

ACT 182

H.B. NO. 2118-78

A Bill for an Act Relating to Soliciting, Peddling, and Disorderly Conduct.

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

SECTION 1. Section 711-1101, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of disorderly conduct if, with intent to cause physical inconvenience or alarm by a member or members of the public, or recklessly creating a risk thereof, he:

- (a) Engages in fighting or threatening, or in violent or tumultuous behavior; or
- (b) Makes unreasonable noise; or
- (c) Makes any offensively coarse utterance, gesture, or display, or addresses abusive language to any person present, which is likely to provoke a violent response; or
- (d) Creates a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit; or
- (e) Impedes or obstructs, for the purpose of begging or soliciting alms, any person in any public place or in any place open to the public.”

SECTION 2. Section 445-141, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 445-141 Fees; exceptions.** Except as otherwise provided, the fee for license to peddle merchandise shall be as follows:

The fee for an annual license shall be \$25 and the fee for a monthly license or for a period less than one month shall be \$5. No license shall be required of persons peddling fish, fresh fruit, leis, flowers, or vegetables, nor of any person who has reached the age of sixty years.

A license to peddle merchandise authorizes the holder thereof to peddle only in the county which is named in the license.

Each council shall enact ordinances not inconsistent with any law regulating the conduct of the business of all persons licensed under this section, prohibiting the impeding or obstructing, with the intent to physically inconvenience the general public or any member thereof in any public place or in any place open to the public."

SECTION 3. Section 467B-9 is amended to read as follows:

"Sec. 467B-9 Prohibited acts. (a) No person shall for the purpose of soliciting contributions from persons in the State use the name of any other person except that of an officer, director or trustee of the charitable organization by or for which contributions are solicited, without the written consent of the other persons.

(b) A person shall be deemed to have used the name of another person for the purpose of soliciting contributions if the latter person's name is listed on any stationery, advertisement, brochure or correspondence in or by which a contribution is solicited by or on behalf of a charitable organization or his name is listed or referred to in connection with a request for a contribution as one who has contributed to, sponsored or endorsed the charitable organization or its activities.

(c) No charitable organization or professional fund raiser soliciting contributions shall use a name, symbol, or statement so closely related or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public.

(d) No person shall, in connection with the solicitation of contributions for or the sale of goods or services of a person other than a charitable organization, misrepresent or mislead anyone by any manner, means, practice or device whatsoever, to believe that the person on whose behalf the solicitation or sale is being conducted is a charitable organization or that the proceeds of the solicitation or sale will be used for charitable purposes, if that is not the fact.

(e) No professional solicitor shall solicit in the name of or on behalf of any charitable organization unless the solicitor

(1) has written authorization of two officers of such organization, a copy of which shall be filed with the director; the written authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, which shall not exceed one year from the date of issuance; and

(2) has the authorization with him when making solicitations and exhibits the same on request to persons solicited or police officers or agents of the department.

(f) No charitable organization, professional fund-raising counsel or professional solicitor subject to this chapter, shall use or exploit the fact of registration so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the State of the purposes or goals for the solicitation by the organization; provided that the use of the following statement shall not be deemed a prohibited exploitation: "Registered with the State of Hawaii department of regulatory agencies as required by law. Registration does not imply endorsement of a public solicitation for contributions."

(g) No person shall, in soliciting contributions or the sale of goods for a

charitable organization or other entity governed by this chapter, impede or obstruct, with the intent to physically inconvenience the general public or any member thereof in any public place or in any place open to the public.”

SECTION 4. Statutory material to be repealed in bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

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

(Approved June 2, 1978.)

*Edited accordingly: