

ACT 166

S.B. NO. 2117

A Bill for an Act Relating to the Sunset Law.

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

SECTION 1. The legislature finds that the current seven year schedule of sunset review has become overburdensome due to the increasing number of professions to be reviewed each year. In the interests of obtaining accurate and thorough reviews for all the professions, the legislature finds a need to adjust the review cycle.

The purposes of this Act are to add chapter 468 (Solicitors; Business of Taking Orders) to the sunset review schedule and to reorganize and redistribute the laws and agencies subject to review over a period of ten years.

SECTION 2. Chapter 26H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§26H- Impact of inclusion. The inclusion of any regulatory program into the provisions of this chapter shall not be held to confer any regulatory authority or jurisdiction on any department which does not otherwise have jurisdiction. In particular, the department of commerce and consumer affairs shall not be conferred any authority or jurisdiction not directly conferred by assignment of a regulatory measure to that department.”

SECTION 3. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (n) to read as follows:

“(n) Every person licensed under any chapter subject to section 26H-4, other than chapter 468, and every person licensed subject to chapter 485 shall pay upon issuance of a license, permit, certificate, or registration a fee of \$10 and a subsequent annual fee of \$10, which may be collected biennially or pursuant to

rules adopted under chapter 91 and which shall be deposited into the special fund established under this subsection. Every filing pursuant to chapter 514E or section 485-6(15) shall be assessed, upon initial filing and at each renewal period, where a renewal is required, a fee which shall be prescribed by rules adopted under chapter 91 and which shall be deposited into the special fund established under this subsection. Any unpaid fee shall accrue and shall be paid by the licensed person, upon application for renewal of a license, and by the person responsible for the renewal of any filing, upon the application for renewal of the filing. If the accrued fees are not paid, the director may deny renewal of the license or filing. The director may increase or decrease the fees when necessary pursuant to rules adopted under chapter 91.

There is created in the state treasury a special fund to be expended by the director's designated representative for compliance resolution as provided by this subsection. Notwithstanding any law to the contrary, the moneys in the fund shall consist of annual fees collected under this subsection and section 514A-95 and penalties or fines assessed as a result of action brought by the personnel hired under this subsection. The director may use the moneys in the fund to employ, without regard to chapters 76 and 77, hearings officers, investigators, attorneys, accountants, and other necessary personnel. The moneys in the fund may be used to train such personnel as the director finds necessary and for any other activity related to compliance resolution.

As used in this subsection, unless otherwise required by the context, "compliance resolution" means a determination of whether:

- (1) Any licensee or applicant under any chapter subject to section 26H-4, other than chapter 468, has complied with that chapter;
- (2) Any person subject to chapter 485 has complied with that chapter; or
- (3) Any person submitting any filing required by chapter 514E or section 485-6(15) has complied with chapter 514E or section 485-6(15).

The director shall prepare and submit an annual report to the governor and the legislature on the use of the compliance resolution fund. This subsection shall be repealed effective July 1, 2001."

SECTION 4. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"§26H-4 Repeal dates. (a) The following chapter and sections are hereby repealed effective December 31, 1990:

- (1) Chapter 466J (Board of Radiologic Technology)
 - (2) Sections 321-13 to 321-15 (midwives, laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, and sanitarians)
- (b) The following chapters are hereby repealed effective December 31,

1991:

- [(1) Chapter 447 (Dental Hygienists)
- (2) Chapter 453 (Board of Medical Examiners)
- (3) Chapter 457 (Board of Nursing)
- (4)] (1) Chapter 458 (Board of Dispensing Opticians)
- [(5)] (2) Chapter 460J (Pest Control Board)
- [(6)] (3) Chapter 462A (Pilotage)
- [(7) Chapter 438 (Board of Barbers)
- (8)] (4) Chapter 468K (Travel Agencies)

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(c) The following chapters and sections are hereby repealed effective December 31, 1992:

- (1) Chapter 448H (Elevator Mechanics Licensing Board)
 - (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
 - (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
 - (4) Chapter 460 (Board of Osteopathic Examiners)
 - (5) Chapter 461 (Board of Pharmacy)
 - (6) Chapter 461J (Board of Physical Therapy)
 - (7) Chapter 463E (Podiatry)
 - (8) (1) Chapter 467D (Social Workers)
 - (2) Chapter 446 (Debt Adjusters)
 - (3) Sections 445-21 to 38 (Auctions)
 - (4) Sections 445-131 to 136 (Pawnbrokers)
 - (5) Sections 445-171 to 172 (Secondhand Dealers)
 - (6) Sections 445-231 to 235 (Scrap Dealers)
- (d) The following chapters are hereby repealed effective December 31,

1993:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 440 (Boxing Commission)
- (4) Chapter 446 (Debt Adjusters)
- (5) Chapter 436E (Board of Acupuncture)]
- (1) Chapter 461J (Board of Physical Therapy)
- (2) Chapter 463E (Podiatry)
- (3) Chapter 460 (Board of Osteopathic Examiners)
- (4) Chapter 453 (Board of Medical Examiners)
- (5) Chapter 452 (Board of Massage)

(e) The following sections are hereby repealed effective December 31,

1993:

- (1) Sections 445-21 to 38 (Auctions)
- (2) Sections 445-131 to 136 (Pawnbrokers)
- (3) Sections 445-171 to 172 (Secondhand Dealers)
- (4) Sections 445-231 to 235 (Scrap Dealers)

(f) (e) The following chapters are hereby repealed effective December 31,

1994:

- (1) Chapter 441 (Cemetery and Funeral Trusts)
- (2) Chapter 443B (Collection Agencies)
- (3) Chapter 452 (Board of Massage)
- (4) Chapter 455 (Board of Examiners in Naturopathy)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 442 (Board of Chiropractic Examiners)
- (7) Chapter 373 (Commercial Employment Agencies)
- (8) Chapter 448 (Board of Dental Examiners)
- (9) Chapter 465 (Board of Psychology)
- (10) Chapter 468E (Speech Pathology and Audiology)]
- (1) Chapter 457 (Board of Nursing)
- (2) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (3) Chapter 461 (Board of Pharmacy)
- (4) Chapter (Nurse Aides)
- (5) Chapter 447 (Dental Hygienists)

31, 1995: [(g)] (f) The following chapters are hereby repealed effective December

- (1) Chapter 439 (Board of Cosmetology)
- (2) Chapter 444 (Contractors License Board)
- (3) Chapter 448E (Board of Electricians and Plumbers)
- (4) Chapter 454 (Mortgage Brokers and Solicitors)
- (5) Chapter 454D (Real Estate Collection Servicing Agents)
- (6) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
- (7) Chapter 466 (Board of Public Accountancy)
- (8) Chapter 467 (Real Estate Commission)]
- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 448H (Elevator Mechanics Licensing Board)
- (4) Chapter 440 (Boxing Commission)
- (5) Chapter 451A (Board of Hearing Aid Dealers and Fitters)

1996: (g) The following chapters are hereby repealed effective December 31,

- (1) Sections 321-13 to 321-15 (laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, and sanitarians)
 - (2) Chapter 321, Part , (Tattoo Artists)
 - (3) Chapter 321, Part , (Midwives)
 - (4) Chapter 466J (Board of Radiologic Technology)
- (h) The following chapters are hereby repealed effective December 31,

1997:

- (1) Chapter 463 (Board of Private Detectives and Guards)
 - (2) Chapter 471 (Board of Veterinary Examiners).]
 - (1) Chapter 448 (Board of Dental Examiners)
 - (2) Chapter 438 (Board of Barbers)
 - (3) Chapter 459 (Board of Examiners in Optometry)
 - (4) Chapter 471 (Board of Veterinary Examiners)
 - (5) Chapter 455 (Board of Examiners in Naturopathy)
- (i) The following chapters are hereby repealed effective December 31,

1998:

- (1) Chapter 463 (Board of Private Detectives and Guards)
 - (2) Chapter 441 (Cemetery and Funeral Trusts)
 - (3) Chapter 373 (Commercial Employment Agencies)
 - (4) Chapter 443B (Collection Agencies)
 - (5) Chapter 468 (Solicitors; Business of Taking Orders)
- (j) The following chapters are hereby repealed effective December 31,

1999:

- (1) Chapter 436E (Board of Acupuncture)
 - (2) Chapter 442 (Board of Chiropractic Examiners)
 - (3) Chapter 468E (Speech Pathology and Audiology)
 - (4) Chapter 465 (Board of Psychology)
 - (5) Chapter 444 (Contractors License Board)
 - (6) Chapter 448E (Board of Electricians and Plumbers)
 - (7) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
- (k) The following chapters are hereby repealed effective December 31,

2000:

- (1) Chapter 439 (Board of Cosmetology)
- (2) Chapter (Electrologists)

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- (3) Chapter 466 (Board of Public Accountancy)
- (4) Chapter 467 (Real Estate Commission)
- (5) Chapter 454D (Real Estate Collection Servicing Agents)
- (6) Chapter 466K (Real Estate Appraisers)
- (7) Chapter 454 (Mortgage Brokers and Solicitors)”

SECTION 5. Section 2, Act 161, Session Laws of Hawaii 1988, is amended to read as follows:

“SECTION 2. The Board of Acupuncture shall develop academic standards for the use of academic designations in the practice of acupuncture. The standards shall include provisions that a Ph.D. for acupuncture shall not be awarded unless recognized by a regionally accredited review body. If a Ph.D. is awarded it will be to designate a non-practitioner of acupuncture as opposed to a doctor of acupuncture degree which would be for practitioners of acupuncture. These standards shall be adopted by the Board by July 1, 1991, after which such academic standards shall be reviewed by the Office of the Legislative Auditor who will report to the Legislature twenty days before the convening of the [1992] 1999 Regular Session.”

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

- 1. Edited pursuant to HRS §23G-16.5.