of this  
 17 section, based on [~~the following circumstances:~~

18 ~~(1) Illness,~~] illness, as certified by a physician or  
 19 osteopathic physician licensed under chapter 453 or  
 20 advanced practice registered nurse licensed under



1 chapter 457 in the jurisdiction in which the licensee  
2 was treated[; ~~or~~  
3 ~~(2) Military service under extended active duty with the~~  
4 ~~armed forces of the United States]."~~

5 SECTION 50. Section 461-8, Hawaii Revised Statutes, is  
6 amended by amending subsection (d) to read as follows:

7 "(d) Beginning with the renewal for the licensing biennium  
8 commencing on January 1, 2008, and every biennial renewal  
9 thereafter, each licensee shall have completed thirty credit  
10 hours in continuing education courses within the two-year period  
11 preceding the renewal date, regardless of the licensee's initial  
12 date of licensure; provided that a licensee who has graduated  
13 from an accredited pharmacy school within one year of the  
14 licensee's first license renewal period shall not be subject to  
15 the continuing education requirement for the first license  
16 renewal. The board may extend the deadline for compliance with  
17 the continuing education requirement based on any of the  
18 following:

19 (1) Illness, as certified by a physician or osteopathic  
20 physician licensed under chapter 453 or licensed in  
21 the jurisdiction in which the licensee was treated;



1       ~~[(2) Military service under extended active duty with the~~  
2           ~~armed forces of the United States;~~

3       ~~+(3)]~~ (2) Lack of access to continuing education courses  
4           due to the practice of pharmacy in geographically  
5           isolated areas; and

6       ~~+(4)]~~ (3) Inability to undertake continuing education due  
7           to incapacity, undue hardship, or other extenuating  
8           circumstances."

9           SECTION 51. Section 461J-10.14, Hawaii Revised Statutes,  
10   is amended to read as follows:

11           "~~+~~**§461J-10.14**~~+~~ **Exemption from continuing competence**  
12 **requirements.** (a) Prior to the expiration of a renewal period,  
13 a licensee may submit a written request to the board for an  
14 exemption from the continuing competence requirements in this  
15 chapter.

16           (b) The request for an exemption shall include the  
17 following information:

18           (1) Evidence that, during the two-year period prior to the  
19 expiration of the license, the licensee was residing  
20 in another country for one year or longer, reasonably



1 preventing completion of the continuing competence  
2 requirements;

3 (2) Evidence that, during the two-year period prior to the  
4 expiration of the license, the licensee was ill or  
5 disabled for one year or longer as documented by a  
6 licensed physician, surgeon, or clinical psychologist,  
7 preventing completion of the continuing competence  
8 requirements; or

9 (3) Evidence that, during the two-year period prior to the  
10 expiration of the license, a dependent family member  
11 of the licensee was ill or disabled for one year or  
12 longer as documented by a licensed physician, surgeon,  
13 or clinical psychologist, preventing completion of the  
14 continuing competence requirements.

15 (c) The above exemptions shall not be granted for more  
16 than one renewal period. In the event a licensee cannot  
17 complete the continuing competence requirements during the two-  
18 year period after receiving an exemption, the licensee may only  
19 renew the license on an inactive status.

20 ~~[(d) When a licensee is absent from the State because of~~  
21 ~~military service for a period of one year or longer during the~~



1 ~~two-year renewal period, preventing completion of the continuing~~  
2 ~~competence requirement, the board may provide an exemption from~~  
3 ~~the continuing competence requirement for more than one renewal~~  
4 ~~period.]"~~

5 SECTION 52. Section 464-9, Hawaii Revised Statutes, is  
6 amended by amending subsection (d) to read as follows:

7 "(d) The board shall require continuing education to renew  
8 a license for architects effective as of the renewal date for a  
9 license expiring on April 30, 2008, and for every biennial  
10 renewal period thereafter. All continuing education courses  
11 shall be relevant to public protection subjects and shall be  
12 approved by the board as provided in the board's rules; provided  
13 that:

14 (1) Architects initially licensed in the first year of the  
15 biennium shall have completed eight continuing  
16 education credit hours;

17 (2) Architects initially licensed in the second year of  
18 the biennium shall not be required to complete any  
19 continuing education credit hours;

20 (3) All other architects shall have completed sixteen  
21 continuing education credit hours;



- 1           (4) The board shall randomly audit an architect's  
2           continuing education courses, and shall establish  
3           guidelines for random audits in rules adopted in  
4           accordance with chapter 91;
- 5           (5) An architect whose license is not renewed because of  
6           failure to comply with the continuing education  
7           requirement shall have two years from the expiration  
8           date of the license to restore the license by  
9           complying with all applicable continuing professional  
10          education requirements and paying the appropriate  
11          renewal and penalty fees. After the two-year  
12          restoration period, the licensee shall be required to  
13          apply as a new applicant, and meet the requirements in  
14          effect at that time; and
- 15          (6) An architect licensee shall not be subject to the  
16          continuing education requirement if the architect  
17          otherwise meets all other renewal requirements and:  
18          ~~[(A) Is a member of the armed forces, National Guard,~~  
19          ~~or a reserve component on active duty and~~  
20          ~~deployed during a state or national crisis as~~



1                   ~~"state or national crisis" is defined in chapter~~  
2                   ~~436B;~~

3           ~~(B)]~~ (A) Is ill or disabled for a significant period of  
4                   time as documented by a licensed physician, and  
5                   is unable to meet the continuing education  
6                   requirements of this subsection;

7           ~~[(C)]~~ (B) Can demonstrate undue hardship that prevented the  
8                   licensee from meeting the continuing education  
9                   requirements of this subsection; or

10          ~~[(D)]~~ (C) Is retired from the practice of architecture and  
11                   is no longer performing or providing  
12                   architectural services;

13 provided that any exemption from the continuing education  
14 requirements shall be subject to the board's approval."

15           SECTION 53. Section 471-9, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           "**§471-9 Licenses.** (a) Except as otherwise provided in  
18 this chapter, the Hawaii board of veterinary medicine shall  
19 issue a license to engage in the practice of veterinary medicine  
20 to all persons meeting the requirements of this chapter upon  
21 payment of a license fee.



1           (b) All licenses issued by the board shall expire on  
2 June 30 of each even-numbered year next following the date of  
3 issuance. Failure to renew the license on or before June 30 of  
4 each even-numbered year shall automatically constitute a  
5 forfeiture of the license; provided that the license shall be  
6 restored upon the submission of a written application, a renewal  
7 fee, a penalty fee, and proof of completing the applicable  
8 continuing education credits to the board.

9           (c) Prior to the June 30, 2016, payment deadline for  
10 license renewal, and prior to every license renewal thereafter,  
11 a licensee shall:

12           (1) Pay all required fees; and

13           (2) Complete at least twenty credit hours of continuing  
14 education within the two-year period preceding the  
15 renewal date.

16           (d) A licensee who has graduated from an accredited  
17 veterinary school within one year of the licensee's first  
18 license renewal shall not be subject to the continuing education  
19 requirement for the first license renewal.

20           (e) Each licensee shall be responsible for maintaining the  
21 licensee's continuing education records. At the time of



1 renewal, each licensee shall certify under oath that the  
2 licensee has complied with the continuing education requirement  
3 of this section. The board may require a licensee to submit, in  
4 addition to the certification, evidence satisfactory to the  
5 board that demonstrates compliance with the continuing education  
6 requirement of this section.

7 (f) The board may conduct random audits of licensees to  
8 determine compliance with the continuing education requirement.  
9 The board shall provide written notice of an audit to a licensee  
10 randomly selected for audit. Within sixty days of notification,  
11 the licensee shall provide the board with documentation  
12 verifying compliance with the continuing education requirement  
13 established by this section.

14 ~~[(g) Notwithstanding any other provision, no license shall~~  
15 ~~expire while the licensee is serving on active duty in the armed~~  
16 ~~forces of the United States during any emergency declared by the~~  
17 ~~President or Congress and six months after the termination~~  
18 ~~thereof.] "~~

19 SECTION 54. Section 480J-2, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1           "(a) Each installment loan transaction and renewal shall  
2 meet the following requirements:

3           (1) Any transaction and renewal shall be documented in a  
4 written agreement pursuant to section 480J-3;

5           (2) The total amount of the installment loan shall not be  
6 greater than \$1,500 pursuant to section 480J-5(a);

7           (3) The total amount of loan charges an installment lender  
8 may charge, collect, or receive in connection with an  
9 installment loan shall not exceed fifty per cent of  
10 the principal loan amount;

11          (4) Subject to paragraph (3), a monthly maintenance fee  
12 may be charged by the lender; provided that thirty  
13 days shall equal one month and for any fraction of a  
14 month the fee shall be prorated on a daily basis not  
15 to exceed the following:

16          (A) \$25 monthly fee on a loan of an original  
17 principal loan amount up to \$299.99; provided  
18 further that a fraction of a month shall use a  
19 daily factor of 83 cents per day;

20          (B) \$30 monthly fee on a loan of an original  
21 principal loan amount of at least \$300 and up to



1                   \$699.99; provided further that a fraction of a  
2                   month shall use a daily factor of \$1 per day; and  
3                   (C) \$35 monthly fee on a loan of an original  
4                   principal loan amount of at least \$700 and  
5                   greater; provided further that a fraction of a  
6                   month shall use a daily factor of \$1.17 per day;  
7                   provided further that the monthly maintenance fee  
8                   shall not be added to the loan balance upon which the  
9                   interest is charged[; ~~provided further that an~~  
10                  ~~installment lender shall not charge, collect, or~~  
11                  ~~receive a monthly maintenance fee if the borrower is a~~  
12                  ~~person on active duty in the armed forces of the~~  
13                  ~~United States or a dependent of that person];~~  
14                  (5) The minimum contracted repayment term of the  
15                  installment loan shall be two months if the contracted  
16                  loan amount is \$500 or less, or four months if the  
17                  contracted loan amount is \$500.01 or more; provided  
18                  that, for purposes of meeting the required minimum  
19                  contracted repayment term, an installment lender may  
20                  calculate one month as twenty-eight days or longer;



- 1           (6) All repayment schedule due dates shall be dates upon  
2           which an installment lender is open for business to  
3           the public at the place of business where the  
4           installment loan was made;
- 5           (7) An installment lender shall accept prepayment in full  
6           or in part from a consumer prior to the loan due date  
7           and shall not charge the consumer a fee or penalty if  
8           the consumer opts to prepay the loan; provided that to  
9           make a prepayment, all past due interest and fees  
10          shall be paid first;
- 11          (8) The loan amount shall be fully amortized over the term  
12          of the loan, and maintenance fees shall be applied in  
13          arrears on a monthly basis;
- 14          (9) A consumer's repayment obligations shall not be  
15          secured by a lien on any real or personal property;
- 16          (10) An installment lender may offer to a consumer the  
17          option to make a payment through the consumer's debit  
18          card and may charge not more than a \$1 convenience  
19          fee; provided that the installment lender shall be  
20          prohibited from requiring this form of payment. The  
21          form of payment decision shall rest with the consumer.



1           The installment lender shall not charge the consumer a  
2           non-sufficient funds fee for rejected payments through  
3           the use of the consumer's debit card. This \$1  
4           convenience fee shall not be considered loan  
5           charges[+]

6           (11) An installment lender shall not charge a consumer any  
7           loan charges for an installment loan, other than the  
8           fees permitted by this chapter;

9           (12) The written agreement required under section 480J-3  
10          shall not require a consumer to purchase add-on  
11          products, such as credit insurance; and

12          (13) The maximum contracted repayment term of the  
13          installment loan shall be twelve months."

14          SECTION 55. Section 514B-98.5, Hawaii Revised Statutes, is  
15          amended by amending subsection (b) to read as follows:

16          "(b) Before the commission brings an action in any court  
17          of competent jurisdiction pursuant to subsection (a) against any  
18          person who executed an affidavit pursuant to this subpart, it  
19          may consider whether the following extenuating circumstances  
20          affected the person's ability to comply with the law:



- 1           (1) Serious illness of any of the owner-occupants who
- 2                   executed the affidavit or of any other person who was
- 3                   to or has occupied the residential unit;
- 4           (2) Unforeseeable job [~~or military~~] transfer;
- 5           (3) Unforeseeable change in marital status, or change in
- 6                   parental status; or
- 7           (4) Any other unforeseeable occurrence subsequent to
- 8                   execution of the affidavit.

9   If the commission finds that extenuating circumstances exist,  
10 the commission may cease any further action and order release of  
11 any net proceeds held in abeyance."

12           SECTION 56. Section 514B-146.5, Hawaii Revised Statutes,  
13 is amended by amending subsection (c) to read as follows:

14           "(c) The association's power of sale provided in section  
15 514B-146(a) may not be exercised against:

- 16           (1) Any lien that arises solely from fines, penalties,
- 17                   legal fees, or late fees, and the foreclosure of any
- 18                   such lien shall be filed in court pursuant to part IA
- 19                   of chapter 667;
- 20           ~~(2) Any unit owned by a person who is on military~~
- 21                   ~~deployment outside of the State of Hawaii as a result~~



1           ~~of active duty military status with any branch of the~~  
2           ~~United States military, and the foreclosure of any~~  
3           ~~such lien shall be filed in court pursuant to part IA~~  
4           ~~of chapter 667; provided that this paragraph shall not~~  
5           ~~apply if the lien of the association has been~~  
6           ~~outstanding for a period of one year or longer;]~~ or  
7           [+3+] (2) Any unit while the nonjudicial or power of sale  
8           foreclosure has been stayed pursuant to section 667-  
9           92(c)."

10           SECTION 57. Section 516-33, Hawaii Revised Statutes, is  
11           amended by amending subsection (a) to read as follows:

12           "(a) Except as otherwise provided under section 516-28, no  
13           application to purchase shall be accepted nor shall any sale of  
14           any residential houselot within a development tract be made to  
15           any person unless the person meets the following requirements:

16           (1) Is at least eighteen years of age;

17           (2) Is a bona fide resident of the State and resides on  
18           the lot, except in hardship circumstances as

19           determined by the corporation on a case by case basis  
20           where such inability to reside on the lot arises out  
21           of a temporary job [~~or military~~] transfer, a temporary



1 educational sabbatical or the serious illness of the  
2 person; provided further that if either the person or  
3 the lessor disagree with the corporation's  
4 determination, they shall be entitled to a contested  
5 case proceeding under chapter 91 in which both the  
6 person and lessor shall be parties;

7 (3) Has legal title to, or pursuant to an agreement of  
8 sale an equitable interest in, a residential structure  
9 situated on the leased lot applied for; provided that  
10 for the purposes of this section, the vendor under  
11 such agreement of sale shall not be eligible to  
12 purchase the lot. An agreement of sale means an  
13 executory contract for the sale and purchase of real  
14 property which binds one party to sell and the other  
15 party to buy property which is the subject matter of  
16 the transaction;

17 (4) Has a letter of credit, certificate of deposit, proof  
18 of funds, or approved application from any lending  
19 institution demonstrating that the person will be able  
20 to promptly pay the corporation for the leased fee  
21 interest in the lot;



- 1           (5) Submits an application in good faith in such form as  
2           is acceptable to the corporation;
- 3           (6) Executes a contract for purchase of the fee interest  
4           in such form as is acceptable to the corporation; and
- 5           (7) Does not own in fee simple lands suitable for  
6           residential purposes for such person within the county  
7           and in or reasonably near the place of business of  
8           such person or has or have pending before the Hawaii  
9           housing finance and development corporation an  
10          unrefused application to lease or purchase a lot in a  
11          development tract. A person is deemed to own lands  
12          herein if the person, the person's spouse, or both the  
13          person and the person's spouse (unless separated and  
14          living apart under a decree of a court of competent  
15          jurisdiction) own lands."

16          SECTION 58. Section 531B-4, Hawaii Revised Statutes, is  
17          amended to read as follows:

18          "~~+~~§531B-4~~+~~ **Right to control disposition; priority.**

19          ~~(a)~~ Unless a decedent has left directions in writing for the  
20          disposition of remains pursuant to section 531B-3 or 531B-5 or a  
21          person has forfeited the right of disposition pursuant to



1 section 531B-6, the following persons, in the priority listed,  
2 have the right to control the disposition of the decedent's  
3 remains and the location, manner, and conditions of disposition  
4 of the decedent's remains:

5 (1) A person designated by the decedent in a testamentary  
6 disposition or a written instrument executed in  
7 accordance with section 531B-5;

8 (2) The surviving spouse, if the decedent was legally  
9 married at the time of death; the surviving partner,  
10 as defined in section 572B-1, if the decedent had  
11 legally entered into a civil union at the time of  
12 death; or the surviving reciprocal beneficiary, as  
13 defined in section 572C-3, if the decedent was in a  
14 reciprocal beneficiary relationship at the time of  
15 death;

16 (3) The sole surviving child of the decedent, or if there  
17 is more than one surviving child, the majority of the  
18 surviving children. Less than the majority of the  
19 surviving children shall be vested with the rights and  
20 duties of this section if they have used reasonable  
21 efforts to notify all other surviving children and the



1 other surviving children cannot be located or have not  
2 responded within five days of the notification of the  
3 decedent's death;

4 (4) The surviving parent or parents of the decedent. Only  
5 one surviving parent shall be vested with the rights  
6 and duties of this section if that surviving parent  
7 used reasonable efforts to notify the other surviving  
8 parent and the other surviving parent cannot be  
9 located or has not responded within five days of the  
10 notification of the decedent's death;

11 (5) The surviving sibling of the decedent, or if there is  
12 more than one surviving sibling, the majority of the  
13 surviving siblings. Less than the majority of the  
14 surviving siblings shall be vested with the rights and  
15 duties of this section if they have used reasonable  
16 efforts to notify all other surviving siblings and the  
17 other surviving siblings cannot be located or have not  
18 responded within five days of the notification of the  
19 decedent's death;

20 (6) The surviving grandparent of the decedent, or if there  
21 is more than one surviving grandparent, the majority



1 of the surviving grandparents. Less than the majority  
2 of the surviving grandparents shall be vested with the  
3 rights and duties of this section if they have used  
4 reasonable efforts to notify all other surviving  
5 grandparents and the other surviving grandparents  
6 cannot be located or have not responded within five  
7 days of the notification of the decedent's death;

8 (7) The surviving grandchild of the decedent, or if there  
9 is more than one surviving grandchild, the majority of  
10 the surviving grandchildren. Less than the majority  
11 of the surviving grandchildren shall be vested with  
12 the rights and duties of this section if they have  
13 used reasonable efforts to notify all other surviving  
14 grandchildren and the other surviving grandchildren  
15 cannot be located or have not responded within five  
16 days of the notification of the decedent's death;

17 (8) The guardian of the decedent at the time of the  
18 decedent's death, if one had been appointed;

19 (9) The personal representative of the estate of the  
20 decedent;



- 1           (10) The person in the next degree of kinship to the  
2           decedent, in descending order, subject to descent and  
3           distribution under the laws of succession of the  
4           State. If there is more than one person of the same  
5           degree of kinship to the decedent, any person of that  
6           degree may exercise the right of disposition;
- 7           (11) If the disposition of the remains of the decedent is  
8           the responsibility of the State or a political  
9           subdivision of the State, the public officer,  
10          administrator, or employee responsible for arranging  
11          the final disposition of decedent's remains; and
- 12          (12) In the absence of any person under paragraphs (1)  
13          through (10) of this section, any other person willing  
14          to assume the responsibilities to act and arrange the  
15          final disposition of the decedent's remains, after  
16          attesting in writing that a good faith effort has been  
17          made to notify the individuals under paragraphs (1)  
18          through (10) of the decedent's death, and no persons  
19          have agreed to assume the responsibilities or have  
20          responded within five days of the notification.



1           ~~[(b) If a United States Department of Defense Record of~~  
2 ~~Emergency Data, DD Form 93, or its successor form, was in effect~~  
3 ~~at the time of death for a decedent who died in a manner~~  
4 ~~described by title 10 United States Code sections 1481(a) (1)~~  
5 ~~through (8), the DD Form 93 controls any other written~~  
6 ~~instrument described in section 531B-3 or 531B-5 with respect to~~  
7 ~~designating a person to control the disposition of the~~  
8 ~~decedent's remains. Notwithstanding section 531B-3 or 531B-5,~~  
9 ~~the form is legally sufficient if it is properly completed,~~  
10 ~~signed by the decedent, and witnessed in the manner required by~~  
11 ~~the form.]"~~

12           SECTION 59. Section 605-2, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§605-2 Attorneys; license required.** Except as provided  
15 by the rules of court, no person shall be allowed to practice in  
16 any court of the State unless that person has been duly licensed  
17 so to do by the supreme court; provided that nothing in this  
18 chapter shall prevent any person, plaintiff, defendant, or  
19 accused, from appearing in person before any court, and there  
20 prosecuting or defending that person's, plaintiff's,  
21 defendant's, or accused's own cause, without the aid of legal



1 counsel; provided further that in the district courts [sections  
2 ~~605-13 and~~] section 633-28 shall apply."

3 PART III

4 SECTION 60. Chapter 124B, Hawaii Revised Statutes, is  
5 repealed.

6 SECTION 61. Chapter 311D, Hawaii Revised Statutes, is  
7 repealed.

8 SECTION 62. Chapter 363, Hawaii Revised Statutes, is  
9 repealed.

10 SECTION 63. Chapter 657D, Hawaii Revised Statutes, is  
11 repealed.

12 SECTION 64. Chapter 88, part I, subpart E, Hawaii Revised  
13 Statutes, is repealed.

14 SECTION 65. Section 5-22, Hawaii Revised Statutes, is  
15 repealed.

16 [~~"§5-22 Hawaii medal of honor. (a) The Hawaii medal of  
17 honor may be awarded on behalf of the people of the State of  
18 Hawaii to an individual who has been killed in action while:~~

19 ~~(1) Engaged in an action against an enemy of the United  
20 States;~~



- 1       ~~(2) Engaged in military operations involving conflict with~~  
2       ~~an opposing foreign force;~~
- 3       ~~(3) Serving with friendly foreign forces engaged in an~~  
4       ~~armed conflict against an opposing armed force in~~  
5       ~~which the United States is not a belligerent party;~~
- 6       ~~(4) Serving in a combat zone as designated by presidential~~  
7       ~~order;~~
- 8       ~~(5) Serving in direct support of military operations in a~~  
9       ~~combat zone if that service is designated as such by~~  
10       ~~the United States Department of Defense; or~~
- 11       ~~(6) Performing duty subject to hostile fire or imminent~~  
12       ~~danger if that duty qualifies the individual for~~  
13       ~~special military pay as determined by the United~~  
14       ~~States Department of Defense.~~
- 15       ~~(b) A recipient of the Hawaii medal of honor may have the~~  
16       ~~recipient's name entered on the Hawaii medal of honor roll.~~
- 17       ~~(c) Individuals eligible to receive the Hawaii medal of~~  
18       ~~honor include:~~
- 19       ~~(1) Members of the Hawaii National Guard who were legal~~  
20       ~~residents of Hawaii and were activated into service at~~  
21       ~~the time they were killed in action;~~



- 1       ~~(2) Members of the United States military reserves who~~
- 2           ~~were legal residents of Hawaii and were activated into~~
- 3           ~~service at the time they were killed in action;~~
- 4       ~~(3) Members of the regular United States armed forces who~~
- 5           ~~were:~~
- 6           ~~(A) Legal residents of Hawaii at the time they were~~
- 7           ~~killed in action; or~~
- 8           ~~(B) Stationed in Hawaii by a proper order of the~~
- 9           ~~United States Department of Defense at the time~~
- 10          ~~they were killed in action; and~~
- 11       ~~(4) Members of the Hawaii National Guard or United States~~
- 12          ~~military reserves who were activated into service, or~~
- 13          ~~members of the regular United States armed forces,~~
- 14          ~~who:~~
- 15          ~~(A) Attended a public or private educational~~
- 16            ~~institution in Hawaii at some period during their~~
- 17            ~~lives; and~~
- 18          ~~(B) Were killed in action.~~
- 19       ~~(d) The Hawaii medal of honor shall be awarded solely by a~~
- 20       ~~concurrent resolution:~~
- 21       ~~(1) Introduced by:~~



- 1           ~~(A) The president of the senate;~~
- 2           ~~(B) The speaker of the house of representatives; or~~
- 3           ~~(C) The duly authorized representative of the~~
- 4                     ~~president of the senate or the speaker of the~~
- 5                     ~~house of representatives; and~~
- 6           ~~(2) Adopted by both houses of the legislature." ]~~

7           SECTION 66. Section 121-10.5, Hawaii Revised Statutes, is  
 8 repealed.

9           ["~~§121-10.5~~ ~~Prisoner of war and missing in action~~  
 10 ~~designations.~~ The State of Hawaii hereby recognizes the  
 11 ~~designations of prisoner of war and missing in action as valid~~  
 12 ~~descriptions of casualty status and category classification for~~  
 13 ~~military personnel."~~]

14           SECTION 67. Section 122A-16, Hawaii Revised Statutes, is  
 15 repealed.

16           ["~~§122A-16~~ ~~Courts-martial; nonjudicial punishment.~~ Any  
 17 ~~limitations in chapter 124B to the contrary notwithstanding,~~  
 18 ~~whenever this chapter specifically authorizes an act to be~~  
 19 ~~punished by court-martial or nonjudicial punishment, the court-~~  
 20 ~~martial may be convened or nonjudicial punishment imposed and~~



1 ~~punishment administered as though the act complained of were a~~  
2 ~~violation of the punitive articles of chapter 124B."]~~

3 SECTION 68. Section 231-15.8, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§231-15.8 Time for performing certain acts postponed by~~  
6 ~~reason of service in combat zone.~~ (a) ~~This section shall apply~~  
7 ~~to state tax laws set forth in this title 14 that provide for~~  
8 ~~the filing with the director of taxation of a return or~~  
9 ~~statement of the tax or payment of the amount taxable.~~

10 ~~(b) This section applies to any individual serving in the~~  
11 ~~armed forces of the United States, or serving in support of the~~  
12 ~~armed forces, in an area designated by the President of the~~  
13 ~~United States by Executive Order as a combat zone for purposes~~  
14 ~~of section 112 (with respect to certain combat pay of members of~~  
15 ~~the armed forces) of the federal Internal Revenue Code of 1986,~~  
16 ~~as amended, at any time during the periods designated by the~~  
17 ~~President by Executive Order as the periods of combatant~~  
18 ~~activities in the zone for the purposes of section 112, or when~~  
19 ~~deployed outside the United States away from the individual's~~  
20 ~~permanent duty station while participating in an operation~~  
21 ~~designated by the Secretary of Defense as a contingency~~



1 ~~operation (as defined in section 101(a)(13) of title 10, United~~  
2 ~~States Code) or which became such a contingency operation by~~  
3 ~~operation of law, at any time during the period designated by~~  
4 ~~the President by Executive Order as the period of combatant~~  
5 ~~activities in such zone for purposes of such section or at any~~  
6 ~~time during the period of such contingency operation, or~~  
7 ~~hospitalized as a result of injury received while serving in~~  
8 ~~such zone or operation during such time.~~

9 ~~The period of service in the zone or operation, plus the~~  
10 ~~period of continuous qualified hospitalization attributable to~~  
11 ~~the injury, and the next one hundred eighty days thereafter,~~  
12 ~~shall be disregarded in determining in respect of any tax~~  
13 ~~liability (including any interest, penalty, additional amount,~~  
14 ~~or addition to the tax) of the individual:~~

15 ~~(1) Whether any of the following acts was performed within~~  
16 ~~the time prescribed therefor:~~

17 ~~(A) Filing any tax return (except income tax withheld~~  
18 ~~at source);~~

19 ~~(B) Payment of any tax (except income tax withheld at~~  
20 ~~source) or any installment thereof or any other~~  
21 ~~liability to the State in respect of such tax;~~



- 1           ~~(C) Filing a tax appeal pursuant to chapter 232 or an~~
- 2           ~~action to recover moneys paid under protest~~
- 3           ~~pursuant to section 40-35(b) if the payment was~~
- 4           ~~for tax liability imposed pursuant to this title~~
- 5           ~~14;~~
- 6           ~~(D) Allowance of a credit or refund of any tax;~~
- 7           ~~(E) Filing a claim for credit or refund of any tax;~~
- 8           ~~(F) Bringing suit upon any claim for credit or~~
- 9           ~~refund;~~
- 10          ~~(G) Assessment of any tax;~~
- 11          ~~(H) Giving or making any notice or demand for the~~
- 12          ~~payment of any tax or with respect to any~~
- 13          ~~liability to the State in respect of any tax;~~
- 14          ~~(I) Collection by the director, by levy or otherwise,~~
- 15          ~~of the amount of any liability in respect of any~~
- 16          ~~tax;~~
- 17          ~~(J) Bringing suit by the State or any representative~~
- 18          ~~of the State on its behalf in respect of any~~
- 19          ~~liability in respect of any tax; and~~



1           ~~(K) Any other act required or permitted under the tax~~  
2           ~~or revenue laws of the State pursuant to rules~~  
3           ~~adopted by the director.~~

4           ~~(2) The amount of any credit or refund.~~

5           ~~(c) This section shall apply to the spouse of any~~  
6           ~~individual entitled to the benefits of this section. The~~  
7           ~~preceding sentence shall not cause this section to apply for any~~  
8           ~~spouse for any taxable year beginning more than two years after~~  
9           ~~the date designated under section 112 (with respect to certain~~  
10           ~~combat pay of members of the armed forces) of the federal~~  
11           ~~Internal Revenue Code of 1986, as amended, as the date of~~  
12           ~~termination of combatant activities in a combat zone.~~

13           ~~(d) The period of service in a designated combat zone~~  
14           ~~shall include the period during which an individual entitled to~~  
15           ~~benefits under this section is in a missing status, within the~~  
16           ~~meaning of section 6013(f)(3) (with respect to joint return~~  
17           ~~where an individual is in missing status) of the federal~~  
18           ~~Internal Revenue Code of 1986, as amended.~~

19           ~~(e) Notwithstanding subsection (b), any action or~~  
20           ~~proceeding authorized by section 231-24 (regardless of the~~  
21           ~~taxable year for which the tax arose) as well as any other~~



1 ~~action or proceeding authorized by law in connection therewith,~~  
2 ~~may be taken, begun, or prosecuted. In any other case in which~~  
3 ~~the director determines that collection of the amount of any~~  
4 ~~assessment would be jeopardized by delay, subsection (b) shall~~  
5 ~~not operate to stay collection of the amount by levy or~~  
6 ~~otherwise as authorized by law. There shall be excluded from~~  
7 ~~any amount assessed or collected pursuant to this subsection the~~  
8 ~~amount of interest, penalty, additional amount, and addition to~~  
9 ~~the tax, if any, in respect of the period disregarded under~~  
10 ~~subsection (b). In any case to which this subsection relates,~~  
11 ~~if the director is required to give any notice to or make any~~  
12 ~~demand upon any person, the requirement shall be deemed to be~~  
13 ~~satisfied if the notice or demand is prepared and signed, in any~~  
14 ~~case in which the address of the person last known to the~~  
15 ~~director is in an area for which United States post offices~~  
16 ~~under instructions of the Postmaster General, by reason of the~~  
17 ~~combatant activities, are not accepting mail for delivery at the~~  
18 ~~time the notice or demand is signed. In this case the notice or~~  
19 ~~demand shall be deemed to have been given or made upon the date~~  
20 ~~it is signed.~~



1       ~~(f) The assessment or collection of any tax or of any~~  
2 ~~liability to the State in respect of any tax or any action or~~  
3 ~~proceeding by or on behalf of the State in connection therewith,~~  
4 ~~may be made, taken, begun, or prosecuted in accordance with law,~~  
5 ~~without regard to subsection (b), unless prior to the~~  
6 ~~assessment, collection, action, or proceeding it is ascertained~~  
7 ~~that the person concerned is entitled to the benefits of~~  
8 ~~subsection (b).~~

9       ~~(g) Treatment of individuals performing Desert Shield~~  
10 ~~services:~~

11       ~~(1) Any individual who performed Desert Shield services~~  
12 ~~(and the spouse of the individual) shall be entitled~~  
13 ~~to the benefits of this section in the same manner as~~  
14 ~~if the services were services referred to in~~  
15 ~~subsection (b).~~

16       ~~(2) For purposes of this subsection, "Desert Shield~~  
17 ~~services" means any services in the armed forces of~~  
18 ~~the United States or in support of the armed forces if~~  
19 ~~these services are performed in the area designated by~~  
20 ~~the President as the "Persian Gulf Desert Shield area"~~  
21 ~~and the services are performed during the period~~



1 ~~beginning on August 2, 1990, and ending on the date on~~  
2 ~~which any portion of the Persian Gulf Desert Shield~~  
3 ~~area is designated by the President as a combat zone~~  
4 ~~pursuant to section 112 (with respect to certain~~  
5 ~~combat pay of members of the armed forces) of the~~  
6 ~~federal Internal Revenue Code of 1986, as amended.~~

7 ~~(h) For purposes of this section, "qualified~~  
8 ~~hospitalization" means any hospitalization outside the United~~  
9 ~~States and any hospitalization inside the United States, except~~  
10 ~~that not more than five years of hospitalization inside the~~  
11 ~~United States may be taken into account under this subsection.~~  
12 ~~The five-year period of qualified hospitalization inside the~~  
13 ~~United States shall not apply for purposes of applying this~~  
14 ~~section with respect to the spouse of an individual entitled to~~  
15 ~~the benefits of subsection (b).~~

16 ~~(i) If an individual is entitled to the benefits of this~~  
17 ~~section with respect to any return and the return is timely~~  
18 ~~filed (determined after the application of subsection (b))~~  
19 ~~section 231-23(d)(1) with respect to the limitations for~~  
20 ~~computing interest shall not apply and interest shall be paid~~



1 ~~from the due date of the return regardless of when the return is~~  
2 ~~filed.~~

3 ~~(j) If an individual is entitled to the benefits of~~  
4 ~~subsection (b), then, with respect to claiming any credit~~  
5 ~~pursuant to state tax laws set forth in this title 14 and any~~  
6 ~~general credit enacted pursuant to article VII, section 6, of~~  
7 ~~the state constitution, the limitation period prescribed for~~  
8 ~~such claims shall be determined after the application of~~  
9 ~~subsection (b)."]~~

10 SECTION 69. Section 235-100, Hawaii Revised Statutes, is  
11 repealed.

12 [~~"§235-100 **Persons in military service.** The collection~~  
13 ~~from any person in the military service of any tax on the income~~  
14 ~~of such person, whether falling due prior to or during the~~  
15 ~~person's period of military service (which term, as used in this~~  
16 ~~section, shall have the same meaning as in the Soldiers' and~~  
17 ~~Sailors' Civil Relief Act of 1940, as amended), shall be~~  
18 ~~deferred for a period extending not more than six months after~~  
19 ~~the termination of the person's period of military service if~~  
20 ~~such person's ability to pay such tax is materially impaired by~~  
21 ~~reason of such service. No interest on any amount of tax,~~



1 ~~collection of which is deferred for any period under this~~  
2 ~~section, and no penalty for nonpayment of such amount during~~  
3 ~~such period, shall accrue for such period of deferment by reason~~  
4 ~~of such nonpayment. The running of any statute of limitations~~  
5 ~~against the collection of such tax by distraint or otherwise~~  
6 ~~shall be suspended for the period of military service of any~~  
7 ~~individual the collection of whose tax is deferred under this~~  
8 ~~section, and for an additional period of nine months beginning~~  
9 ~~with the day following the period of military service." ]~~

10 SECTION 70. Section 235-100.5, Hawaii Revised Statutes, is  
11 repealed.

12 [~~["§235-100.5] Abatement of income taxes of members of~~  
13 ~~armed forces on death. Section 692 (with respect to income~~  
14 ~~taxes of members of armed forces on death) of the Internal~~  
15 ~~Revenue Code shall be operative for the purposes of this chapter~~  
16 ~~and the department shall have the authority to abate income~~  
17 ~~taxes as provided in section 692.~~

18 ~~For the purposes of this section "member of the Armed~~  
19 ~~Forces of the United States" shall have the same meaning as~~  
20 ~~provided by section 7701(a)(15) of the Internal Revenue Code." ]~~



1 SECTION 71. Section 249-6.5, Hawaii Revised Statutes, is  
2 repealed.

3 ~~["§249-6.5 Exemption for National Guard, military~~  
4 ~~reserves, and other active duty military personnel claiming~~  
5 ~~Hawaii as their residence of record. One noncommercial motor~~  
6 ~~vehicle registered to a member of the National Guard, military~~  
7 ~~reserve, or armed service, including the Coast Guard, who is:~~

8 (1) ~~Assigned to a unit in the State; and~~

9 (2) ~~A member in good standing,~~

10 shall be exempt from the vehicle weight tax provided for in this  
11 chapter." ]

12 SECTION 72. Section 249-9.2, Hawaii Revised Statutes, is  
13 repealed.

14 ~~["§249-9.2 Special number plates; military service. (a)~~

15 ~~In lieu of the number plates contracted on behalf of the~~  
16 ~~counties by the director of finance of the city and county of~~  
17 ~~Honolulu, the director of finance shall provide, for a fee, one~~  
18 ~~set of special number plates upon the receipt of an application~~  
19 ~~together with:~~

20 (1) ~~Specific proof that the applicant was awarded the~~

21 ~~Purple Heart by the United States Department of~~



- 1           ~~Defense for wounds received in military or naval~~  
2           ~~combat against an armed enemy of the United States;~~  
3       ~~(2) Certification that the applicant is a veteran;~~  
4       ~~(3) Specific proof that the applicant was serving the~~  
5           ~~United States in the military or as a civilian, on~~  
6           ~~Oahu, or offshore at a distance of not more than three~~  
7           ~~miles at the time of the December 7, 1941, attack on~~  
8           ~~Pearl Harbor. Certification from the Hawaii state~~  
9           ~~chairperson of the Pearl Harbor Survivors Association~~  
10          ~~shall constitute sufficient proof;~~  
11       ~~(4) Specific proof that the applicant was confined as a~~  
12          ~~prisoner of war while providing military service to~~  
13          ~~the United States;~~  
14       ~~(5) Certification from the United States Department of~~  
15          ~~Veterans Affairs or the state office of veterans'~~  
16          ~~services that the applicant is a combat veteran or a~~  
17          ~~veteran of the Vietnam conflict, the Korean conflict,~~  
18          ~~World War II, the Persian Gulf conflict, the Iraq war,~~  
19          ~~or the Afghanistan war; or~~  
20       ~~(6) Specific proof that the applicant would qualify for a~~  
21          ~~gold star lapel button under the criteria established~~



1           ~~by title 10 United States Code section 1126; provided~~  
2           ~~that the applicant shall not be disqualified for the~~  
3           ~~special number plates because the applicant is the~~  
4           ~~grandparent of the deceased member of the United~~  
5           ~~States armed forces;~~  
6           ~~provided that applicants, except civilian applicants under~~  
7           ~~paragraph (3) and civilian applicants and applicants who are~~  
8           ~~currently serving the United States in the military under~~  
9           ~~paragraph (6), shall also provide a copy of the applicant's most~~  
10          ~~recent discharge paper or separation document that indicates an~~  
11          ~~honorable discharge or general (under honorable conditions)~~  
12          ~~discharge from active duty.~~  
13          ~~(b) The design of the plates for:~~  
14          ~~(1) Purple heart recipients shall include the words~~  
15             ~~"COMBAT WOUNDED";~~  
16          ~~(2) Veterans shall include the word "VETERAN";~~  
17          ~~(3) Pearl Harbor survivors shall include the words "PEARL~~  
18             ~~HARBOR SURVIVOR";~~  
19          ~~(4) Former prisoners of war shall include the words~~  
20             ~~"FORMER PRISONER OF WAR";~~



- 1       ~~(5) Combat veterans shall include the words "COMBAT~~  
2           ~~VETERAN";~~
- 3       ~~(6) Veterans of the Vietnam conflict shall include the~~  
4           ~~words "VIETNAM VETERAN";~~
- 5       ~~(7) Veterans of the Korean conflict shall include the~~  
6           ~~words "KOREA VETERAN";~~
- 7       ~~(8) Veterans of World War II shall include the words~~  
8           ~~"WORLD WAR II VETERAN";~~
- 9       ~~(9) Veterans of the Persian Gulf conflict shall include~~  
10           ~~the words "PERSIAN GULF VETERAN";~~
- 11       ~~(10) Veterans of the Iraq war shall include the words "IRAQ~~  
12           ~~VETERAN";~~
- 13       ~~(11) Veterans of the Afghanistan war shall include the~~  
14           ~~words "AFGHANISTAN VETERAN"; and~~
- 15       ~~(12) Gold star family members, including grandparents,~~  
16           ~~shall include the words "GOLD STAR FAMILY".~~

17       ~~These designations shall be imprinted on the left side of~~  
18       ~~the license plates in a manner similar to congressional and~~  
19       ~~honorary consul license plates.~~

20       ~~(c) Registration certificates and license plates issued~~  
21       ~~under this section shall not be transferable to any other~~



1 ~~person. Special number plates for military service shall be~~  
2 ~~assigned to a noncommercial passenger motor vehicle, a~~  
3 ~~noncommercial motorcycle, or motor scooter registered in the~~  
4 ~~name of the qualified applicant and shall be available in any~~  
5 ~~category of special number plates for military service. Prior~~  
6 ~~to the transfer of the ownership of the qualified person's~~  
7 ~~vehicle to another party, the special number plates shall be~~  
8 ~~surrendered to the director of finance as a condition to the~~  
9 ~~issuance of replacement special number plates; provided that the~~  
10 ~~director of finance shall allow the survivor of the qualified~~  
11 ~~person, upon request, to retain the front special number plate~~  
12 ~~as a memorial.~~

13 ~~(d) The director of finance shall authorize the design of~~  
14 ~~a license plate that is readily identifiable and distinguishable~~  
15 ~~under actual traffic conditions and shall adopt rules pursuant~~  
16 ~~to chapter 91 to carry out this section." ]~~

17 SECTION 73. Section 249-31.5, Hawaii Revised Statutes, is  
18 repealed.

19 ~~["§249-31.5 Exemptions from registration fees for certain~~  
20 ~~vehicles; disabled veterans. (a) A disabled veteran who:~~

21 ~~(1) Is a resident of Hawaii;~~



1       ~~(2) Has been other than dishonorably discharged from the~~  
2           ~~United States uniformed armed forces; and~~

3       ~~(3) Is determined by the United States Department of~~  
4           ~~Veterans Affairs or its predecessor to have a service-~~  
5           ~~connected one hundred per cent disability rating for~~  
6           ~~compensation or a service-connected disability rating~~  
7           ~~of one hundred per cent,~~

8       ~~shall be exempt from payment of all annual vehicle registration~~  
9       ~~fees as required by section 249-31; provided that this exemption~~  
10       ~~shall not extend to any vehicle used for commercial purposes or~~  
11       ~~to more than one vehicle owned by the disabled veteran.~~

12       ~~(b) The director of the office of veterans' services, in~~  
13       ~~consultation with the policy advisory board on [veterans']~~  
14       ~~services, shall submit a report to the legislature and the~~  
15       ~~department of taxation no later than twenty days prior to the~~  
16       ~~convening of each regular session providing the legislature and~~  
17       ~~the department of taxation with the total number of disabled~~  
18       ~~veterans who qualify under this section for the exemption from~~  
19       ~~annual vehicle registration fees." ]~~

20       SECTION 74. Section 286-106.5, Hawaii Revised Statutes, is  
21       repealed.



1           ~~["§286-106.5 Expiration of licenses; out-of-country active~~  
2 ~~duty military personnel and dependents.~~ Notwithstanding section  
3 ~~286-106, the expired driver's license of a member of any~~  
4 ~~component of the United States armed forces who is on active~~  
5 ~~federal service, or the member's dependent if the dependent~~  
6 ~~accompanied the member, and whose driver's license expired while~~  
7 ~~the member was deployed outside the United States, shall remain~~  
8 ~~valid for ninety days after the service member's return to the~~  
9 ~~United States."]~~

10           SECTION 75. Section 302A-627, Hawaii Revised Statutes, is  
11 repealed.

12           ~~["§302A-627 Credit for military service.~~ Any teacher who  
13 ~~served on active duty with the armed forces of the United States~~  
14 ~~shall be given credit by the department for the teacher's~~  
15 ~~military service in the determination of the teacher's salary,~~  
16 ~~the teacher's eligibility for leaves of absence, and for all~~  
17 ~~other purposes of seniority.~~ Both reentering and entering  
18 ~~teachers shall have each year of their military service or six~~  
19 ~~months thereof credited as a year of teaching experience;~~  
20 ~~provided that no more than four years of credit for military~~



1 ~~service shall be allowed. Evidence of military service shall be~~  
2 ~~by certificate."]~~

3 SECTION 76. Section 431:2-201.8, Hawaii Revised Statutes,  
4 is repealed.

5 ~~["~~§431:2-201.8~~ Sales to members of the armed forces.~~  
6 ~~Pursuant to the Military Personnel Financial Services Protection~~  
7 ~~Act, Pub. L. No. 109-290, the commissioner shall have the~~  
8 ~~authority to adopt rules to protect service members of the~~  
9 ~~United States armed forces from dishonest and predatory life~~  
10 ~~insurance sales practices by declaring certain life insurance~~  
11 ~~practices, identified in the rules, to be false, misleading,~~  
12 ~~deceptive, or unfair."]~~

13 SECTION 77. Section 436B-14.5, Hawaii Revised Statutes, is  
14 repealed.

15 ~~["~~§436B-14.5~~ Extension of licenses for members of the~~  
16 ~~armed forces, National Guard, and reserves. (a)~~  
17 ~~Notwithstanding any other law to the contrary, any license held~~  
18 ~~by a member of the armed forces, National Guard, or a reserve~~  
19 ~~component that expires, is forfeited, or deemed delinquent while~~  
20 ~~the member is on active duty and deployed during a state or~~



1 ~~national crisis shall be restored under the restoration~~  
2 ~~requirements provided in this section.~~

3 ~~For the purposes of this section, "state or national~~  
4 ~~crisis" includes but is not limited to:~~

5 ~~(1) A situation requiring the proper defense of nation or~~  
6 ~~State;~~

7 ~~(2) A federal or state disaster or emergency;~~

8 ~~(3) A terrorist threat; or~~

9 ~~(4) A homeland security or homeland defense event or~~  
10 ~~action.~~

11 ~~(b) The licensing authority shall restore a license upon~~  
12 ~~the payment of the current renewal fee if the member:~~

13 ~~(1) Requests a restoration of the license within one~~  
14 ~~hundred twenty days after being discharged or released~~  
15 ~~from active duty deployment;~~

16 ~~(2) Provides the licensing authority with a copy of the~~  
17 ~~member's order calling the member to active duty~~  
18 ~~deployment and the member's discharge or release~~  
19 ~~orders; and~~



1       ~~(3) If required for renewal, provides documentation to~~  
2           ~~establish the financial integrity of the licensee or~~  
3           ~~to satisfy a federal requirement.~~

4       ~~(c) This section:~~

5       ~~(1) Shall not apply to a member who is on scheduled annual~~  
6           ~~or specialized training, or to any person whose~~  
7           ~~license is suspended or revoked, or who otherwise has~~  
8           ~~been adjudicated and is subject to disciplinary action~~  
9           ~~on a license; and~~

10       ~~(2) Shall also apply to a member whose license is current,~~  
11           ~~but will expire within one hundred twenty days of the~~  
12           ~~member's discharge or release from active duty~~  
13           ~~deployment."}]~~

14       SECTION 78. Section 436B-14.6, Hawaii Revised Statutes, is  
15       repealed.

16       ~~["~~§436B-14.6~~ Licensure by endorsement or licensure by~~  
17       ~~reciprocity; experience requirements.~~ (a) Unless otherwise  
18       ~~provided by law, an applicant for licensure by endorsement or~~  
19       ~~licensure by reciprocity who is a nonresident military spouse~~  
20       ~~may demonstrate competency in a specific profession or vocation~~  
21       ~~as determined by the licensing authority in lieu of a~~



1 ~~requirement that the applicant has worked or practiced in that~~  
2 ~~profession or vocation for a specified period of time prior to~~  
3 ~~the application for licensure by endorsement or licensure by~~  
4 ~~reciprocity.~~

5 ~~(b) The licensing authority shall expedite consideration~~  
6 ~~of the application and issuance of a license by endorsement or~~  
7 ~~license by reciprocity to a nonresident military spouse who~~  
8 ~~meets the requirements of this section." ]~~

9 SECTION 79. Section 436B-14.7, Hawaii Revised Statutes, is  
10 repealed.

11 ~~[ "§436B-14.7 Licensure by endorsement or licensure by~~  
12 ~~reciprocity; initial acceptance by affidavit; temporary license;~~  
13 ~~military spouse. (a) Notwithstanding any other law to the~~  
14 ~~contrary, a person who is married to an active duty member of~~  
15 ~~the armed forces of the United States shall be approved for~~  
16 ~~temporary licensure if the person:~~

17 ~~(1) Is accompanying the member on an official permanent~~  
18 ~~change of station to a military installation located~~  
19 ~~in this State;~~

20 ~~(2) Either holds a license in another jurisdiction of the~~  
21 ~~United States:~~



- 1           ~~(A) As an acupuncturist, behavior analyst, dentist,~~  
2           ~~dispensing optician, hearing aid dealer and~~  
3           ~~fitter, marriage and family therapist, mental~~  
4           ~~health counselor, certified nurse aide, licensed~~  
5           ~~practical nurse, registered nurse, nursing home~~  
6           ~~administrator, occupational therapist,~~  
7           ~~optometrist, pharmacist, naturopathic physician,~~  
8           ~~osteopathic physician, physician, physician~~  
9           ~~assistant, podiatrist, psychologist, respiratory~~  
10           ~~therapist, social worker, speech pathologist,~~  
11           ~~audiologist, or veterinary technician; or~~  
12           ~~(B) Is in a profession or vocation not included in~~  
13           ~~subparagraph (A) for which the licensing~~  
14           ~~authority of this State has determined that the~~  
15           ~~licensure requirements of the other jurisdiction~~  
16           ~~are equivalent to or exceed those of this State;~~  
17           ~~(3) Has been licensed or certified by another jurisdiction~~  
18           ~~of the United States for at least one year, and the~~  
19           ~~license or certification is current, active, and in~~  
20           ~~good standing without conditions or restrictions in~~



- 1           ~~all jurisdictions in which the person holds a license~~  
2           ~~or certification;~~
- 3           ~~(4) Has met minimum education requirements and applicable~~  
4           ~~work experience and clinical supervision requirements~~  
5           ~~when licensed or certified by another jurisdiction,~~  
6           ~~and the other jurisdiction verifies that the person~~  
7           ~~met those requirements to become licensed or certified~~  
8           ~~in that jurisdiction;~~
- 9           ~~(5) Has passed the examination requirements for the~~  
10           ~~license or certification, if required by the licensing~~  
11           ~~authority of this State or another jurisdiction;~~
- 12           ~~(6) Has not had a license or certificate limited,~~  
13           ~~suspended, or revoked and has not voluntarily~~  
14           ~~surrendered a license or certificate in another~~  
15           ~~jurisdiction while under investigation for licensing~~  
16           ~~violations;~~
- 17           ~~(7) Has not had an application for licensure denied, been~~  
18           ~~censured, or had discipline imposed by another~~  
19           ~~licensing authority; provided that if another~~  
20           ~~jurisdiction has taken disciplinary action against the~~  
21           ~~person, the licensing authority of this State shall~~



1 ~~determine if all terms and conditions of the~~  
2 ~~discipline, if any, are satisfied and the matter~~  
3 ~~resolved; provided further that if the terms and~~  
4 ~~conditions of discipline have not been satisfied in~~  
5 ~~that jurisdiction, the licensing authority may deny or~~  
6 ~~refuse to issue a license applied for under this~~  
7 ~~section until the terms and conditions of discipline~~  
8 ~~are satisfied;~~

9 ~~(8) Has not surrendered membership on any professional~~  
10 ~~staff in any professional association, society, or~~  
11 ~~faculty while under investigation or to avoid adverse~~  
12 ~~action for acts or conduct that would constitute~~  
13 ~~grounds for disciplinary action in this State;~~

14 ~~(9) Pays all applicable fees;~~

15 ~~(10) Does not have a disqualifying criminal history as~~  
16 ~~determined by the licensing authority; and~~

17 ~~(11) Submits with the application a signed affidavit~~  
18 ~~stating that the application information, including~~  
19 ~~evidence of requisite education, exam, and experience;~~  
20 ~~prior employment; and criminal history record check,~~  
21 ~~is true and accurate; provided that, upon receiving~~



1           ~~the affidavit, if the licensing authority issues the~~  
2           ~~license to the person, the licensing authority may~~  
3           ~~revoke the license at any time if the information~~  
4           ~~provided in the application is found to be false or if~~  
5           ~~the person fails to maintain the conditions of initial~~  
6           ~~licensure.~~

7           ~~(b) A person who is licensed pursuant to this section~~  
8           ~~shall be subject to the laws regulating the person's practice in~~  
9           ~~this State and shall be subject to the jurisdiction of the~~  
10           ~~licensing authority of this State.~~

11           ~~(c) The licensing authority shall issue to the person a~~  
12           ~~temporary license to allow the person to perform specified~~  
13           ~~services, under the supervision of a professional licensed by~~  
14           ~~this State if appropriate, while completing any requirements~~  
15           ~~necessary for licensure in this State; provided that a temporary~~  
16           ~~license shall only be issued in those professions where~~  
17           ~~credentials, experience, or passage of a national exam is~~  
18           ~~substantially equivalent to or exceed those established by the~~  
19           ~~licensing authority of this State.~~

20           ~~(d) The licensing authority shall expedite consideration~~  
21           ~~of the application and issuance of a license by endorsement,~~



1 ~~license by reciprocity, or temporary license to a person who~~  
2 ~~meets the requirements of this section.~~

3 ~~(e) A license issued under subsection (a) shall be valid~~  
4 ~~for the same period of time as a license issued pursuant to the~~  
5 ~~requirements of title 25 for the particular profession; provided~~  
6 ~~that the total time period that the person holds a license~~  
7 ~~issued under subsection (a) shall not exceed five years in the~~  
8 ~~aggregate or the period covered under the military member's~~  
9 ~~orders of assignment in the State." ]~~

10 SECTION 80. Section 476-26, Hawaii Revised Statutes, is  
11 repealed.

12 [~~§476-26 Removal; member of armed forces.~~

13 ~~Notwithstanding the provisions of section 476-25, a member of~~  
14 ~~the armed forces of the United States on active duty who is a~~  
15 ~~buyer of a motor vehicle under a contract, without the consent~~  
16 ~~of the seller, may remove the motor vehicle from the island in~~  
17 ~~which the motor vehicle was first kept for use by the buyer~~  
18 ~~after sale if the buyer was a member of the armed forces of the~~  
19 ~~United States on active duty at the time of execution of the~~  
20 ~~contract and if such buyer has been reassigned to a different~~  
21 ~~county, state, or country by competent government orders, unless~~



1 ~~the seller and buyer execute an agreement, separate and apart~~  
2 ~~from the contract in respect of which it applies, stating that~~  
3 ~~the motor vehicle may not be removed or stating the terms and~~  
4 ~~conditions under which it may be removed. Notwithstanding the~~  
5 ~~provisions of section 286-57, a member of the armed forces of~~  
6 ~~the United States under contract with an out-of-state dealer or~~  
7 ~~financial institution identified as the lien holder of record on~~  
8 ~~a vehicle registration or vehicle title may remove said vehicle~~  
9 ~~from the State without the consent of the seller." ]~~

10 SECTION 81. Section 481B-16, Hawaii Revised Statutes, is  
11 repealed.

12 ~~[ "~~§481B-16~~ Protection of military; lending practices.~~

13 ~~(a) The director of commerce and consumer affairs may enforce~~  
14 ~~title 10 United States Code section 987, (section 670 of the~~  
15 ~~John Warner National Defense Authorization Act for Fiscal Year~~  
16 ~~2007, Public Law No. 109-364), and federal regulations~~  
17 ~~promulgated thereunder, including but not limited to title 32~~  
18 ~~Code of Federal Regulations part 232.~~

19 ~~(b) The director of commerce and consumer affairs may~~  
20 ~~enter into an agreement with the United States Federal Trade~~  
21 ~~Commission to allow the director to access the Military Sentinel~~



1 ~~Network maintained by the Federal Trade Commission for the~~  
2 ~~purpose of enforcing subsection (a)."]~~

3 SECTION 82. Section 486N-7.5, Hawaii Revised Statutes, is  
4 repealed.

5 ~~["~~§486N-7.5~~ **Military personnel; federal active duty**~~  
6 ~~**deployment outside State; cancellation or suspension of**~~  
7 ~~**contract.** (a) In addition to cancellation of a health club~~  
8 ~~contract under sections 486N-6 and 486N-7, a health club~~  
9 ~~contract of a member of the United States military, including a~~  
10 ~~member of the Hawaii National Guard, United States military~~  
11 ~~reserves, or regular United States armed forces who is serving~~  
12 ~~on federal active duty or active duty in federal service and~~  
13 ~~deployed or otherwise serving outside of this State during the~~  
14 ~~term of the contract, may be canceled or suspended; provided~~  
15 ~~that the request for cancellation or suspension:~~

16 ~~(1) Is made by the member or the member's legally~~  
17 ~~designated representative;~~

18 ~~(2) Includes a copy of the member's official military~~  
19 ~~orders or a written verification from the member's~~  
20 ~~commanding officer; and~~



1       ~~(3) Is made within ninety days after the member receives~~  
2           ~~notice of serving on federal active duty or active~~  
3           ~~duty in federal service and deployment or service~~  
4           ~~outside of this State.~~

5       ~~(b) If a contract is suspended under this section, the~~  
6       ~~health club shall not charge any fees to reinstate the contract~~  
7       ~~and shall maintain the original payment obligations set forth in~~  
8       ~~the contract. A contract that is suspended pursuant to this~~  
9       ~~section shall be subject to cancellation two years from the date~~  
10       ~~of suspension if the buyer fails to reinstate the contract.~~

11       ~~(c) If a contract is canceled under this section, the~~  
12       ~~health club may retain the portion of the total contract price~~  
13       ~~representing the services used plus reimbursement for the~~  
14       ~~expenses incurred in an amount not to exceed twenty five per~~  
15       ~~cent of the total contract price." ]~~

16       SECTION 83. Section 521-83, Hawaii Revised Statutes, is  
17       repealed.

18       ~~["§521-83] **Early termination of tenancy; servicemember**~~

19       ~~**tenants.** (a) A servicemember tenant may terminate a rental~~  
20       ~~agreement of a term of one year or less without penalty or fees~~  
21       ~~for early termination or liability for future rent if the~~



1 ~~servicemember tenant receives military orders requiring the~~  
2 ~~servicemember tenant to vacate civilian housing and move into~~  
3 ~~on-post government quarters; provided that:~~

4 ~~(1) Failure to move into on-post government quarters will~~  
5 ~~result in a forfeiture of the servicemember tenant's~~  
6 ~~basic allowance for housing;~~

7 ~~(2) The servicemember tenant requests permission from~~  
8 ~~their commanding officer to maintain their housing~~  
9 ~~allowance and their request is denied; and~~

10 ~~(3) The servicemember tenant submits at least thirty days~~  
11 ~~written notice to the landlord.~~

12 ~~(b) When the tenancy is from month to month, a~~  
13 ~~servicemember tenant may terminate a rental agreement without~~  
14 ~~penalty or fees for early termination or liability for future~~  
15 ~~rent if the servicemember tenant receives military orders~~  
16 ~~requiring the servicemember tenant to vacate civilian housing~~  
17 ~~and move into on-post government quarters; provided that failure~~  
18 ~~to move into on-post government quarters will result in a~~  
19 ~~forfeiture of the servicemember tenant's basic allowance for~~  
20 ~~housing; provided further that the servicemember tenant submits~~  
21 ~~at least fifteen days written notice to the landlord.~~



1       ~~(c) The written notice required under subsection (a) or~~  
2 ~~(b) shall be accompanied by the following documents:~~

3       ~~(1) Either:~~

4           ~~(A) A copy of official military orders; or~~

5           ~~(B) A written verification signed by the~~  
6                 ~~servicemember tenant's commanding officer; and~~

7       ~~(2) Written proof from the servicemember tenant's~~  
8           ~~commanding officer that the servicemember tenant's~~  
9           ~~request to maintain their housing allowance was~~  
10          ~~denied.~~

11       ~~(d) In the event a servicemember tenant dies during active~~  
12 ~~duty, an adult member of the servicemember tenant's family may~~  
13 ~~terminate a rental agreement of a term of one year or less, or a~~  
14 ~~rental agreement with a month to month tenancy, without penalty~~  
15 ~~or fees for early termination or liability for future rent if~~  
16 ~~the family member provides at least fifteen days written notice~~  
17 ~~to the landlord. The notice shall be accompanied by a copy of~~  
18 ~~the servicemember tenant's death certificate and:~~

19       ~~(1) A copy of official military orders showing the~~  
20           ~~servicemember tenant was on active duty; or~~



1       ~~(2) A written verification signed by the servicemember~~  
2           ~~tenant's commanding officer.~~

3       ~~(e) If the servicemember tenant is solely liable on the~~  
4 ~~rental agreement, the rental agreement shall terminate on the~~  
5 ~~early termination date described in subsection (a), (b), or (d),~~  
6 ~~and the servicemember tenant or servicemember tenant's estate or~~  
7 ~~family member, as applicable, shall be liable for rent owed~~  
8 ~~through the early termination date plus any previous obligations~~  
9 ~~outstanding as of that date. The amount due from the~~  
10 ~~servicemember tenant shall be paid to the landlord on or before~~  
11 ~~the early termination date.~~

12       ~~(f) If there are multiple tenants who are parties to the~~  
13 ~~rental agreement, the release of one or more servicemember~~  
14 ~~tenants under this section shall not terminate the rental~~  
15 ~~agreement with respect to the other non-terminating tenants;~~  
16 ~~provided that the other non-terminating tenants demonstrate an~~  
17 ~~ability to pay the rent under the rental agreement, as~~  
18 ~~determined by the landlord. If the other non-terminating~~  
19 ~~tenants fail to demonstrate an ability to pay the rent, the~~  
20 ~~landlord may terminate the rental agreement by giving notice of~~  
21 ~~early termination to the other non-terminating tenants at least~~



1 ~~thirty days before the early termination date specified in the~~  
2 ~~notice; provided that the landlord shall not assess any penalty~~  
3 ~~or fees for the early termination. The amount due from the~~  
4 ~~other non-terminating tenants shall be paid to the landlord on~~  
5 ~~or before the early termination date.~~

6 ~~The landlord shall not be required to refund security~~  
7 ~~deposits under section 521-44 or prepaid rent until:~~

8 ~~(1) The rental agreement terminates with respect to all~~  
9 ~~tenants and the dwelling unit is surrendered to the~~  
10 ~~landlord; or~~

11 ~~(2) Early termination is effected pursuant to this~~  
12 ~~section, in which case each terminating tenant shall~~  
13 ~~receive a prorated share of any security deposit or~~  
14 ~~prepaid rent from the landlord upon termination of the~~  
15 ~~rental agreement; provided that the percentage of any~~  
16 ~~security deposit to be returned shall be determined by~~  
17 ~~the parties in writing; provided further that if there~~  
18 ~~is no determination made by the parties regarding the~~  
19 ~~percentage share of the security deposit, the landlord~~  
20 ~~shall be permitted to refund the security deposit in~~  
21 ~~equal shares to each tenant on the rental agreement.~~



1       ~~(g) If a servicemember tenant or an adult member of the~~  
2 ~~servicemember tenant's family submits notice of early~~  
3 ~~termination in compliance with this section, the landlord shall:~~

4       ~~(1) Return a prorated share of all security deposits~~  
5 ~~recoverable by the terminating servicemember tenant or~~  
6 ~~the terminating servicemember tenant's family member~~  
7 ~~under section 521-44 and prepaid rent recoverable by~~  
8 ~~the terminating servicemember tenant or the~~  
9 ~~terminating servicemember tenant's family member~~  
10 ~~following the servicemember tenant's or family~~  
11 ~~member's surrender of the dwelling unit, except as~~  
12 ~~otherwise provided in subsection (f); provided that~~  
13 ~~the landlord may withhold a prorated amount of the~~  
14 ~~security deposit for payment of damages that the~~  
15 ~~landlord has suffered by reason of the terminating~~  
16 ~~servicemember tenant's noncompliance with section 521-~~  
17 ~~51; and~~

18       ~~(2) Not assess any fee or penalty against the terminating~~  
19 ~~servicemember tenant or the terminating servicemember~~  
20 ~~tenant's family member for exercising any right~~  
21 ~~granted under this section.~~



1       ~~(h) This section shall not affect a servicemember tenant's~~  
2 ~~liability for delinquent, unpaid rent, or other amounts owed to~~  
3 ~~the landlord before the rental agreement was terminated by the~~  
4 ~~servicemember tenant or servicemember tenant's family member~~  
5 ~~under this section.~~

6       ~~(i) Nothing in this section shall be construed to infringe~~  
7 ~~upon or affect in any way the rights a servicemember tenant may~~  
8 ~~have under the federal Servicemembers Civil Relief Act, P.L.~~  
9 ~~108-189, or chapter 657D.~~

10       ~~(j) This section shall not apply if the military orders~~  
11 ~~are a result of disciplinary action or court order.~~

12       ~~(k) For the purposes of this section, "servicemember~~  
13 ~~tenant" means an active duty member of the regular or reserve~~  
14 ~~component of the United States armed forces, the United States~~  
15 ~~Coast Guard, or the Hawaii national guard, who is on ordered~~  
16 ~~federal duty for a period of ninety days or more and who is a~~  
17 ~~party to a rental agreement under this chapter." ]~~

18       SECTION 84. Section 605-13, Hawaii Revised Statutes, is  
19 repealed.

20       ~~[ "§605-13 District courts, cases involving military~~  
21 ~~vehicles. Any legal officer of the United States military~~



1 ~~forces, to the extent that the officer is authorized or required~~  
 2 ~~by the officer's respective branch of service, may without~~  
 3 ~~license represent military personnel in the district courts in~~  
 4 ~~any case which arises out of the driving of a military~~  
 5 ~~vehicle." ]~~

6 SECTION 85. Section 702-232, Hawaii Revised Statutes, is  
 7 repealed.

8 [~~"§702-232 Military orders. It is an affirmative defense~~  
 9 ~~to a penal charge that the defendant, in engaging in the conduct~~  
 10 ~~or causing the result alleged, which the defendant did not know~~  
 11 ~~to be unlawful, did no more than execute an order of the~~  
 12 ~~defendant's superior in the armed services." ]~~

13 PART IV

14 SECTION 86. In the event that the government of the United  
 15 States or any agency or entity of the United States government  
 16 commences condemnation proceedings of any land or interest in  
 17 land owned or held by the State, the governor shall issue a  
 18 written public notice announcing the commencement of the  
 19 condemnation proceedings, and the provisions of the Hawaii  
 20 Revised Statutes identified in part II and part III of this Act  
 21 shall be amended or repealed, as applicable, as of the date of



1 the commencement of condemnation proceedings announced by the  
2 governor.

3 SECTION 87. This Act does not affect rights and duties  
4 that matured, penalties that were incurred, and proceedings that  
5 were begun before its effective date.

6 SECTION 88. If any provision of this Act, or the  
7 application thereof to any person or circumstance, is held  
8 invalid, the invalidity does not affect other provisions or  
9 applications of the Act that can be given effect without the  
10 invalid provision or application, and to this end the provisions  
11 of this Act are severable.

12 SECTION 89. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

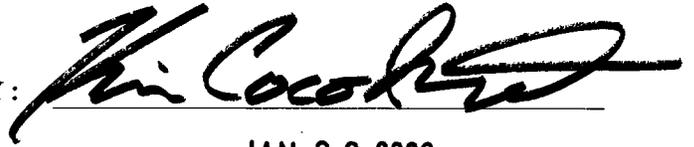
14 SECTION 90. This Act shall take effect upon its approval;  
15 provided that part II and part III of this Act shall not take  
16 effect until the date of the commencement of condemnation  
17 proceedings announced by the governor pursuant to section 86 of  
18 this Act.



# H.B. NO. 2527

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Phil Cook", written over a horizontal line.

JAN 28 2026



# H.B. NO. 2527

**Report Title:**

Military Benefits, Entitlements, or Privileges; Hawaii Revised Statutes; Repeal

**Description:**

Repeals portions of the Hawaii Revised Statutes that confer special benefits, protections, privileges, or entitlements to members of the United States armed forces in the State in the event that the United States government or any agency or entity of the United States government commences condemnation proceedings of any land or interest in land owned or held by the State.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

