

ACT 24

NO. 2052-86

A Bill for an Act Relating to the Board of Registration of Professional Engineers, Architects, Surveyors, and Landscape Architects.

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

SECTION 1. Chapter 464, Hawaii Revised Statutes, is amended by adding new sections to be appropriately designated and to read as follows:

~~“§464-~~ Remedies or penalties cumulative. Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to

each other and to the remedies or penalties available under all other laws of this State.

§464- Appeal to circuit court. An applicant who has been refused a license and every licensee whose license has been suspended, revoked, or not renewed may appeal the board's decision to the circuit court of the circuit in which the applicant or licensee resides in the manner provided in chapter 91."

SECTION 2. Section 464-10, Hawaii Revised Statutes, is amended to read as follows:

"§464-10 Suspension or revocation of certificates; fines; hearings. The board may revoke or suspend the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining the certificate or of gross negligence, incompetency, or misconduct in the practice of [his] the profession or who is convicted of violating this chapter or the rules [or regulations] of the board. Any person may prefer charges in writing with the executive secretary of the board against any person holding a certificate.

In every case where it is proposed to revoke or suspend the certificate of registration, the board shall give the person concerned notice and hearing in conformity with chapter 91. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen days before the hearing.

In all proceedings before it, the board and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses, as are possessed by circuit courts. In case of disobedience by any person of any order of the board, or of any member thereof, or of any subpoena issued by it, or by a member, or the refusal of any witness to testify to any matter regarding which [he] the person may be questioned lawfully, any circuit judge, on application by the board, or a member thereof, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

Any person who violates this chapter or the rules adopted pursuant thereto shall be fined not less than \$500 nor more than \$1,000 per violation and each day of violation or failure to comply shall constitute a separate offense."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved April 14, 1986.)

Note

1. Edited pursuant to HRS §23G-16.5.