

ACT 237

S.B. NO. 2346

A Bill for an Act Relating to the Real Estate Commission.

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

SECTION 1. The legislature finds that since the enactment of section 467-25.5, Hawaii Revised Statutes, the real estate commission's administrative duties in the area of education have been expanded considerably. Specifically, the commission has drafted proposed rules to implement the continuing education program mandated by section 467-11.5. A provision of those rules requires the registration of continuing education providers and certification of instructors on a biennial basis. Presently, section 467-25.5 requires prelicense real estate schools and instructors to register on an annual basis. Another provision of the proposed rules establishes registration, renewal, and reinstatement provisions for continuing education providers. The legislature finds it is desirable to establish uniformity among the various provisions administering the commission's education programs.

Accordingly, it is the purpose of this Act to require registration of a prelicense real estate school and of an instructor on a biennial basis and to clarify the commission's rulemaking power with respect to registration, renewal, and reinstatement requirements for prelicense real estate schools and instructors.

SECTION 2. Section 467-25.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Schools. Any person may apply to the real estate commission for a certificate of registration as a real estate school upon the payment to the [commission] department of commerce and consumer affairs of an initial registration fee [for the first year of registration] and thereafter [an annual] a biennial registration fee. No school shall be granted a certificate of registration unless it maintains a sufficient number of registered instructors [and], requires a course of training of not less than that required by section 467-8[.], and meets other requirements as provided in rules adopted by the commission.”

2. By amending subsection (c) to read:

“(c) The fees, including a nonrefundable processing fee, for a certificate of registration and renewal thereof for schools and instructors shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.”

3. By amending subsection (d) to read:

“(d) Examination fee for instructors requesting to be [certificated] certified if and when required shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.”

4. By amending subsections (f) and (g) to read:

“(f) The commission shall adopt [such] rules [and regulations as it may deem] it deems proper to fully effectuate this section. The adoption of rules shall include, but not be limited to:

- (1) Requirements for registration as a real estate school and as an instructor;
- (2) Requirements for a certificate of registration renewal for a real estate school and an instructor; and
- (3) Reinstatement requirements for a forfeited certificate of registration for a real estate school and an instructor.

(g) The [annual] biennial renewal fee shall be paid to the [real estate commission] department of commerce and consumer affairs on or before [July 1 of each year.] December 31 of every even-numbered year. Failure, neglect, or refusal of a holder of any duly issued certificate of registration to pay the [annual] biennial renewal fee shall constitute a forfeiture of the certificate of registration. The certificate of registration may be [restored] reinstated upon written application therefor [and the], payment to the [commission] department of the sum specified in subsection (e) [of this section.], and satisfaction of other requirements for reinstatement of a certificate of registration as provided in rules adopted by the commission.”

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

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

(Approved June 25, 1990.)