

ACT 202

S.B. NO. 2922

A Bill for an Act Relating to Uniformity of Professional and Vocational Licensing Laws.

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

SECTION 1. Chapter 436B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§436B- Review of examinations. The department, in its discretion, may allow an applicant to review the most recent examination failed by the applicant, provided that under no circumstances shall the licensing authority or the department allow an examination to be copied.”

SECTION 2. Section 373-3, Hawaii Revised Statutes, is amended to read as follows:

“§373-3 Fees; biennial renewal; restoration. No applicant shall be examined under this chapter until the appropriate fees have been paid. [The director shall establish the amount for application, examination, license, restoration, and renewal fees by rules adopted pursuant to chapter 91. All fees shall be deposited with the director of finance to the credit of the general fund.]

Every person holding a license under this chapter shall register with the director and pay a biennial fee on or before June 30 of each even-numbered year. Failure to pay the biennial fee shall constitute a forfeiture of the license as of the date of expiration. Any license so forfeited may be restored within one year after the expiration upon filing of an application and payment of a restoration fee.”

SECTION 3. Section 373-14, Hawaii Revised Statutes, is amended to read as follows:

“§373-14 Revocation and cancellation. [Any license may be revoked or canceled for cause at any time by the director] In addition to any other actions authorized by law, after affording all interested parties reasonable opportunity for a fair hearing[. Cause], the director may revoke or cancel any license for cause. In addition to any other grounds for disciplinary action authorized by law, cause means violation of this chapter or rule [or regulation] of the director.”

SECTION 4. Section 373-14.3, Hawaii Revised Statutes, is amended to read as follows:

“[§373-14.3] Hearings. [In every case where it is proposed to refuse to grant a license or to revoke or suspend a license, the person concerned shall be given 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, the director or hearings officer duly appointed by the director shall have the same powers respecting administering oaths, compelling the attendance of witnesses, producing documentary evidence, and examining witnesses as are possessed by circuit courts. In case of disobedience by any person of any order or subpoena issued by the director or hearings officer, or the refusal of any witness to testify to any matter regarding which [such] ~~the~~ witness may be questioned lawfully, any circuit judge, on application by the director or hearings officer, 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.”

SECTION 5. Section 373-19, Hawaii Revised Statutes, is amended to read as follows:

“§373-19 [Rules.] Powers and duties. [The] In addition to any other powers and duties authorized by law, the director may [make,] adopt, amend, or repeal such rules as the director may deem proper to fully effectuate this chapter.”

SECTION 6. Section 436B-1, Hawaii Revised Statutes, is amended to read as follows:

“[§436B-1] Short title. This chapter shall be known as and may be cited as the [Uniform] Professional and Vocational Licensing Act.”

SECTION 7. Section 436B-2, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

“Reinstate” or “reinstatement” means the permission to engage in a profession or vocation granted by the applicable licensing authority to a person whose license has been previously suspended by the licensing authority.”

2. By amending the definition of “restore” or “restoration” to read:

“Restore” or “restoration” means the permission to engage in a profession or vocation granted by the applicable licensing authority to a person whose license has been previously forfeited [or suspended] by the licensing authority.”

SECTION 8. Section 436B-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The majority of the members to which the board is entitled shall constitute a quorum. The concurrence of a majority of the [quorum] members to which the board is entitled shall be necessary to make any action taken by the

board valid. Each board shall conduct its meetings in accordance with chapters 91 and 92."

SECTION 9. Section 436B-7, Hawaii Revised Statutes, is amended to read as follows:

"[**§436B-7**] **Powers and duties of licensing authority.** In addition to any other powers and duties authorized by law, each licensing authority may:

- (1) Adopt, amend, or repeal rules, issue declaratory rulings or informal non-binding interpretations, and conduct contested case proceedings pursuant to chapter 91;
- (2) Grant, deny, forfeit, renew, reinstate, or restore licenses, including the issuance of conditional licenses;
- (3) Revoke, suspend, or otherwise limit the license of any licensee for any violation of the provisions in this chapter, the licensing laws, or any rule or order of the licensing authority;
- (4) Develop requirements for licensure[;] through the applicable licensing law or rules;
- (5) Investigate and conduct hearings regarding any violation of this chapter, the licensing laws, and any rule or order of the licensing authority;
- (6) Monitor the scope of practice of the profession or vocation regulated by the licensing authority;
- (7) Prepare, administer, and grade examinations, provided that the licensing authority may contract with a testing agency to provide [such] those services, and the licensing authority may also reserve the right to modify, amend, change or regrade the examination;
- (8) Create fact-finding committees which may make recommendations to the licensing authority for its deliberations;
- (9) Contract with qualified persons, including investigators, who may be exempt from [the provisions of] chapters 76 and 77 and who shall assist the licensing authority in exercising its powers and duties; and
- (10) Subpoena witnesses[,], and documents, administer oaths, and receive affidavits and oral testimony, including telephonic communications, and do any and all things necessary or incidental to the exercise of the licensing authority's power and duties, including the authority to conduct contested case proceedings under chapter 91."

SECTION 10. Section 436B-8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) A licensing authority may delegate to the executive secretary, or other designee, any of its powers or duties as it deems reasonable and proper. The delegation of powers and duties by the licensing authority shall be made in accordance with the procedures set forth in section 436B-6(c). However, the licensing authority shall not delegate its discretionary functions resulting in a final decision, including but not limited to the following:

- (1) Adopting, amending, or repealing rules;
- (2) Ordering disciplinary action against a licensee, including the revocation, suspension, or imposition of conditions or fines; provided that summary suspensions may be delegated; and

- (3) Granting, denying, or otherwise conditioning license applications, unless the granting, denying, or conditioning of a license does not require the exercise of the licensing authority's expertise and discretion."

SECTION 11. Section 436B-9, Hawaii Revised Statutes, is amended to read as follows:

"[§436B-9] Action on applications. (a) Unless otherwise provided by law, each licensing authority shall take the following actions within one year after the filing of a complete application for licensure:

- (1) If it deems appropriate, conduct an investigation of the applicant; and
- (2) Notify the applicant in writing by mail of the decision regarding the application for licensure. If the application has been denied, written notice of the decision shall state specifically [state] the reason for denying the application and shall inform the applicant of the right to a hearing under chapter 91.

(b) An application may be considered to be abandoned if it is not completed and the required documents and other information are not submitted to the department within one year from the date first filed. The licensing authority shall not be required to act on any abandoned application, and the application may be returned or destroyed by the licensing authority or its delegate."

SECTION 12. Section 436B-10, Hawaii Revised Statutes, is amended to read as follows:

"[§436B-10] Application for licensure. Application for a license shall be made under oath on a form to be furnished by the licensing authority. The form may require the applicant to provide the following:

- (1) The applicant's [full] legal name;
- (2) A statement that the applicant is beyond the age of majority;
- (3) The applicant's current residence, business, and mailing addresses;
- (4) The applicant's social security number;
- (5) The applicant's employment during the ten years immediately preceding the date of the filing of the application, with names and addresses of each employer;
- (6) The applicant's educational background;
- (7) (5) The date and place of any conviction of a penal crime directly related to the profession or vocation in which the applicant is applying for licensure, unless the conviction has been expunged or annulled, or is otherwise precluded from consideration by section 831-3.1;
- (8) (6) A current photograph of the applicant; and
- (9) (7) Any other information the licensing authority may require to investigate the applicant's qualifications for licensure."

SECTION 13. Section 436B-11, Hawaii Revised Statutes, is amended to read as follows:

"[§436B-11] License requirements. In addition to any other requirements provided by law, the licensing authority may also require the applicant to provide the following:

- (1) A complete application with every applicable fee;
- (2) Attestation that the applicant is beyond the age of majority prior to the date of the application; in the case of a partnership applicant, each general partner shall attest that each partner is beyond the age of majority;
- (3) Proof that the applicant is competent, trustworthy, fair, and has financial integrity;
- (4) Proof that the applicant has satisfied all applicable business registration requirements prior to applying for licensure; and
- (5) Proof that the applicant is a United States citizen, United States national, or an alien authorized to work in the United States."

SECTION 14. Section 436B-15, Hawaii Revised Statutes, is amended to read as follows:

"[§463B-15] Fees and expenses. No applicant or licensee shall be granted a license pursuant to the licensing laws unless the appropriate fees have been paid. Unless otherwise provided by law, the director shall establish the amount for all fees and expenses by rules adopted pursuant to chapter 91. The fees to be established by the director may include but not be limited to an application fee, filing fee, license fee, renewal fee, examination fee, and other reasonable and necessary fees related to the department's administrative costs. Unless otherwise provided by law, the fees shall be deposited [in] with the director of finance to the credit of the general fund of the State."

SECTION 15. Section 436B-17, Hawaii Revised Statutes, is amended to read as follows:

"[§436B-17] Filing of current addresses. Each licensee shall file with the licensing authority the licensee's current mailing, business, and residence address. It shall be the licensee's duty to provide written notice to the licensing authority of any change of address[.] within thirty days of the change. Failure of the licensee to provide [such] the notice shall absolve the licensing authority, executive secretary, or any designee from any duty to provide notice of any matter required by law to be provided the licensee."

SECTION 16. Section 436B-19, Hawaii Revised Statutes, is amended to read as follows:

"[§436B-19] Grounds for refusal to renew, reinstate or restore and for revocation, suspension, [renewal, restoration,] denial, or condition of licenses. In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore, or may deny, revoke, suspend, [refuse to renew or restore,] or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (1) Failure to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;
- (2) Engaging in false, fraudulent, or deceptive advertising, or making untruthful or improbable statements;
- (3) Being addicted to, dependent on, or a habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine, or other drugs or derivatives of a similar nature;

- (4) Practicing the licensed profession or vocation while impaired by alcohol, drugs, physical disability, or mental instability;
- (5) Procuring a license through fraud, misrepresentation, or deceit;
- (6) Aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license;
- (7) Professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation;
- (8) Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity;
- (9) Conduct or practice contrary to recognized standards of ethics for the licensed profession or vocation;
- (10) Violating any condition or limitation upon which [the] a conditional or temporary license was issued;
- (11) Engaging in business under a past or present license issued pursuant to the licensing laws, in a manner causing injury to one or more members of the public;
- (12) Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the applicant or holder to be an unfit or improper person to hold a license;
- (13) Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws [and] or this section;
- (14) Criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation;
- (15) Failure to report in writing to the licensing authority any disciplinary decision issued against the licensee or the applicant in another jurisdiction[;] within thirty days of the disciplinary decision;
- (16) Employing, utilizing, or attempting to employ or utilize at any time any person not licensed under the licensing laws where licensure is required; or
- (17) Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.”

SECTION 17. Section 436B-20, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§436B-20]~~ **Restoration of suspended] Suspended license. No license shall be suspended by the licensing authority for a period exceeding two years. A person whose license has been suspended may apply for [restoration] reinstatement of the license to the extent authorized by law and upon complete compliance with any term or condition imposed by the order of suspension. The application for [restoration] reinstatement shall be accompanied by all applicable fees, including but not limited to [restoration] reinstatement fees, any compliance resolution fund fees, and any recovery fund assessments.**”

SECTION 18. Section 436B-22, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§436B-22]]~~ **Relinquishment no bar to jurisdiction.** The forfeiture, nonrenewal, surrender, or voluntary relinquishment of a license by a licensee shall not bar jurisdiction by the licensing authority to proceed with any investigation, action, or proceeding to revoke, suspend, condition, or limit the licensee’s

license[.] or fine the licensee.”

SECTION 19. Section 436B-23, Hawaii Revised Statutes, is amended to read as follows:

“**[§436B-23] Summary suspension.** Notwithstanding any law to the contrary, the licensing authority or its delegate may cause the immediate suspension or restriction of a license, subject to subsequent notice and hearing or other adequate procedures, upon a specific determination [by the licensing authority] that the failure to take such an action may result in: (1) an immediate and unreasonable threat to personal safety; or (2) fraud or misrepresentation upon consumers, and that, for the protection of the public from the possible consequences of practices, the licensee’s license should be immediately suspended or restricted.

The licensing authority or its delegate may order the summary suspension of the license for a period not to exceed twenty days. The order of suspension shall be served upon the licensee at the same time as the notice of hearing for disciplinary action, and the hearing shall be scheduled prior to the expiration of the order of suspension. The period of suspension prior to the hearing shall not be extended beyond twenty days except upon request of the licensee for a reasonable continuance to adequately prepare the licensee’s defense. Any attempt by the licensee to continue the licensed activity while the license has been summarily suspended shall of itself be sufficient to warrant a permanent revocation of the license and shall subject the licensee to all penalties prescribed by this chapter, the applicable licensing laws, or any rule or order of the licensing authority.”

SECTION 20. Section 436B-24, Hawaii Revised Statutes, is amended to read as follows:

“**[§436B-24] Hearings.** Unless otherwise provided by law, [any proceeding before the licensing authority] in every case in which the licensing authority refuses to issue, renew, restore or reinstate a license, or proposes to take disciplinary action or other licensing sanctions against a licensee, the proceeding before the licensing authority shall be conducted in accordance with chapter 91.

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 a member thereof, or of any subpoena issued by it or a member, or the refusal of any witness to testify to any matter regarding which the witness 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.”

SECTION 21. Section 436B-27, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) The department, licensing authority, or any person may maintain a suit to enjoin the performance or the continuance of any act or acts by a person acting without a license where a license is required by law, and if injured thereby, for the recovery of damages. The department may also seek the imposition of fines provided by subsection (a) [except where the recovery of damages is requested, the]. The plaintiff or petitioner in a suit for an injunction need not

allege or prove actual damages to prevail. Reasonable attorney fees and costs shall be allowed by the court to the plaintiff or petitioner as the prevailing party.

(d) All tools, implements, armamentariums, documents, materials, or any other property used by any person to provide professional or vocational services without a license required by law shall be [subject to forfeiture under the provisions of chapter 712A.] declared forfeited to the State by the court and turned over to the department for disposition as it deems appropriate."

SECTION 22. Section 436E-6, Hawaii Revised Statutes, is amended to read as follows:

"**[§436E-6] Board of acupuncture.** There shall be a board of acupuncture, the members of which shall be appointed by the governor [in accordance with section 26-34, except as provided in this section].

The board shall consist of five persons, two of whom shall be private citizens and three shall be acupuncturists licensed in accordance with this chapter. [The members of the board shall serve without pay but shall be reimbursed for actual expenses incurred in the discharge of their duties. A majority of the board shall constitute a quorum.] Each person on the board shall have a two-year term and shall serve not more than two terms, consecutive or otherwise."

SECTION 23. Section 436E-7, Hawaii Revised Statutes, is amended to read as follows:

"**[§436E-7] Powers and duties of the board.** [The] In addition to any other powers and duties authorized by law, the board shall:

- (1) Adopt rules in accordance with chapter 91 to carry out the purposes of this chapter, with special emphasis on the health and safety of the public;
- (2) Develop standards for licensure;
- (3) Prepare, administer, and grade examinations, provided that the board may contract with a testing agency to provide [such] those services;
- (4) Issue, renew, suspend, and revoke licenses;
- (5) Register applicants [of] or holders of a license;
- (6) Investigate and conduct hearings regarding any violation of this chapter and any rules of the board;
- (7) Maintain a record of its proceedings; and
- (8) Do all things necessary to carry out the functions, powers, and duties set forth in the chapter."

SECTION 24. Section 436E-10, Hawaii Revised Statutes, is amended to read as follows:

"**[§436E-10] Revocation or suspension of licenses.** [(a) Any] In addition to any other actions authorized by law, any license to practice acupuncture under this chapter may be revoked or suspended by the board of acupuncture at any time in a proceeding before the board for any [one or more of the following acts or conditions on the part of the holder of the license:] cause authorized by law, including but not limited to the following:

- (1) Obtaining a fee on the assurance that a manifestly incurable ailment can be permanently cured;

- (2) The use of false, fraudulent, or deceptive advertising and making untruthful and improbable statements;
- (3) Habitually using any habit forming controlled substance, such as opium or any of its derivatives, morphine, heroin, or cocaine;
- (4) Procuring a license through fraud, misrepresentation, or deceit;
- (5) Professional misconduct or gross carelessness or manifest incapacity in the practice of acupuncture; or
- (6) Violating any rules adopted [hereunder].

(b) If any license is revoked or suspended by the board for any act or condition listed in this section, the holder of the license shall be notified in writing by the board of the revocation or suspension. Any license to practice may be restored by the board as provided by rule.] under this chapter."

SECTION 25. Section 437-1.1, Hawaii Revised Statutes, is amended by deleting the definition "person".

[““Person” is defined as provided for in section 1-19.”]

SECTION 26. Section 437-5, Hawaii Revised Statutes, is amended to read as follows:

“§437-5 Board. A motor vehicle industry licensing board is created [for the State. The board] and shall consist of seven members [and shall be selected in the manner provided by section 26-34. The board shall designate one of its members as chairman]. Three of the members shall be engaged in the motor vehicle industry and four of the members shall be private citizens not connected with the industry.”

SECTION 27. Section 437-6, Hawaii Revised Statutes, is amended to read as follows:

“§437-6 Powers and duties of the board. In addition to any other [duties and powers granted by this chapter,] powers and duties authorized by law, the board shall:

- (1) Adopt, amend, and repeal from time to time rules not inconsistent with this chapter, as the board deems appropriate for the carrying out of the provisions and purposes of this chapter and for the efficient administration thereof, and the proper conduct of the business [which are] that is subject to this chapter, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of, or as prescribed by the board, which rules, when [promulgated and filed as provided in] adopted under chapter 91, shall have the effect of law[.];
- (2) Grant, deny, suspend, or revoke licenses [which] that are authorized by this chapter, fine licensees, and impose conditions as may be set forth in the rules of the board in connection with the granting of licenses[.];
- (3) Prescribe the nature of the proof to be furnished, the notices to be given, and the conditions to be met or observed for the issuance of a duplicate license in place of one alleged to have been lost or destroyed, including a requirement for any indemnity deemed appropriate to the case[.];

- (4) Prescribe all forms to be used for the purposes of this chapter not otherwise provided for [herein.];
- (5) Establish, by rules, minimum qualifications for salespersons or dealers which must be met by applicants prior to the issuance of any license[.]; and
- (6) The exercise by the board of power, authority, and discretion in it so vested shall be final in each case and shall not be reviewable by or appealable to any court or tribunal, except as otherwise provided in chapter 91 or in this chapter."

SECTION 28. Section 437-7, Hawaii Revised Statutes, is amended by amending subsection (d) as follows:

"(d) All applicants for the issuance of a new license shall pay a fee concurrently with each application, except the application fee for a new [salesman's] salesperson's or auctioneer's license shall be a lesser amount than the fee for other licenses issued under this chapter. [The application fees shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.]"

SECTION 29. Section 437-28, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) [The] In addition to any other actions authorized by law, the board [may], after notice and hearing as provided in chapter 91, and subject to appeal to the circuit court of the circuit in which the board has jurisdiction under the procedure and rules prescribed [from time to time] by the laws of the State or the applicable rules of the courts pertaining to appeals to circuit courts, may suspend, revoke, fine, or deny the renewal of any license, or prior to notice and hearing deny the issuance of any license [if] for any cause authorized by law, including but not limited to circumstances where the board finds that the applicant or holder, or any officer, director, general manager, trustee, partner, or stockholder owning more than ten per cent interest of the applicant or holder:

- (1) Has intentionally made a false statement of a material fact in the application for a license or in any other statement required by this chapter or has obtained or attempted to obtain a license by fraud or misrepresentation;
- (2) Has failed to comply, observe, or adhere to any provision of this chapter or any other law relating to the sale, taxing, or licensing of motor vehicles or any rule or order made pursuant to this chapter;
- (3) Has committed a fraudulent act in selling, purchasing, or otherwise dealing in motor vehicles or has misrepresented the terms and conditions of a sale, purchase, or contract for sale or purchase of a motor vehicle or any interest therein including an option to purchase motor vehicles;
- (4) Has engaged in business under a past or present license issued pursuant to this chapter, in a manner as to cause injury to the public or to those with whom one is dealing;
- (5) Has failed to comply, observe, or adhere to any law in any other respect on account whereof the board may deem the applicant or holder to be an unfit or improper person to hold a license;
- (6) Has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license;

- (7) Is insolvent or has filed or is the subject of petition for bankruptcy, wage earner's plan, or financial reorganization plan; or has made or proposes to make an assignment for benefit of creditors;
- (8) In the case of an individual applicant or holder of a license, if the applicant or holder is not at least eighteen years of age; in the case of a partnership applicant or holder of a license, if any general or limited partner thereof is not at least eighteen years of age;
- (9) Has charged more than the legal rate of interest on the sale or purchase or attempted sale or purchase or in arranging the sale or purchase of a motor vehicle or any interest therein including an option to purchase;
- (10) Has violated any of the laws pertaining to false advertising or to credit sales in the offering, soliciting, selling, or purchasing, or arranging to sell or purchase a motor vehicle or any interest therein;
- (11) Has wilfully failed or refused to perform any unequivocal and indisputable obligation under any written agreement involving the sale or purchase of a motor vehicle or any interest therein including an option to purchase;
- (12) Has been denied the issuance of a license under this chapter for substantial culpable cause or for having had a license issued under this chapter suspended, revoked, or the renewal thereof denied for substantial culpable cause;
- (13) Has entered or has attempted to enter or proposes to enter into any contract or agreement contrary to this chapter or any rule adopted thereunder;
- (14) Has been or is engaged or proposes to engage in the business of selling new motor vehicles as a dealer or auction without a proper franchise therefor;
- (15) Has at any time employed or utilized or attempted or proposed to employ or utilize any person not licensed under this chapter who is required to be so licensed;
- (16) Has entered or attempted to enter any one-payment contract, where the contract is required to be signed by the purchaser prior to removal of the motor vehicle for test driving from the seller's premises;
- (17) Being a salesperson or dealer:
 - (A) Has required a purchaser of motor vehicles as a condition of sale and delivery thereof to purchase special features, appliances, accessories, or equipment not desired or requested by the purchaser; provided that this prohibition shall not apply as to special features, appliances, accessories, or equipment which are ordinarily installed on the vehicle when received or acquired by the dealer;
 - (B) Has represented and sold as an unused motor vehicle any motor vehicle which has been operated as a demonstrator, leased, or U-drive motor vehicle;
 - (C) Has sold a new motor vehicle without providing or securing for the purchaser the standard factory new car warranty for the vehicle, unless the dealer or salesperson clearly notes in writing on the sales contract that the new motor vehicle is sold without the standard factory warranty; [or]
 - (D) Has sold a new motor vehicle covered by a standard factory warranty without informing the purchaser in writing that any

repairs or other work necessary on any accessories which were not installed by the manufacturer of the vehicle may not be obtainable in a geographic location other than where the purchase occurred; provided that the notice required by this section² shall conform to the plain language requirements of section 487A-1, regardless of the dollar amount of the transaction; or

- (E) Has engaged in any improper business conduct;
- (18) Being an applicant or holder of a dealer's license:
 - (A) Has sold or proposed to sell new motor vehicles without providing for the maintenance of a reasonable inventory of parts for new vehicles or without providing and maintaining adequate repair facilities and personnel for new vehicles at either the main licensed premises or at any branch location;
 - (B) Has employed or proposed to employ any salesperson who is not duly licensed under this chapter; or
 - (C) Has sold or proposed to sell new motor vehicles without being franchised therefor;
- (19) Being an applicant or holder of an auction's license:
 - (A) Has employed or proposed to employ any auctioneer who is not licensed under this chapter; or
 - (B) Has sold or proposed to sell new motor vehicles without being franchised therefor;
- (20) Being an applicant for a salesperson's license:
 - (A) Does not intend to be employed as a salesperson for a licensed motor vehicle dealer;
 - (B) Does not intend to be employed as a salesperson as the principal occupation; or
 - (C) Intends to be employed as a salesperson for more than one dealer;
- (21) Being a motor vehicle auctioneer, does not intend to be employed as such by a licensed auction under this chapter; or
- (22) Being a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative:
 - (A) Has attempted to coerce or has coerced any dealer in this State to enter into any agreement with [such] the manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative, or any other party, to perform any act not required by or to refrain from performing any act not contrary to the reasonable requirements of the franchise agreement with the dealer, by threatening to cancel the franchise agreement or by threatening to refuse, at the expiration of the current franchise agreement, to enter a new franchise agreement with the dealer;
 - (B) Has attempted to coerce or coerced any dealer in this State to enter into any agreement with [such] the manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative, or any other party, to perform any act not required by or to refrain from performing any act not contrary to the reasonable requirements of the franchise agreement with the dealer, by awarding or threatening to award a franchise to another person for the sale of the same

make of any motor vehicle in the same sales area of responsibility covered by the existing franchise agreement of the dealer;

- (C) Has attempted to or has canceled or failed to renew the franchise agreement of any dealer in this State without good faith, as defined herein. Upon the cancellation or failure to renew the franchise agreement, the party canceling or failing to renew the franchise agreement [shall], at the dealer's option, shall either compensate the dealer at the fair market going business value for the dealer's capital investment, which shall include but not be limited to the going business value of the business, goodwill, property, and improvement owned or leased by the dealer for the purpose of the franchise, inventory of parts, and motor vehicles possessed by the dealer in connection with the franchise, plus reasonable attorney's fees incurred in collecting compensation; provided that the investment shall have been made with reasonable and prudent judgment for the purpose of the franchise agreement; or compensate the dealer for damages including attorney's fees as aforesaid, resulting from the cancellation or failure to renew the franchise agreement. As used [herein,] in this paragraph, "good faith" means the duty of each party to any franchise agreement fully to comply with that agreement, or to act in a fair and equitable manner towards each other;
- (D) Has delayed delivery of or refused to deliver without cause, any new motor vehicle to a dealer, franchised to sell the new motor vehicle, within a reasonable time after receipt of a written order for the vehicle from the dealer. The delivery to another dealer of a motor vehicle of the same model and similarly equipped as the vehicle ordered by a dealer who has not received delivery thereof, but who had placed the written order for the vehicle prior to the order of the dealer receiving the vehicle, shall be prima facie evidence of a delayed delivery of, or refusal to deliver, a new motor vehicle without cause. The nondelivery of a new motor vehicle to a dealer within sixty days after receipt of a written order for the vehicle from a dealer shall also be prima facie evidence of delayed delivery of, or refusal to deliver, a new motor vehicle without cause; provided that the delayed delivery of, or refusal to deliver, a motor vehicle shall be deemed with cause if the manufacturer establishes that the delay or refusal to deliver is due to a shortage or curtailment of material, labor, transportation, utility service, labor or production difficulty, or other similar cause beyond the reasonable control of the manufacturer;
- (E) Has discriminated against any of their franchised dealers in this State by directly or indirectly charging the dealer more for a new motor vehicle or services, parts, or accessories or a higher rate of transportation for transporting the vehicle from the manufacturing or assembly plant to the dealer or any portion of the distance, than is charged to any other of their franchised dealers in other states for the same make, model, and year of a new motor vehicle or for the same services, parts, or

accessories or for similar transportation for the vehicle during the same period. A manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative who provides or causes to be provided greater transportation benefits for a new motor vehicle as aforesaid to any of their franchised dealers in other states than is provided to any of their franchised dealers in this State for the same or lesser price or charge than that imposed upon the franchised dealer in this State during the same period is deemed to have so discriminated against the franchised dealer in this State. Evidence of similar discriminatory practice against franchised dealers in other states shall not constitute a defense to or justification of the commission of the discriminatory act against the franchised dealer in this State. The intent and purpose of this subparagraph is to eliminate inequitable pricing policies set by manufacturers, factory branches, factory representatives, distributors, distributor branches, or distributor representatives which result in higher prices of new motor vehicles to the consumer in this State. This subparagraph shall be liberally interpreted to effect its intent and purpose and in the application thereof, the substance and effect and not the form of the acts and transactions shall be primarily considered in determining whether a discriminatory act has been committed. Nothing contained in this subparagraph shall prohibit establishing delivered prices or destination charges to dealers in this State which reasonably reflect the seller's total transportation costs incurred in the manufacture or delivery of products to the dealers, including costs [which] that are related to the geographical distances and modes of transportation involved in shipments to this State, or which meet those lower prices established by competitors;

- (F) Has required a dealer of new motor vehicles in this State as a condition of sale and delivery of new motor vehicles to purchase special features, appliances, accessories, or equipment not desired or requested by the dealer; provided that this prohibition shall not apply to special features, appliances, accessories, or equipment, except heaters, [which] that are regularly installed on that particular model of new motor vehicles as "standard" equipment or to special features, appliances, accessories, or equipment [which] that are an integral part of the new motor vehicles and cannot be removed therefrom without substantial expense; or
- (G) Has failed to adequately and fairly compensate its dealers for labor, parts, and other expenses incurred by the dealer to perform under and comply with manufacturer's warranty agreements. In no event shall any manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative pay its dealers a labor rate per hour for warranty work that is less than that charged by the dealer to the retail customers of the dealer nor shall the rates be more than the retail rates. All claims made by dealers for compensation for delivery, preparation, and warranty work shall be paid

within thirty days after approval and shall be approved or disapproved within thirty days after receipt. When any claim is disapproved, the dealer shall be notified in writing of the grounds for disapproval.

(b) [Upon finding by the board or by the director of commerce and consumer affairs that a licensee is engaging within this State in activities which involve (1) an immediate and unreasonable threat to personal safety or (2) fraud or misrepresentation upon customers, and that, for the protection of the public from the possible consequences of practices, the business of the licensee should be immediately suspended, the board or the director may order the summary suspension of the license for a period not to exceed five days, pending a hearing by the board on the charges involving the practices. The order of suspension shall be served upon the licensee at the same time as the notice of hearing upon the charges, which hearing shall be scheduled prior to the expiration of the order of suspension. The period of suspension prior to the hearing cannot be extended except upon request of the licensee for a reasonable continuance adequately to prepare a defense.

Any attempt of the licensee to continue the business or occupation while the license is so suspended shall of itself be sufficient to warrant a permanent revocation of the license and shall also subject the licensee to all the penalties prescribed by this chapter for violations.] For disregard of an order suspending [the] a license pursuant to section 436B-23, the board may summarily take possession of and impound all motor vehicles belonging to or in the possession of the licensee whether or not the vehicles are situated upon the licensed premises, pending final action in this case or [may], without taking possession of the motor vehicles, may render them unusable; provided that the right of the board to take any action and any liens for towing or storage or otherwise arising from the action are subject to and subordinate to any security interest [which] that has attached to the motor vehicles prior thereto, and the board [shall], prior to taking any action, shall give notice thereof to any secured party whose security interest in the motor vehicles is known to the board or who, prior to any action by the board, had filed a financing statement covering the motor vehicles or had noted the lien on the legal ownership certificates thereof."

SECTION 30. Section 437-29, Hawaii Revised Statutes, is amended to read as follows:

"§437-29 [Notice of hearing; discretionary] Discretionary powers of board. [(a) Before suspending, revoking, or refusing to renew a license, the board shall notify the licensee in writing of the specific charges against the licensee and shall afford the licensee an opportunity to be heard in person, or by counsel, with reference thereto. Notice of the hearing may be served in person, or by mailing the same by registered mail addressed to the address shown on the latest application for a license or amended license. No hearing shall be held less than fifteen days after notice has been so served.

(b)] (a) Where any applicant for a license or stockholder owning more than a ten per cent interest in the applicant or any officer, director, trustee, employee, or partner of [such] the applicant has been guilty of any act or omission involving personal misconduct which by this chapter is made ground for refusing to issue a license or for revoking or suspending a license, such as the making of a false statement of a material fact in an application, the commission of a fraudulent act in connection with the sale or negotiation for the [purpose]

purchase of motor vehicles, and the like, the board shall have discretion, nevertheless, to issue the license or suspend or reject the revocation of the license, upon such reasonable conditions, including the furnishing of an additional bond not exceeding \$5,000, as to future good conduct of the applicant and other person concerned, as the board determines, provided the board finds:

- (1) That there are extenuating circumstances [which] that indicate that the act or omission was not due to moral turpitude; or
- (2) That a reasonable time fixed by [regulation] rule of the board, not less than one year, has elapsed since the act or omission occurred, together with evidence of the person's rehabilitation or general good character, sufficient to indicate that the person is not likely to repeat the offense or engage in illegal, unlawful, or unconscionable practices; or
- (3) That [such] the favorable action by the board will not jeopardize the public interest.

[(c) Denial of application for a new license. No person whose application for the issuance of a new license has been denied by the board shall be entitled to a hearing thereon, unless the person files a written request for a hearing with the board within fifteen days after the issuance of the notice of such denial.

(d) (b) Notice to treasurer. A copy of the application of each dealer or auction executed and approved by the board or a report of the suspension, revocation, or change of status of a dealer's or auction's license shall be furnished to the treasurer promptly upon the granting, suspension, revocation, or change of status of [such] the license."

SECTION 31. Section 437B-3, Hawaii Revised Statutes, is amended to read as follows:

"**[[§437B-3]] Motor vehicle repair industry board.** There shall be [within the department of commerce and consumer affairs for administrative purposes] a motor vehicle repair industry board consisting of seven members [appointed by the governor in the manner prescribed in section 26-34]. Three members of the board shall be persons connected with the motor vehicle repair industry and at least two of [such] those members shall be motor vehicle mechanics registered under this chapter [except that those motor vehicle mechanics first appointed to the board need not be registered but shall be persons who would qualify for registration under this chapter]. The remaining four members shall not be connected with the motor vehicle repair industry. [The board shall elect one of its members chairman. No member of the board shall receive any compensation for the member's services, but each shall be reimbursed for necessary expenses incurred in the performance of the member's duties.]"

SECTION 32. Section 437B-4, Hawaii Revised Statutes, is amended to read as follows:

"**§437B-4 Powers and duties of board.** In addition to any other powers and duties [established by this chapter,] authorized by law, the board [shall], in accordance with this chapter and chapter 91[:] shall:

- (1) Establish such qualifications for the registration of motor vehicle repair dealers and motor vehicle mechanics as may be necessary for the welfare of the public and the motor vehicle repair industry, provided that no person shall be registered as a motor vehicle mechanic without first receiving certification as provided by this chapter[.];

- (2) Inquire into the practices and policies of the motor vehicle repair industry and make [such] rules with respect to such practices and policies as may be deemed important and necessary by the board for the welfare of the public and the motor vehicle repair industry[.];
- (3) Contract and cooperate with the University of Hawaii in developing and administering the certification program provided for in this chapter[.];
- (4) [Make,] Adopt, amend, and repeal such rules not inconsistent with this chapter, as the board deems appropriate for effectuating the purpose of this chapter and to ensure the welfare of the public[.];
- (5) Adopt rules pursuant to chapter 91 necessary to implement the provisions of this chapter relating to CFCs[.]; and
- (6) Enforce this chapter and rules adopted pursuant thereto.”

SECTION 33. Section 437B-11, Hawaii Revised Statutes, is amended to read as follows:

“§437B-11 Prohibited practices. [The] In addition to any other grounds for disciplinary action authorized by law, the following acts or omissions related to the repair of motor vehicles shall be grounds for invoking the enforcement procedures of section 437B-12:

- (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading;
- (2) Causing or allowing a customer to sign any work order [which] that does not state the repairs requested by the customer or the automobile’s odometer reading at the time of repair;
- (3) Failing or refusing to give to a customer a copy of any document requiring the customer’s signature, as soon as the customer signs the document;
- (4) Any other conduct [which] that constitutes fraud;
- (5) Conduct constituting gross negligence;
- (6) Failure to comply with this chapter or rules adopted pursuant to it;
- (7) Any wilful departure from or disregard of accepted practices or [workmanship;] professional standards;
- (8) Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle;
- (9) Having repair work subcontracted without the knowledge or consent of the customer unless the motor vehicle repair dealer, mechanic, or apprentice demonstrates that the customer could not reasonably have been notified;
- (10) Conducting the business of motor vehicle repair in a place other than stated on the registration except that mobile repair facilities may be permitted if the registration so indicates;
- (11) Rebuilding or restoring of rebuilt vehicles as defined in section 286-2 in such a manner that it does not conform to the original vehicle manufacturer’s established repair procedures or specifications and allowable tolerances for the particular model and year;
- (12) Subcontracting, recommending, or referring motor vehicle repair work to, or in any way assisting, a motor vehicle repair dealer or

- mechanic whose registration or certification is not in full compliance with this chapter;
- (13) Failure to directly supervise a motor vehicle mechanic apprentice/trainee or motor vehicle mechanic helper; and
 - (14) Servicing mobile air conditioners without using refrigerant recovery and recycling equipment that is certified by Underwriter Laboratories, Incorporated or was in use by the motor vehicle repair industry prior to December 31, 1989."

SECTION 34. Section 437B-12, Hawaii Revised Statutes, is amended to read as follows:

"§437B-12 Enforcement. (a) In addition to any other actions authorized by law, in accordance with [the provisions of] chapter 91, the board may fine, suspend, revoke, or refuse to renew the registration of a motor vehicle repair dealer or mechanic for any violation of this chapter or rules adopted pursuant thereto. The board may also order restitution as provided in subsection (c).

(b) Any fine that is imposed shall be based on the following schedule:

| | |
|---------------------------|------------------|
| First offense | \$75 |
| Second offense | \$150 |
| Subsequent offenses | \$300 to \$1,000 |

(c) In lieu of or in addition to the fine imposed under this section, the board may require the motor vehicle repair dealer or mechanic to make restitution to the customer. Restitution may be imposed in lieu of a fine even though the amount may exceed the fine schedule set forth in subsection (b).

(d) If a motor vehicle repair dealer operates more than one motor vehicle repair facility in this State, the board pursuant to subsection (a) may only revoke, suspend, or refuse to renew the registration of the specific motor vehicle repair facility [which] that has violated this chapter. [Such] The violation, or [such] the action by the board, shall not affect in any manner the right of the motor vehicle repair dealer to operate the dealer's other motor vehicle repair facilities; provided that the board may suspend, revoke, or refuse to renew the registration for all motor vehicle repair facilities operated in this State by a motor vehicle repair dealer upon a finding that the motor vehicle repair dealer has, or is, engaged in a course of repeated and wilful violations of this chapter, or rules adopted pursuant thereto.

[(e) The expiration of a valid registration shall not deprive the board of jurisdiction to proceed with any investigation or disciplinary proceeding against a motor vehicle repair dealer or mechanic or to render a decision suspending, revoking, or refusing to renew a registration.

(f) (e) Each mobile air conditioner serviced without using refrigerant recovery and recycling equipment, and each instance of wilfully causing or allowing CFCs to be released into the air from any source or process regulated under this chapter, other than through common use of a product or in the course of attempting to recover, recycle, or safely dispose of CFCs while exercising due care to prevent unnecessary releases of CFCs into the air to the extent practicable and in compliance with applicable rules, constitutes a separate offense for which fines may be imposed under subsection (b)."

SECTION 35. Section 438-3, Hawaii Revised Statutes, is amended to read as follows:

"§438-3 Creation of state board. There shall be a state board of barbers

consisting of seven members who shall be appointed and may be removed by the governor [in the manner prescribed in section 26-34]. The members shall be residents of the State and five members must have practiced barbering in the State for at least five consecutive years immediately preceding the member's appointment and two shall be public members. Each member shall serve for a term of four years, and until the member's successor is appointed and qualified."

SECTION 36. Section 438-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) [The] In addition to any other powers and duties authorized by law, the board may give examinations for the issuance of certificates of registration to practice barbering or issue temporary permits; grant, revoke, or suspend certificates or temporary permits; and establish, subject to chapter 91 and with the approval of the governor and the director, rules governing the practice of barbering [which] that shall have the force and effect of law."

SECTION 37. Section 438-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) [The] In addition to any other actions authorized by law, the board may take disciplinary action against any person to whom a certificate has been issued under this chapter, including but not limited to revocation of the certificate, suspension, fine, or a combination thereof, or refuse to grant or renew any certificate for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Procuring a certificate through fraud, misrepresentation, or deceit;
- (2) Professional misconduct, gross negligence, or manifest incapacity;
- (3) Permitting an uncertified person to perform activities which require a certificate under this chapter;
- (4) Violation of this chapter or the rules adopted pursuant thereto;
- (5) Making any false representation or promise through advertising or otherwise;
- (6) Failing to display the certificate as provided in this chapter;
- (7) Any other conduct constituting fraudulent or dishonest dealings;
- (8) Failure to comply with a board order; or
- (9) Making a false statement on any document submitted or required to be filed by this chapter."

SECTION 38. Section 439-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There shall be a board of cosmetology consisting of seven members[, who shall be appointed, and may be removed, by the governor in the manner provided in section 26-34]."

SECTION 39. Section 439-5, Hawaii Revised Statutes, is amended to read as follows:

"§439-5 [Meetings.] **Quorum.** [The board shall hold meetings at times as it deems necessary.] A majority of the board shall constitute a quorum and the concurrence of a majority of the members present shall be necessary to make any action of the board valid."

SECTION 40. Section 439-7, Hawaii Revised Statutes, is amended to read as follows:

“§439-7 [Rules.] Powers and duties. [The] In addition to any other powers and duties authorized by law, the board may adopt, amend, and repeal rules [as] it deems proper to fully effectuate and carry out the purpose of this chapter which is declared to be the protection of the general public in its dealings with practitioners of cosmetology or those training the practitioners. [The rules shall be adopted subject to chapter 91 and shall have the force and effect of law.]”

SECTION 41. Section 439-15, Hawaii Revised Statutes, is amended to read as follows:

“§439-15 License, fees. (a) The board shall issue a license as a beauty operator, or instructor, as the case may be, to each person who passes the required examination, pays the proper fees, and meets all of the other requirements of this chapter. The license shall state specifically the licensure category for which the person is licensed and shall be signed by the chairperson and executive secretary and impressed with the seal of the board.

(b) All licenses issued by the board shall expire on December 31 of each odd-numbered year.

(c) Every licensed beauty operator and instructor shall pay to the board by December 31 of each odd-numbered year a biennial renewal fee. The payment of the renewal fee shall entitle the licensee to renewal of the license.

(d) Failure or refusal to renew the license by December 31 of each odd-numbered year shall constitute a forfeiture of the license. The license shall be [reinstated] restored upon payment of all delinquent fees and a penalty fee if application is made within three years after lapse.

[(e) All fees required by this chapter shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.]”

SECTION 42. Section 439-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) All licenses shall expire on December 31 in each odd-numbered year. Licenses may be renewed by payment of a biennial fee prior to the date of expiration. A lapsed license may be [reinstated] restored upon payment of all delinquent fees and a penalty fee.”

SECTION 43. Section 439-18, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) All licenses shall expire on December 31 following the date of issue, but may be renewed by payment of the annual license fee prior to the date of expiration. A lapsed license may be [reinstated] restored upon the payment of all delinquent fees and a penalty fee.”

SECTION 44. Section 439-19, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [The] In addition to any other actions authorized by law, the board may take disciplinary action against any license issued under this chapter, including but not limited to revocation, suspension, fine, or a combination thereof, or

refuse to grant or renew any license for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Procuring a license through fraud, misrepresentation, or deceit;
- (2) Professional misconduct, gross carelessness, or manifest incapacity;
- (3) Permitting an unlicensed person to perform activities which require a license under this chapter;
- (4) Violation of this chapter or the rules adopted pursuant thereto;
- (5) Making any false representation or promise through advertising or otherwise;
- (6) Failing to display the license as provided in this chapter;
- (7) Any other conduct constituting fraudulent or dishonest dealings;
- (8) Failing to comply with a board order; or
- (9) Making a false statement on any document submitted or required to be filed by this chapter."

SECTION 45. Section 439-20, Hawaii Revised Statutes, is amended to read as follows:

"§439-20 Hearing. [In every case where it is proposed to revoke or suspend a license for any of the causes enumerated in section 439-19, the person concerned shall be given notice and opportunity for hearing in conformity with chapter 91. Any person aggrieved by the denial or refusal of a license by the board shall submit a request for a hearing pursuant to chapter 91 within sixty days of the date of the denial or refusal. The notice of hearing shall be given at least five 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 any member thereof, or of any subpoena issued by it[,], or any member, or the refusal of any witness to testify to any matter regarding which the witness may lawfully be questioned, any circuit judge, on application by the board[,], or any 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."

SECTION 46. Section 440-2, Hawaii Revised Statutes, is amended to read as follows:

"§440-2 Commission established. There shall be a board which shall be known as the state boxing commission of Hawaii. The commission shall consist of five members [who shall be appointed and may be removed by the governor in the manner provided by section 26-34]. One of the members shall be a member of the Hawaiian association of an amateur athletic federation of the United States of America. One member shall be designated by the governor as [chairman] chairperson of the commission."

SECTION 47. Section 440-7, Hawaii Revised Statutes, is amended to read as follows:

"§440-7 [Secretary; other] Other employees. [The department of commerce and consumer affairs shall employ a secretary subject to chapters 76 and 77. The secretary shall attend all meetings of the boxing commission, keep a full

and true record of all its books, documents, and papers, prepare for service notices and other papers as may be required by the commission, coordinate and supervise the activities and duties of whatever other offices the commission establishes, and otherwise act for and in behalf of the commission as the commission may prescribe and in a manner not inconsistent with the terms and intent of this chapter.]

Subject to chapters 76 and 77, the department of commerce and consumer affairs may employ clerks, inspectors, and other employees as it deems necessary."

SECTION 48. Section 440-8.5, Hawaii Revised Statutes, is amended to read as follows:

"§440-8.5 Powers and duties of the commission. In addition to [the] any other powers and duties [enumerated elsewhere in this chapter,] authorized by law, the commission shall adopt rules pursuant to chapter 91 to provide for the following:

- (1) A trust or escrow account system to ensure that all financial obligations are met by a promoter before a boxing contest. This system shall supersede all other financial obligatory requirements imposed on promoters by this chapter;
- (2) A public record accounting for the distribution of all tickets provided to the commission by a promoter and anything else of value which is provided to the commission;
- (3) An annual clinic or seminar on health and medical safety for boxers;
- (4) A mandatory neurological examination for any boxer who is knocked out in a boxing contest, and an eye examination as part of a boxer's annual medical examination; and
- (5) An automatic medical suspension from boxing for a period of time to be determined by the commission for any boxer who is knocked out from head blows or who has received a severe beating about the head. The period of time of the automatic medical suspension shall be based upon the severity of the beating received by the boxer."

SECTION 49. Section 440-36, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) [The] In addition to any other actions authorized by law, the commission shall have the power to revoke or suspend the license of any person, partnership, or corporation licensed under any of the classifications designated in this chapter, or fine the licensee, or both, for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Violation of any provision of this chapter or the rules adopted pursuant thereto or any other law, [regulation,] or rule [which] that applies to those persons licensed under this chapter;
- (2) Manifest incapacity, professional misconduct, or unethical conduct;
- (3) Making any false representations or promises through advertising or other dissemination of information;
- (4) Any fraudulent, dishonest, or deceitful act in connection with the licensing of any person, partnership, or corporation under this chapter or in connection with any boxing match;
- (5) Making any false or misleading statement in any application or document submitted or required to be filed in this chapter;

- (6) Revocation or suspension of a license or other disciplinary action against the licensee by another state or boxing commission; or
- (7) Failure to report any disciplinary action, including medical and mandatory suspensions, or revocation or suspension of a license in another jurisdiction within fifteen days preceding any boxing match in which the licensee participates.”

SECTION 50. Section 441-19, Hawaii Revised Statutes, is amended to read as follows:

“§441-19 Powers and duties of director. In addition to any other [duties and] powers and duties [granted by this chapter] authorized by law, the director [shall], pursuant to chapter 91[:] shall:

- (1) Grant licenses to cemetery and pre-need funeral authorities pursuant to this chapter and rules adopted pursuant thereto;
- (2) Adopt, amend, or repeal rules as the director deems proper to fully effectuate this chapter and carry out the purpose thereof, which [purpose] is the protection of the general public in its acquisitions of cemetery property, pre-need interment services, at-need funeral services, and pre-need funeral services. The rules may forbid acts or practices deemed by the director to be detrimental to the accomplishment of the purpose of this chapter, and the rules may require mortuary, cemetery, and pre-need funeral authorities to make reports to the director containing such information as will better enable the director to enforce this chapter and the rules, or as will better enable the director from time to time to amend the rules to more fully effectuate the purpose of this chapter[, and further, the]. The rules may also require mortuary, cemetery, and pre-need funeral authorities to furnish reports to their clients containing such matters of information as the director deems necessary to promote the purpose of this chapter; provided that this enumeration of specific matters which may properly be made the subject of rules shall not be construed to limit the director’s broad general power to make all rules necessary to fully effectuate the purpose of this chapter;
- (3) Enforce this chapter and rules adopted pursuant thereto;
- (4) Fine, suspend, or revoke any license for any cause prescribed by this chapter, or for any violation of the rules, and refuse to grant any license for any cause [which] that would be [ground] grounds for revocation or suspension of a license;
- (5) Report to the governor annually and at such other times and in such other manner as the governor may require concerning the director’s activities;
- (6) Publish and distribute pamphlets and circulars containing such information as the director deems proper to further the accomplishments of the purpose of this chapter;
- (7) Investigate the actions of any person acting in the capacity of a licensee under this chapter if there is reason to believe that there may be a violation of this chapter or the rules adopted pursuant thereto;
- (8) Extend the deadline for, or defer the filing of, any periodic report required under this chapter, provided that the licensee meets the conditions and requirements set forth by the director in rules; and

- (9) Provide in the rules for alternatives to any bonding or insurance requirement imposed by this chapter when [such] a bond or insurance cannot [be] reasonably be secured and the alternative measures provide for the same degree of protection to the consumer.”

SECTION 51. Section 441-23, Hawaii Revised Statutes, is amended to read as follows:

“§441-23 Fine, revocation, suspension, and renewal of authority licenses. [The] In addition to any other actions authorized by law, the director may fine an authority, revoke any authority license, or suspend the right of the licensee to use the license, or refuse to renew any [such] license for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Any dishonest or fraudulent act as a cemetery or pre-need funeral authority [which] that causes substantial damage to another;
- (2) Making repeated misrepresentations or false promises through advertising or otherwise;
- (3) Violation of this chapter or the rules adopted pursuant thereto;
- (4) Commingling the money or other property of others with that of the licensee;
- (5) Adjudicated insane or incompetent;
- (6) Selling or offering to sell any cemetery property, pre-need interment, funeral services, or pre-need funeral services based on speculation or promises of profit from resale;
- (7) Failing to file the actuarial study or an audited financial statement or to maintain in effect the bond as required by section 441-22; or
- (8) Failing to maintain pre-need trusts or perpetual care funds as required by this chapter.

[No license shall be suspended for longer than two years and no person whose license has been revoked shall be eligible to apply for a new license until the expiration of two years.]”

SECTION 52. Section 441-29, Hawaii Revised Statutes, is amended to read as follows:

“§441-29 Application for license; fees. Every applicant for a license under this chapter shall file an application with the director in such form and setting forth such information as may be prescribed or required by the director and shall furnish such additional information bearing upon the issuance of the license as the director requires. Every application shall be sworn to before an officer authorized to administer oaths. In the case of a copartnership or corporation any officer may sign the application and verify the same on behalf of the applicant. The application shall be accompanied by an application fee[, none of which is refundable, as provided in rules adopted by the director pursuant to chapter 91].”

SECTION 53. Section 441-31, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The fee for a cemetery or pre-need funeral authority original license, for reinstatement of a suspended license, for biennial renewal of a license, and for the reissuance of a license when there has been a change in the licensee’s name, shall be as provided in rules adopted by the director pursuant to chapter 91. [All

fees and other moneys collected or received under this chapter shall be paid to the director and deposited with the director of finance to the credit of the general fund.]”

SECTION 54. Section 442-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) It shall be unlawful for any person to practice chiropractic without a license. Any person applying for a license to practice chiropractic shall submit an application to the board of chiropractic examiners sixty days prior to the examination accompanied by the application and examination fees, and such documents, and affidavits as are prescribed by law. The application shall be submitted in accordance with the rules of the board of chiropractic examiners, shall be on a form prescribed by the board, and shall be signed and verified under oath by the applicant[, and in]. In addition thereto, each applicant shall furnish to the board of examiners:

- (1) An unretouched, unmounted photograph taken within sixty days next preceding the date of the application;
- (2) A photostatic copy of the diploma from a chiropractic college or school holding status with the commission on accreditation as provided in this section;
- (3) After March 1, 1958, satisfactory proof that the applicant has completed two years of liberal arts or science study at a university or college; provided that the foregoing requirement shall not [be applicable] apply to applicants having entered an approved chiropractic college on or before October 31, 1955; and
- (4) Evidence of having attended and graduated from a chiropractic college accredited by, or recognized as a candidate for accreditation by, any chiropractic accrediting agency recognized by the United States Department of Education. Students who have matriculated in any chiropractic college prior to October 15, 1984, shall be exempt.”

SECTION 55. Section 442-3, Hawaii Revised Statutes, is amended to read as follows:

“**§442-3 Board of examiners.** There shall be a board to be known as the “state board of chiropractic examiners,” [which] that shall consist of five members[, who shall be appointed by the governor, in the manner prescribed in section 26-34]. Three members of the board shall be licensees under this chapter and two shall be public members. As used in this chapter, “board” means the state board of chiropractic examiners.

No person connected with any chiropractic school or college is eligible to appointment as a member of the board. Each member licensed under this chapter shall have practiced chiropractic in this State for at least five years immediately prior to the date of appointment. [Each member of the board shall serve without pay; provided that the actual and necessary traveling expenses of the members of the board incurred in connection with the performance of official duties shall be paid by the department of commerce and consumer affairs, upon proper vouchers approved by the department.]”

SECTION 56. Section 442-5, Hawaii Revised Statutes, is amended to read as follows:

“§442-5 Board’s powers. [The] In addition to any other powers and duties authorized by law, the board [of chiropractic examiners] may adopt a seal, which shall be affixed to all official acts of the board; adopt from time to time such rules as the board may deem proper and necessary for the performance of its work; examine applicants and issue licenses and order the limitation, restriction, revocation, suspension, or placement under probation of licenses to practice chiropractic; summon witnesses and take testimony as to matters pertaining to its duties; [promulgate] adopt by rule continuing educational requirements for reregistration of licenses designed to promote the continuing professional competence of licensees and protection of the public. Each member may administer oaths and take affidavits, and do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.”

SECTION 57. Section 442-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [The] In addition to any other actions authorized by law, the board [of chiropractic examiners] shall refuse to issue or may order any license issued under this chapter to be revoked, suspended, limited, restricted, or placed under probation at any time in a proceeding before the board or fine a licensee for any [one or more of the following grounds:] cause authorized by law, including but not limited to the following:

- (1) Procuring or aiding or abetting in procuring a criminal abortion;
- (2) Employing what is popularly known as a “capper” or “steerer”;
- (3) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
- (4) Wilfully betraying a professional secret;
- (5) Making any untruthful statement in advertising one’s practice or business under this chapter;
- (6) False, fraudulent, or deceptive advertising;
- (7) Advertising directly or indirectly, or in substance upon any card, sign, newspaper advertisement, or other written or printed sign of advertisement that the holder of a license or the licensee’s employer or employee will treat, cure, or attempt to treat or cure any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs;
- (8) Being habitually intemperate;
- (9) Habitually using any habit-forming drug, such as opium, or any of its derivatives, morphine, heroin, cocaine, or any other habit-forming drug;
- (10) The advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed;
- (11) Procuring a license through fraudulent misrepresentation or deceit;
- (12) Professional misconduct or gross carelessness or manifest incapability in the practice of chiropractic;
- (13) Violating section 453-2; and
- (14) Knowingly recording, registering, or filing, or offering for recordation, registration, or filing, with the department of commerce and consumer affairs any written statement which has been falsely made, completed, or altered, or in which a false entry has been made, or which contains a false statement or false information.”

SECTION 58. Section 443B-1, Hawaii Revised Statutes, is amended by deleting the definition "person".

[““Person” includes an individual, partnership, joint venture, corporation, association, business, trust, or any organized group of persons, or any combination thereof.”]

SECTION 59. Section 443B-2, Hawaii Revised Statutes, is amended to read as follows:

“§443B-2 Powers and duties of the director. In addition to any other [duties and powers granted by this chapter,] powers and duties authorized by law, the director shall:

- (1) Grant certificates of registration to collection agencies pursuant to this chapter;
- (2) Adopt, amend, or repeal rules as the director deems proper to fully effectuate this chapter;
- (3) Enforce this chapter and the rules relating to collection agencies;
- (4) Fine, suspend, terminate, or revoke any registration for any cause prescribed by this chapter, or for any violation of the rules, and refuse to grant any registration for any cause which would be grounds for revocation, termination, or suspension of a registration;
- (5) Investigate the actions of any person or agency acting or alleged to be acting in the capacity of a registrant under this chapter;
- (6) Order an audit of an account or an unannounced verification of an account's cash balance; and
- (7) Extend the deadlines required under this chapter and the rules; provided that the registrant or applicant meets the conditions and requirements prescribed.”

SECTION 60. Section 443B-4.57, Hawaii Revised Statutes, is amended to read as follows:

“[[§443B-4.57]] Fine, revocation, suspension, termination, denial of registration, renewal of registration, or restoration of registration. [The] In addition to any other actions authorized by law, the director may fine any agency, revoke or terminate any registration, suspend the right of the registrant to use the registration, or refuse to renew or restore a registration for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Dishonesty, deceit, fraud, or gross negligence in conducting business as a collection agency;
- (2) Advertising by means of false and deceptive statements or by statements which tend to deceive or defraud;
- (3) Advertising or acting as a collection agency without a current and active certificate of registration issued under this chapter;
- (4) Violation of any provision of this chapter or the rules adopted pursuant thereto;
- (5) Commingling of clients' funds or other property;
- (6) Breach of fiduciary duty;
- (7) Failure to notify the director in writing of any material change in information; and
- (8) Providing false or misleading information at the time of application or during the time of registration.”

SECTION 61. Section 443B-4.59, Hawaii Revised Statutes, is amended to read as follows:

“[§443B-4.59] Restoration of forfeited registration. (a) A forfeited registration may be restored by submitting an application provided by the director and by paying a delinquent renewal fee and a restoration fee in the amount specified by rule.

(b) Failure to restore a forfeited registration within sixty days of forfeiture shall cause the registration to be terminated.

(c) The director may extend the sixty day limitation for good cause shown.

(d) Upon termination of registration, the collection agency shall cease to do business.

(e) Within fifteen days of receipt of the notification of termination, the collection agency may request an administrative hearing pursuant to chapter 91 to contest the termination.]”

SECTION 62. Section 444-1, Hawaii Revised Statutes, is amended to read as follows:

“§444-1 Definitions. As used in this chapter:

[(1)] “Board” means the contractors license board[;].

“CFC” means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-13, CFC-112, CFC-113, CFC-114, and CFC-115. The term “CFC” does not include any hydrofluorocarbon (“HFC”) or hydrochlorofluorocarbon (“HCFC”) compounds.

[(2)] “Contractor” means any person who by oneself or through others offers to undertake, or holds oneself out as being able to undertake, or does undertake to alter, add to, subtract from, improve, enhance, or beautify any realty or construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation, or other structure, project, development, or improvement, or do any part thereof, including the erection of scaffolding or other structures or works in connection therewith[;].

[(3)] “Contractor” includes a subcontractor, a specialty contractor, and any person, general engineering, general building, or specialty contractor who performs [construction as defined in section 444-1(2)] any of the activities listed in the previous paragraph directly or indirectly for the federal government[;].

[(4)] “Person” means an individual, partnership, joint venture, corporation, or any combination thereof. “Corporation” includes an association, business trust or any organized trust or any organized group of persons[;]

“Department” means the department of commerce and consumer affairs.

“Director” means the director of commerce and consumer affairs.

“Investigator” means any person employed by the department of commerce and consumer affairs to investigate matters relating to any person who furnishes commodities or services for which a license is required from the department or any board or commission thereunder.

“Refrigerant recovery and recycling equipment” means a device used to recover and to purify CFCs from a device for later reuse.

[(5)] “RME” means responsible managing employee[;].

[(6)] “Sale” means any arrangement between two or more persons as a result of which there is, or is to be, a transfer of property for a consideration[;].

[(7)] “Director” means the director of the department of commerce and consumer affairs;

(8) "Investigator" means any person employed by the department of commerce and consumer affairs to investigate matters relating to any person who furnishes commodities or services for which a license is required from the department or any board or commission thereunder.

(9)¹ "CFC" means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-13, CFC-112, CFC-113, CFC-114, and CFC-115. The term "CFC" does not include any hydrofluorocarbon ("HFC") or hydrochlorofluorocarbon ("HCFC") compounds.

(10)¹ "Refrigerant recovery and recycling equipment" means a device used to recover and to purify CFCs from a device for later reuse.]

If any provision of this section, or the application thereof to any person, or circumstances, is held to be invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable."

SECTION 63. Section 444-3, Hawaii Revised Statutes, is amended to read as follows:

"§444-3 Contractors license board. (a) There shall be a contractors license board of thirteen members [appointed by the governor in the manner prescribed in section 26-34].

(b) Of the board members:

(1) Ten [members of the board] shall be contractors who have been actively engaged in the contracting business for a period of not less than five years preceding the date of their appointment[.];

(2) Five [members of the board] shall be general engineering or building contractors, five [members] shall be specialty contractors, and three [members] shall be noncontractors. No member shall receive any compensation for [his] the member's services, but each shall be reimbursed for [his] necessary traveling expenses incurred in the performance of [his] duties.

(3) Each county shall be represented on the board.

(c) [Except for members of the board first appointed, no] No one, except the three noncontractor members, shall be eligible for appointment who does not at the time of [his] the member's appointment hold a valid and unexpired license to operate as a contractor. [Each of the contractor members of the board first appointed shall, within thirty days of his appointment, qualify for and obtain a license to operate as a contractor.

(d) Organization, records, reports. Immediately upon the appointment and qualification of the original members, and annually thereafter, the board shall organize by the election of one member as chairman and one member as vice-chairman. The board shall keep a complete record of all its proceedings and shall present annually to the governor through the director of commerce and consumer affairs a detailed statement of the receipts and disbursements of the board during the preceding year, with a statement of its acts and proceedings and such recommendations as the board may deem proper.]"

SECTION 64. Section 444-4, Hawaii Revised Statutes, is amended to read as follows:

"§444-4 Powers and duties of board. In addition to any other [duties and powers granted by this chapter] powers and duties authorized by law, the contractors license board shall:

- (1) Grant licenses, including conditional licenses, to contractors pursuant to this chapter and rules;
- (2) [Make,] Adopt, amend, or repeal such rules as it may deem proper fully to effectuate this chapter and carry out the purpose thereof, which [purpose] is the protection of the general public. All [such] rules shall be approved by the governor and the director [of commerce and consumer affairs], and when adopted pursuant to chapter 91, shall have the force and effect of law. The rules may forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter. The rules may require contractors to make reports to the board containing such items of information as will better enable the board to enforce this chapter and rules, or as will better enable the board from time to time to amend the rules more fully to effectuate the purposes of this chapter. The rules may require contractors to furnish reports to owners containing such matters of information as the board deems necessary to promote the purpose of this chapter. The enumeration of specific matters which may properly be made the subject of rules shall not be construed to limit the board's general power to make all rules necessary fully to effectuate the purpose of this chapter;
- (3) Adopt rules pursuant to chapter 91 necessary to implement the provisions of this chapter relating to CFCs, including, but not limited to, procedures for the disposal of air conditioning units utilizing CFCs that include mandatory recovery and recycling of CFCs;
- (4) Enforce this chapter and rules adopted pursuant thereto;
- (5) Suspend or revoke any license for any cause prescribed by this chapter, or for any violation of the rules, and refuse to grant any license for any cause which would be ground for revocation or suspension of a license;
- (6) Publish and distribute pamphlets and circulars containing such information as it deems proper to further the accomplishment of the purpose of this chapter; and
- (7) Contract for professional testing services to prepare, administer, and grade [such] the examinations and tests for applicants as may be required for the purposes of this chapter. The board shall determine the scope and length of such examinations and tests, whether they shall be oral, written, or both, and the score that shall be deemed a passing score."

SECTION 65. Section 444-5, Hawaii Revised Statutes, is amended to read as follows:

"§444-5 [Executive secretary; other] Other assistants. [(a)] Subject to chapters 76 and 77 the department [of commerce and consumer affairs] may employ and remove such administrative and clerical assistants as the contractors license board may require [and prescribe their powers and duties].

- [(b)] (1) The department shall employ an executive secretary of the board whose position shall be subject to chapters 76 and 77. The executive secretary shall be employed with due regard to the executive secretary's fitness, thorough administrative ability and knowledge of and experience in the business of contracting. The executive secretary shall devote the executive secretary's entire time to the duties of the executive secretary's office and shall not be actively engaged or

employed in any other business, vocation, or employment, nor shall the executive secretary have any pecuniary interest, direct or indirect, in any contracting enterprise or enterprises conducted or carried on within the State;

- (2) The executive secretary shall, under the supervision of the board, administer this chapter and the rules and regulations and orders established thereunder and perform such other duties as the board may require; the executive secretary shall attend but not vote at all meetings of the board; the executive secretary shall be in charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to contracting;
- (3) The board may, by written order filed in its office, delegate to the executive secretary such of its powers or duties as it deems reasonable and proper for the effective administration of this chapter, except the power to make rules or regulations. The delegated powers and duties may be exercised by the executive secretary in the name of the board.

(c) The department may appoint an investigator who shall be exempt from the provisions of chapter 76 and who shall act as investigator for the contractors license board.]”

SECTION 66. Section 444-12, Hawaii Revised Statutes, is amended to read as follows:

“§444-12 Application; fees. (a) Every applicant for a license under this chapter shall file an application with the [contractors license] board in such form and setting forth such information as may be prescribed or required by the board, and shall furnish such additional information bearing upon the issuance of the license as [it] the board shall require. Every application shall be sworn to before an officer authorized to administer oaths. In the case of a [copartnership,] partnership, joint venture, or corporation, any member or officer thereof may sign the application and verify the same on behalf of the applicant.

[(b) Every application for a license hereunder shall be accompanied by an application fee as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.

(c) ~~(b)~~ Every applicant who is required by the board to be examined shall pay, directly to the testing agency, an examination fee as provided in rules adopted by the director pursuant to chapter 91.”

SECTION 67. Section 444-15, Hawaii Revised Statutes, is amended to read as follows:

“§444-15 Fees; biennial renewals. [(a) The fees for each license and biennial renewal thereof prescribed by this chapter shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.

(b)] The biennial fee or inactive license fee shall be paid to the [contractors license] board on or before April 30 of each even-numbered year. Failure, neglect, or refusal of any licensee to pay the biennial renewal fee and submit all documents requested by the board before [such] that date shall constitute a forfeiture of the licensee’s license. Any [such] forfeited license may be restored upon written application therefor within sixty days from [such] that date and the payment of the required fee plus an amount equal to ten per cent thereof.

Upon written request of a licensee, the board may place that person's active license in an inactive status. The license, upon payment of the inactive license fee, may continue inactive for the biennial period. Failure, neglect, or refusal of any licensee in inactive status to pay the inactive license fee shall constitute a forfeiture of the license. The license may be reactivated at any time during the biennial period by making written request to the board and by fulfilling all the requirements, including the payment of the appropriate fees."

SECTION 68. Section 444-16, Hawaii Revised Statutes, is amended to read as follows:

"§444-16 Action on applications. Within one hundred and twenty days after the filing of a proper application for a license and the payment of the required fees, the [contractors license] board shall (1) conduct an investigation of the applicant, and in [such] that investigation may post pertinent information, including but not limited to, the name and address of the applicant, and if the applicant is associated in any partnership, corporation, or other entity, the names, addresses, and official capacities of the applicant's associates; and (2) either issue a license to the applicant or else notify the applicant in writing by registered mail of the board's decision not to grant the license and specifically notify applicant of the applicant's right to have a hearing within fifteen days on the board's decision. The hearing shall be conducted in accordance with [section 444-18.] chapter 91."

SECTION 69. Section 444-17, Hawaii Revised Statutes, is amended to read as follows:

"§444-17 Revocation, suspension, and renewal of licenses. [The contractors license] In addition to any other actions authorized by law, the board may revoke any license issued hereunder, or suspend the right of the licensee to use [such] the licenses, or refuse to renew any [such] license for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Any dishonest or fraudulent or deceitful act as a contractor [which] that causes a substantial damage to another;
- (2) Engaging in any unfair or deceptive act or practice as prohibited by section 480-2;
- (3) Abandonment of any construction project or operation without reasonable or legal excuse;
- (4) Wilful diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of any construction project or operation, and the use thereof for any other purpose;
- (5) Wilful departure from, or wilful disregard of plans or specifications in any material respect without consent of the owner or the owner's duly authorized representative, [which] that is prejudicial to a person entitled to have the construction project or operation completed in accordance with [such] those plans and specifications;
- (6) Wilful violation of any law of the State, or [of] any [political subdivision thereof.] county, relating to building, including any violation of any applicable rule [or regulation] of the department of health, or of any applicable safety or labor law;
- (7) Failure to make and keep records showing all contracts, documents, records, receipts, and disbursements by a licensee of all the licensee's transactions as a contractor for a period of not less than

- three years after completion of any construction project or operation to which the records refer or to permit inspection of such records by the board;
- (8) When the licensee being a [copartnership] partnership or a joint venture permits any member or employee of [such copartnership] the partnership or joint venture who does not hold a license to have the direct management of the contracting business thereof;
 - (9) When the licensee being a corporation permits any officer or employee of [such] the corporation who does not hold a license to have the direct management of the contracting business thereof;
 - (10) Misrepresentation of a material fact by an applicant in obtaining a license;
 - (11) Failure of a licensee to complete in a material respect any construction project or operation for the agreed price if such failure is without legal excuse;
 - (12) Wilful failure in any material respect to comply with this chapter or the rules [and regulations promulgated] adopted pursuant thereto;
 - (13) Wilful failure or refusal to prosecute a project or operation to completion with reasonable diligence;
 - (14) Wilful failure to pay when due a debt incurred for services or materials rendered or purchased in connection with the licensee's operations as a contractor when the licensee has the ability to pay or when the licensee has received sufficient funds therefor as payment for the particular operation for which the services or materials were rendered or purchased;
 - (15) The false denial of any debt due or the validity of the claim therefor with intent to secure for the licensee, the licensee's employer, or other person, any discount of [such] the debt or with intent to hinder, delay, or defraud the person to whom [such] the debt is due;
 - (16) Failure to secure or maintain workers' compensation insurance when not authorized to act as a self-insurer under chapter 386;
 - (17) Knowingly entering into a contract with an unlicensed contractor involving work or activity for the performance of which licensing is required under this chapter;
 - (18) Servicing an air conditioning unit utilizing CFCs without using refrigerant recovery and recycling equipment;
 - (19) Disposing of an air conditioning unit utilizing CFCs without first removing the CFCs with refrigerant recovery and recycling equipment; and
 - (20) Wilfully causing or allowing CFCs to be released into the air from any source or process regulated by this chapter, other than through common use of a product, or in the course of attempting to recover, recycle, or safely dispose of CFCs while exercising due care to prevent unnecessary releases of CFCs into the air to the extent practicable and in compliance with applicable rules.

[No license shall be suspended for longer than two years and no person whose license is revoked shall be eligible to apply for a new license until the expiration of two years.]”

SECTION 70. Section 447-4, Hawaii Revised Statutes, is amended to read as follows:

“§447-4 Revocation of dentist's license. The board of dental examiners

may revoke the license of any dentist who permits any dental hygienist employed by or working under the dentist's supervision to perform any dental operation other than that permitted under this chapter[; provided before any license is revoked the holder thereof shall be notified in writing of the grounds for revocation and shall be given an opportunity to present evidence and be heard by the board]."

SECTION 71. Section 447-6, Hawaii Revised Statutes, is amended to read as follows:

"§447-6 Prohibited acts; discipline; penalty. (a) [The] In addition to any other actions authorized by law, the board of dental examiners may suspend or revoke any license issued under this chapter or fine a licensee for any [of the following reasons:] cause authorized by law, including but not limited to the following:

- (1) Professional misbehavior; or
- (2) Any other violation of this chapter or rules adopted pursuant thereto.
- (b) Any person who violates any of the provisions of this chapter[, or any other law, or who fails to comply with any of the requirements or provisions of this chapter[, or any other law, a penalty for which is not otherwise provided, shall be fined not less than \$50, nor more than \$250, and each day's violation or failure to comply [with the provisions hereof] shall be deemed a separate violation and shall result in a separate fine.

(c) In any proceeding for the suspension or revocation of a license, or the imposition of a fine on a licensed dental hygienist, the licensee shall be given notice and opportunity for a hearing in conformity with chapter 91.]"

SECTION 72. Section 448-5, Hawaii Revised Statutes, is amended to read as follows:

"§448-5 Board of examiners; appointment. The [governor shall appoint, in the manner prescribed in section 26-34, and for neglect of duty, incompetency, or dishonorable conduct, may remove the] board of dental examiners[, which] shall consist of eleven members, eight of whom shall be practicing dentists[, who have been engaged in the practice of dentistry in the State for a period of five years preceding their several appointments, one of whom shall be a practicing dental hygienist, duly licensed under section 447-1, who has been engaged in the practice of dental hygiene in the State for a period of five years preceding appointment, and two of whom shall be public members. No member shall be in any way connected with, or interested financially in, any dental supply company. One member in the practice of dentistry shall be appointed from each of the counties of Hawaii, Maui, and Kauai and five members in the practice of dentistry shall be appointed from the city and county of Honolulu. [The members of the board shall serve without pay, and each shall serve until a successor is appointed and qualified.] As used in this chapter, "board" means the board of dental examiners."

SECTION 73. Section 448-6, Hawaii Revised Statutes, is amended to read as follows:

"§448-6 [Officers;] Powers and duties, meetings. [(a) The board of dental examiners shall elect one of its members chairman and another as vice-chairman.

(b)] (a) The board shall meet for the purpose of examining applicants and for other purposes at such times as it designates. Adequate notice of the times and places of examinations shall be given by publication in a newspaper of general circulation in the State. The board may prescribe which members shall participate in the examination and licensing procedures.

[(c) The] (b) In addition to any other powers and duties authorized by law, the board shall adopt such rules as it deems proper and necessary for the performance of its work."

SECTION 74. Section 448-9, Hawaii Revised Statutes, is amended to read as follows:

"§448-9 Application for examination for graduates of dental colleges accredited by the American Dental Association. Any person of eighteen years or more, shall be eligible to take an examination before the board [of dental examiners] upon [complying with the following requirements:] submission of:

- (1) [Submit an] An application [in writing] on a form prescribed by the board to the executive secretary of the board not later than sixty days prior to the date of the scheduled examination[.];
- (2) [Remit application] Application and examination fees[.]; and
- (3) [Submit with each application documentation] Documentation and credentials [which] that shall include but are not limited to the following:
 - (A) A recent unmounted photograph of the applicant;
 - (B) A diploma or certificate of graduation from a dental college accredited by the Council of Dental Education of the American Dental Association, recognized and approved by the board; and
 - (C) A certificate or other evidence satisfactory to the board of having passed parts I and II of the examination of the National Board of Dental Examiners."

SECTION 75. Section 448-9.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person of eighteen years or more, who is a graduate of a foreign dental school not accredited by the [America] American Dental Association and a permanent resident of the United States shall be eligible to take an examination before the board [of dental examiners] upon [complying with the following requirements:] submission of:

- (1) [Submit an] An application [in writing] on a form prescribed by the board to the executive secretary of the board not later than sixty days prior to the date of the scheduled examination[.];
- (2) [Remit application] Application and examination fees[.]; and
- (3) [Submit with each application documentation] Documentation and credentials [which] that shall include but are not limited to the following:
 - (A) A recent unmounted photograph of the applicant;
 - (B) A complete transcript of the academic and clinical dental school record of the applicant, authenticated by either the president, secretary, dean, or registrar of the educational institution. The transcript shall be accompanied by an affidavit showing to the satisfaction of the board that the applicant is

the person named in each transcript submitted, that the transcript is a true recital of the full number of academic years of undergraduate courses required for graduation, and that [such] the courses of professional instruction in dentistry were accomplished in a resident course of instruction;

- (C) A legible, true copy of the dental diploma or dental degree conferred upon the applicant as evidence of the completion of the courses of dental instruction required for graduation, authenticated by either the president, secretary, dean, or registrar of the educational institution. The diploma or degree shall be accompanied by an affidavit showing to the satisfaction of the board that the applicant is the person named in the document, that the applicant is the lawful holder, and that it was procured in the regular resident course of instruction and examination without fraud or misrepresentation;
- (D) Certification by the licensing authority of the governmental jurisdiction, wherein is located the foreign institution from which the applicant was graduated that the applicant has been admitted or licensed to practice dentistry in that foreign state, country, or political subdivision;
- (E) A certificate or other evidence satisfactory to the board of having passed parts I and II of the examination of the National Board of Dental Examiners; and
- (F) Other documentation and credentials as may be required by the board."

SECTION 76. Section 448-10, Hawaii Revised Statutes, is amended to read as follows:

"§448-10 Examination; time; establishment of fees by rule; disposition of fees]. (a) The board [of dental examiners] shall require all applicants to take the state written and practical examination on dentistry. In administering the examination the State shall consider current trends in dental education. The requirements for the examination in operative and laboratory dentistry shall be decided by the board and mailed to each applicant. All instruments, materials, and patients shall be supplied by the applicant. Two examinations shall be held each year.

(b) The board [of dental examiners] shall establish and administer a restorative technique examination to all qualified applicants under section 448-9.5. In administering the examination the State shall consider current trends in dental education. No applicant shall be permitted to take the practical examination under subsection (a) unless the applicant has passed the restorative technique examination. [The restorative technique examination fee, together with all other fees or charges in this chapter or in rules adopted by the board, shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91, and shall be deposited with the director of finance to the credit of the general fund.]"

SECTION 77. Section 448-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The board [of dental examiners] shall refuse to issue a license to any applicant who fails to meet all of the requirements imposed by this chapter and

may refuse to issue a license to any applicant who has previously committed any act which would, if committed by a licensee, result in the revocation or suspension of the license.

[The] In addition to any other actions authorized by law, the board may suspend or revoke any license issued under this chapter and may fine a licensee for any [of the following reasons:] cause authorized by law, including but not limited to the following:

- (1) Fraud in procuring license;
- (2) Habitual intoxication or addiction to the use of drugs;
- (3) Wilful or repeated violations of the rules of the department of health;
- (4) Acceptance of a fee for service as a witness, without the knowledge of the court, in addition to the fee allowed by the court;
- (5) Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient;
- (6) Assisting in the care or treatment of a patient, without the knowledge of the patient or the patient's legal representative;
- (7) Employing, procuring, inducing, aiding, or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry;
- (8) Making any misrepresentations or false promises, directly or indirectly, to influence, persuade, or induce dental patronage;
- (9) Professional connection or association with, or lending one's name to another for, the illegal practice of dentistry by another, or professional connection or association with any person, firm, or corporation holding oneself, themselves, or itself out in any manner contrary to this chapter;
- (10) By false or fraudulent representations, obtaining or seeking to obtain practice or money or any other thing of value;
- (11) Practicing, either in the State or elsewhere, under a name other than one's own;
- (12) Any other improper, unprofessional, or dishonorable conduct in the practice of dentistry; and
- (13) Violation of section 447-4."

SECTION 78. Section 448-18, Hawaii Revised Statutes, is amended to read as follows:

"§448-18 Hearings. [In every case in which it is proposed to revoke, suspend, or refuse to issue a license under section 448-17, the person concerned shall be given notice and opportunity to be heard by the board of dental examiners in conformity with chapter 91. Written notice shall be given to the person concerned at least five 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 a member thereof, or of any subpoena issued by it[,] or a member, or the refusal of any witness to testify to any matter regarding which the witness 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."

SECTION 79. Section 448E-2, Hawaii Revised Statutes, is amended to read as follows:

"[§448E-2] Board; appointment. There is established [within the department of commerce and consumer affairs for administrative purposes] the board of electricians and plumbers consisting of seven members [appointed by the governor as provided in section 26-34. The board shall designate one of its members as chairman]. Two of the members shall be engaged in the electrical trade and two of the members shall be engaged in the plumbing trade. Three of the members shall be private citizens not connected with the industry."

SECTION 80. Section 448E-4, Hawaii Revised Statutes, is amended to read as follows:

"§448E-4 Powers and duties of board. [The] In addition to any other powers and duties authorized by law, the board shall have all the powers and duties necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including, without limitation, the following powers and duties:

- (1) To grant licenses which shall be renewable on a biennial basis to:
 - (A) [Journeyman] Journeyworker electricians[.];
 - (B) [Journeyman] Journeyworker specialty electricians[.];
 - (C) Supervising electricians[.];
 - (D) Supervising specialty electricians[.];
 - (E) Master plumbers[.];
 - (F) [Journeyman] Journeyworker plumbers[.];
 - (G) Maintenance electricians[.];
 - (H) [Journeyman] Journeyworker industrial electricians[.]; and
 - (I) Supervising industrial electricians;
- (2) To [make,] adopt, amend, or repeal such rules as it may deem proper to effectuate this chapter and to insure the safety and welfare of the general public. All [such] rules shall be adopted pursuant to chapter 91. The rules may forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter;
- (3) To enforce this chapter and rules adopted pursuant thereto including the denial, suspension, or revocation of any license; and
- (4) To examine all applicants and determine their qualifications prior to the issuance of licenses."

SECTION 81. Section 448E-8, Hawaii Revised Statutes, is amended to read as follows:

"§448E-8 Fees; biennial renewals. [(a) The fees for each original license and renewal thereof prescribed by this chapter shall be fixed by the board.

(b)] The biennial renewal fee shall be paid to the board before July 1 of each even-numbered year. Failure, neglect, or refusal of any licensee to pay the biennial renewal fee before such date shall constitute a forfeiture of the license. Any [such] license so forfeited may be restored upon written application therefor within one year from [such] that date and the payment of the required fee plus an amount equal to ten per cent thereof."

SECTION 82. Section 448E-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [The] In addition to any other actions authorized by law the board, after notice and hearing as provided in chapter 91, may suspend or revoke any license, or impose fines, or [deny the renewal of any license, or] prior to [such] the notice and hearing, deny the issuance or renewal of any license for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) A license was or is sought to be obtained by fraud, misrepresentation, or deceit;
- (2) Gross negligence, incompetency, misconduct, or dishonesty in the practice of the profession;
- (3) False, fraudulent, or deceptive advertising;
- (4) Permitting an unlicensed person to perform activities requiring a license; or
- (5) Violation of any provisions of this chapter and any rules of the board.”

SECTION 83. Section 448F-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [The] In addition to any other powers and duties authorized by law, the department pursuant to chapter 91, may adopt rules as it deems necessary for the public health or safety relating to, but not limited to:

- (1) The education, training, experience or qualifications required to obtain a license under this chapter;
- (2) The practices, standards, or conduct of persons holding a license under this chapter; and
- (3) The use of anesthetic injections, topical anesthetics, other medications, and prescription drugs.”

SECTION 84. Section 448F-6, Hawaii Revised Statutes, is amended to read as follows:

“**[§448F-6] Denial of licensure[; hearing].** [(a)] No applicant shall be licensed as an electrologist if:

- (1) The applicant has been convicted of a crime and the basis of denial of licensure falls within the exceptions provided in section 831-3.1; [or]
- (2) The applicant has been declared mentally incompetent by any court and the decree has not since been dismissed; or
- (3) Proceedings brought against the applicant pursuant to this section resulted in findings of any of the causes listed in section 448F-7(b).

[(b)] Any person whose application for licensure has been denied shall be given notice and the opportunity for a hearing.]”

SECTION 85. Section 448F-7, Hawaii Revised Statutes, is amended to read as follows:

“**[§448F-7] Refusal to permit examination or issue license; discipline; complaints; grounds; proceedings; hearings.** (a) [The] In addition to any other actions authorized by law, the director shall have the power to refuse to admit persons to its examinations or to issue or to renew a license, to revoke, limit, condition, or suspend a license as an electrologist and to fine or otherwise discipline a licensed electrologist for any cause authorized by law, including but

not limited to any violation of section 448F-7(b).

(b) The department shall have the power to accept, investigate, prosecute, and hear complaints regarding any person, who is a licensed electrologist regarding any ground for disciplinary actions authorized by law, including but not limited to the following [allegations]:

- (1) Unfitness or incompetence by reason of negligence, habits, or other causes regardless of whether actual damage or damage to the public is established;
- (2) Habitual intemperance, addiction, or dependency on alcohol or other habit-forming substances;
- (3) Mental incompetence resulting in an inability to practice as an electrologist;
- (4) Submitting to or filing with the department any application, notice, statement, or other document in procuring or attempting to procure licensure as an electrologist, which is false or untrue or contains any material misstatement of fact;
- (5) Using the title, licensed electrologist, or any designation tending to imply that the person is a licensed electrologist when the person is not in fact licensed or the person's license has been suspended or revoked;
- (6) Violating conditions or limitations upon which licensure is granted;
- (7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm an individual or the public in the course of professional services or activities;
- (8) Having disciplinary action taken against the electrologist in another state;
- (9) Aiding or abetting an unlicensed person, knowingly combining or conspiring with an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as agent or associate of an unlicensed person to evade the use of title restrictions of this chapter;
- (10) Engaging in false or misleading advertising;
- (11) Engaging in sexual conduct in connection with professional services or activities; or
- (12) Violating chapter 321[.] relating to the department of health, or any rule adopted thereto.

[(c) In any proceeding under this section the person subject to the proceeding shall be given notice and the opportunity for a hearing in conformity with chapter 91.]”

SECTION 86. Section 448H-3, Hawaii Revised Statutes, is amended to read as follows:

“§448H-3 Elevator mechanics licensing board; appointment; organization. There is created an elevator mechanics licensing board within the department of commerce and consumer affairs for administrative purposes. The board shall consist of seven members, four of whom shall be licensed elevator mechanics, two others of whom shall be lay members, not connected or associated with the elevator or building industry, and one of whom shall be the branch manager of the boiler and elevator inspection bureau, division of occupational safety and health, department of labor and industrial relations. [The governor shall appoint the members of the board in accordance with section 26-34; provided that in the initial appointment of the board, the elevator mechanic members need not satisfy

the licensing requirements of this chapter, but shall have been elevator mechanics registered by the department of labor and industrial relations. The board shall elect one of its members as chairman.

Members of the board shall serve without compensation but shall be reimbursed for travel and other necessary expenses incurred in the performance of official duties.]”

SECTION 87. Section 448H-4, Hawaii Revised Statutes, is amended to read as follows:

“§448H-4 Meetings; quorum. The board shall meet not less than [once] twice a year at a time and place as determined by the board. The board shall also meet but not later than thirty days prior to the licensing examination pursuant to section 448H-5(2) in order to evaluate applications therefor. [Four members of the board shall constitute a quorum.] Any board member who misses two consecutive meetings of the board or fifty per cent of the meetings in a year shall be removed from the board.”

SECTION 88. Section 448H-5, Hawaii Revised Statutes, is amended to read as follows:

“§448H-5 Powers and duties of the board. [The] In addition to any other powers and duties authorized by law, the board shall:

- (1) Adopt rules in accordance with chapter 91 to carry out the purposes of this chapter;
- (2) Develop, apply, review and upgrade appropriate techniques, including examinations and investigations for determining whether a person meets the requirements of this chapter and standards to insure that elevator mechanics will be persons qualified to serve as such;
- (3) Prescribe, at a minimum, that a nationally recognized examination, augmented with locally developed material, be used in testing for licensure, the passing grade for the examination to be not less than seventy per cent;
- (4) Issue licenses to persons determined, after application of [such] those techniques, to have met [such] the required qualifications and revoke or suspend licenses, previously issued by the board pursuant to hearings held in accordance with chapter 91, in any case where the individual holding any [such] license is determined substantially to have failed to conform to [such] the required qualifications, this chapter, or the rules of the board;
- (5) Establish and carry out procedures designed to insure that persons licensed as elevator mechanics will, during any period they serve as such, comply with the requirements of this chapter, the rules of the board, and chapter 397 and [the] rules [promulgated] adopted thereunder;
- (6) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as an elevator mechanic has failed to comply with the requirements of this chapter regarding any complaint regarding job performance by mechanics, the rules of the board, or chapter 397 and the rules [promulgated] adopted thereunder;
- (7) Register apprentice elevator mechanics;
- (8) Maintain a record of its proceedings;

- (9) Assist and advise the department of labor and industrial relations in the [promulgation] adoption of rules relating to the conditions of work for elevator mechanics including requirements related to equipment or facilities essential for the safe installation, repair, maintenance, or alteration of any elevator, dumbwaiter, escalator, moving walk or ramp, and manlift; and
- (10) Notify the department of labor and industrial relations of any fact or situation that, in the opinion of the board, constitutes a violation of chapter 397 or of any rule [promulgated] adopted thereunder."

SECTION 89. Section 448H-8, Hawaii Revised Statutes, is amended to read as follows:

"§448H-8 Fees. Application, examination, license, temporary permit, and biennial renewal fees shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91. A fee is required for each reexamination. Application fees are not refundable.

Licenses shall expire on June 30 of each even-numbered year. [All fees received by the board pursuant to the provisions of this chapter shall be deposited with the director of finance to the credit of the general fund.]"

SECTION 90. Section 451A-1, Hawaii Revised Statutes, is amended by deleting the definition "license".

[""License" means a license issued under this chapter."]

SECTION 91. Section 451A-2, Hawaii Revised Statutes, is amended to read as follows:

"§451A-2 License required. It shall be unlawful for any person not licensed under this chapter to engage in the sale or practice of dealing and fitting of hearing aids or to use any sign, card, or device to indicate that the person is licensed and registered.

Any person wishing to obtain a license or a permit or certificate of endorsement shall [make application to the board] apply on a form prescribed by the board and shall furnish to the board:

- (1) Satisfactory proof that the person is a graduate of a high school approved and recognized by the board; and
- (2) Satisfactory proof that the person has fulfilled all of the requirements of the board.

An applicant shall be required to pass a licensing examination."

SECTION 92. Section 451A-3, Hawaii Revised Statutes, is amended to read as follows:

"§451A-3 Appointment, qualifications, term. There is hereby established a board [within the department of commerce and consumer affairs] of hearing aid dealers and fitters which shall consist of seven members [who shall be appointed by the governor in a manner prescribed in section 26-34]. Of the seven members, there shall be at least one hearing aid dealer and fitter, one otolaryngologist, and one audiologist. Each hearing aid dealer and fitter on the board shall have at least five years of experience and shall hold a valid license as a hearing

aid dealer and fitter[; provided that in the membership of the first board, the hearing aid dealers and fitters shall have, to qualify for appointment, at least five years of experience and possess all the qualifications provided in section 451A-2].

All members of the board shall be residents of the State. [The board shall elect a chairman and vice-chairman from the members of the board.]”

SECTION 93. Section 451A-5, Hawaii Revised Statutes, is amended to read as follows:

“§451A-5 Powers and duties of the board. [The] In addition to any other powers and duties authorized by law, the powers and duties of the board are to:

- (1) Adopt rules in accordance with chapter 91 to carry out the purposes of this chapter[.];
- (2) Develop standards for licensure[.];
- (3) Prepare and administer examinations[.];
- (4) Issue, renew, suspend, and revoke licenses[.];
- (5) Register applicants and holders of a license, permit and certificate of endorsement[.];
- (6) Investigate and conduct hearings regarding any violation of this chapter and any rules [and regulations] of the board[.];
- (7) Maintain a record of its proceedings[.];
- (8) Do all things necessary to carry out the functions, powers, and duties set forth in the chapter[.];
- (9) Monitor medical authorizations and waiver records[.]; and
- (10) Develop policies and procedures, in consultation with the state ethics commission, for handling real or potential conflicts of interest.”

SECTION 94. Section 451A-13, Hawaii Revised Statutes, is amended to read as follows:

“§451A-13 Discipline; grounds; proceeding; hearings. (a) [The] In addition to any other actions authorized by law, the board may deny, revoke, or suspend any license, certificate of endorsement, or temporary permit issued under this chapter and fine or otherwise discipline a licensee [upon proof that the person has:] for any cause authorized by law, including but not limited to proof that the person has:

- (1) Obtained a license, certificate of endorsement, or temporary permit by fraud or deceit;
- (2) Obtained a fee or the making of a sale by fraud or misrepresentation;
- (3) Employed with knowledge, directly or indirectly, any suspended or unregistered person to perform any work covered by this chapter;
- (4) Applied, caused, or promoted for advertising, the use of any matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation which is misleading, deceptive, or untruthful;
- (5) Advertised a particular model or type of hearing aid for sale which in fact is not immediately available and where it is established that the purpose was to obtain prospects for the sale of a different model or type;
- (6) Represented that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting,

adjustment, maintenance, or repair of hearing aids when that is not true, or used the words "doctor", "clinic", or similar words, abbreviations, or symbols related to the medical profession when it is not accurate;

- (7) Permitted the use of a license by another;
- (8) Advertised a product or used a manufacturer's name or trademark which implies a relationship which in fact does not exist;
- (9) Given or offered to give, directly or indirectly, money or anything of value to any person who advises another in a professional capacity as an inducement to influence the person or have the person influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing persons to refrain from dealing in the products of competitors;
- (10) Engaged in the fitting and selling of hearing aids under a false name or alias with fraudulent intent;
- (11) Sold a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids;
- (12) Committed gross incompetence or negligence in fitting and selling hearing aids;
- (13) Violated any provisions of this chapter and any rules;
- (14) Submitted to or filed with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement of fact; or
- (15) Failed to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final.

(b) Any person who wishes to make a complaint against a person who has a license, certificate of endorsement, or temporary permit shall file a complaint in writing with the board within one year from the date of the action upon which the complaint is based.

[(c) In any proceedings to impose disciplinary sanctions against a licensee, the board shall give the person concerned notice and opportunity for hearing in conformity with chapter 91. Appeals from the final order of the board shall be made pursuant to chapter 91.

(d) Any revocation or suspension of a license imposed by the board shall be in accordance with section 92-17(c).

(e) [c] Any fine imposed by the board after hearing in accordance with chapter 91 shall be no less than \$100 and no more than \$1,000 for each violation."

SECTION 95. Section 452-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established within the department of commerce and consumer affairs for administrative purposes a state board of massage consisting of five members [appointed by the governor as provided in section 26-34]."

SECTION 96. Section 452-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) [The] In addition to any other powers and duties authorized by law,

the board may grant, or upon proof of violation of this chapter or the rules adopted by the board governing the practice under this chapter, revoke, suspend, or refuse to renew a license as provided in this chapter.”

SECTION 97. Section 452-24, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [The] In addition to any other actions authorized by law, the board may take disciplinary action against any licensee, including, but not limited to, revocation, suspension, fine, or a combination thereof, or may refuse to grant or renew a license for any [of the following reasons:] cause authorized by law, including but not limited to the following:

- (1) Procuring a license through fraud, misrepresentation, or deceit or permitting an unlicensed person to perform activities which require a license under this chapter;
- (2) Conviction of any crime involving moral turpitude;
- (3) Practicing massage while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
- (4) Failure to display a license as provided in this chapter;
- (5) Professional misconduct, gross carelessness, or manifest incapacity in the practice of massage;
- (6) Violating this chapter or the rules adopted pursuant thereto;
- (7) Failing to comply with a board order;
- (8) Any other conduct constituting fraudulent or dishonest dealings;
- (9) Making a false statement on any document submitted or required to be filed by this chapter; or
- (10) Any representation, or the use of any designation, which states or implies that the person is able to perform a technique of massage which the person is not trained to perform.”

SECTION 98. Section 453-5, Hawaii Revised Statutes, is amended to read as follows:

“**\$453-5 Board of medical examiners; appointment, removal, qualifications.** (a) For the purpose of carrying out this chapter the governor shall appoint [in the manner prescribed in section 26-34,] a board of medical examiners, whose duty it shall be to examine all applicants for license to practice medicine or surgery. As used in this chapter, “board” means the board of medical examiners.

The board shall consist of nine persons, seven of whom shall be physicians or surgeons licensed under the laws of the State and two of whom shall be lay members appointed from the public at large. Of the seven physician or surgeon members, four shall be appointed from the city and county of Honolulu and one each from each of the other counties. Medical societies in the various counties may conduct elections periodically but no less frequently than every two years to determine nominees for the board to be submitted to the governor. In making appointments the governor may consider recommendations submitted by the medical societies and the public at large. Each member shall serve until a successor is appointed and qualified.

[(b) The members of the board shall serve without pay; provided that they shall be allowed their reasonable expenses for travel and other costs incurred in the discharge of their duties. A majority of the board shall constitute a quorum.

The board shall hold its meetings in public places and shall comply with chapter 92.

(c) The department of commerce and consumer affairs shall provide administrative support to the board.] (b) The department shall employ, not subject to chapters 76 and 77, an executive secretary to administer the board's activities and an employee to administer the medical claims conciliation panels established under chapter 671. The employee responsible for administration of the medical claims conciliation panels shall have no duties in administration of the board's activities."

SECTION 99. Section 453-5.1, Hawaii Revised Statutes, is amended to read as follows:

"§453-5.1 Powers and duties of board. In addition to other powers and duties [established by this chapter,] authorized by law, the board of medical examiners shall have all the powers necessary or convenient to effectuate the purpose of this chapter, including, without limitation, the following powers:

- (1) To adopt rules, pursuant to chapter 91; and
- (2) To enforce this chapter and rules adopted pursuant thereto."

SECTION 100. Section 453-6, Hawaii Revised Statutes, is amended to read as follows:

"§453-6 Fees; expenses. No applicant shall be examined under this chapter until the applicant has paid to the board [of medical examiners] application, examination, and license fees. The board may provide separate fees for licensure by endorsement and for limited and temporary licenses. Every person holding a license under this chapter shall reregister with the board no later than January 31, of each even-numbered year and for [such] that registration shall pay a renewal fee. At the time of reregistration, the physician or surgeon shall present to the board evidence of compliance with a program of continuing medical education adopted by the board. Failure to reregister and present [such] evidence of compliance shall constitute a forfeiture of license, which may be restored only upon written application therefor and payment to the board of a restoration fee. A license that has been forfeited for one renewal term shall be automatically terminated and cannot be restored, and a new application for licensure shall be required. [All such fees shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 and shall be deposited with the director of finance to the credit of the general fund.]"

SECTION 101. Section 453-8, Hawaii Revised Statutes, is amended to read as follows:

"§453-8 Revocation, limitation, suspension, or denial of licenses. (a) [Any] In addition to any other actions authorized by law, any license to practice medicine and surgery may be revoked, limited, or suspended by the board [of medical examiners] at any time in a proceeding before the board, or may be denied, for any [one or more of the following acts or conditions on the part of the holder of such license or the applicant therefor:] cause authorized by law, including but not limited to the following:

- (1) Procuring, or aiding or abetting in procuring, a criminal abortion;
- (2) Employing any person to solicit patients for one's self;

- (3) Engaging in false, fraudulent, or deceptive advertising, including, but not limited to:
 - (A) Making excessive claims of expertise in one or more medical specialty fields;
 - (B) Assuring a permanent cure for an incurable disease; or
 - (C) Making any untruthful and improbable statement in advertising one's medical or surgical practice or business;
- (4) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or an habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;
- (5) Practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
- (6) Procuring a license through fraud, misrepresentation, or deceit or knowingly permitting an unlicensed person to perform activities requiring a license;
- (7) Professional misconduct, gross negligence, or manifest incapacity in the practice of medicine or surgery;
- (8) Incompetence or multiple instances of negligence, including, but not limited to, the consistent use of medical service which is inappropriate or unnecessary;
- (9) Conduct or practice contrary to recognized standards of ethics of the medical profession as adopted by the Hawaii Medical Association or the American Medical Association;
- (10) Violation of the conditions or limitations upon which a limited or temporary license is issued;
- (11) Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege for reasons as provided in this section;
- (12) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a physician, notwithstanding any statutory provision to the contrary;
- (13) Violation of chapter 329, the uniform controlled substances act, or any rule adopted thereunder;
- (14) Failure to report to the board, in writing, any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty days after the disciplinary decision is issued; or
- (15) Submitting to or filing with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement or omission of fact.

[(b) If any license is revoked, limited, suspended, or denied by the board for any act or condition listed in this section, the board shall notify the holder of, or the applicant for, the license in writing of the revocation, limitation, suspension, or denial. Any license to practice medicine and surgery which has been revoked under this section may be restored by the board.

(c) [(b) If disciplinary action related to the practice of medicine has been taken against the applicant in any jurisdiction that would constitute a violation under this section, or if the applicant reveals a physical or mental condition that would constitute a violation under this section, then the board may impose one or more of the following requirements as a condition for licensure:

- (1) Physical and mental evaluation of the applicant by a licensed physician approved by the board;

- (2) Probation, including such conditions of probation as requiring observation of the licensee by an appropriate group or society of licensed physicians or surgeons;
- (3) Limitation of the license by restricting the fields of practice in which the licensee may engage;
- (4) Further education or training or proof of performance competency; and
- (5) Limitation of the medical practice of the licensee in any reasonable manner to assure the safety and welfare of the consuming public.”

SECTION 102. Section 453-8.2, Hawaii Revised Statutes, is amended to read as follows:

“§453-8.2 Disciplinary action. (a) In addition to any other actions authorized by law, in disciplining a licensee in a proceeding [under section 453-9, held in conformity with chapter 91, the board may impose one or more of the following actions:

- (1) Place the licensee on probation, including such conditions of probation as requiring observation of the licensee by an appropriate group or society of licensed physicians or surgeons[.];
- (2) Suspend the license[.];
- (3) Revoke the license[.];
- (4) Limit the license by restricting the fields of practice in which the licensee may engage[.];
- (5) Fine the licensee, including assessment against the licensee of the costs of the disciplinary proceedings. Any fine imposed by the board after a hearing in accordance with chapter 91 shall be not less than \$500 and not more than \$5,000 for each violation, exclusive of the costs of the disciplinary proceedings[.]; or
- [(6) Temporarily suspend the license for not more than thirty days without a hearing, when the board finds the practice of the licensee probably constitutes an immediate and grave danger to the public.
- (7)] (6) Require further education or training or require proof of performance competency.

(b) Unless otherwise expressly provided, the actions, remedies, or penalties provided by this chapter are cumulative to each other and to the actions, remedies, or penalties available under all other laws of this State.”

SECTION 103. Section 455-4, Hawaii Revised Statutes, is amended to read as follows:

“§455-4 State board of examiners in naturopathy. The governor shall appoint [in the manner prescribed by section 26-34] the board of examiners in naturopathy, consisting of three members. Each member shall serve until the member’s successor is appointed and qualified. Two members of the board [shall], before appointment, shall have been licensed as a naturopathic physician in the State and one shall be a public member.”

SECTION 104. Section 455-6, Hawaii Revised Statutes, is amended to read as follows:

“§455-6 Powers and authority of the board. [The] In addition to any other powers and duties authorized by law, the board may:

- (1) Adopt and use a seal to be affixed to all official acts of the board;
- (2) Adopt, amend, or repeal rules in accordance with chapter 91 to carry out the purposes of this chapter;
- (3) Develop standards for licensure;
- (4) Issue, renew, suspend, and revoke licenses and fine licensees;
- (5) Investigate and conduct hearings regarding any violation of this chapter and any rules of the board;
- (6) Maintain a record of its proceedings; and
- (7) Do all things necessary to carry out the functions, powers, and duties set forth in this chapter."

SECTION 105. Section 455-11, Hawaii Revised Statutes, is amended to read as follows:

"[§455-11] Discipline; grounds; proceedings; hearings. (a) [The] In addition to any other actions authorized by law, the board shall have the power to deny, revoke, suspend, or refuse to renew any license to practice naturopathy applied for or issued by the board in accordance with this chapter, and to fine or otherwise discipline a licensee for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Procuring, or aiding or abetting in procuring, a criminal abortion;
- (2) Employing any person to solicit patients;
- (3) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
- (4) Betraying a patient's confidence;
- (5) Making any untruthful and improbable statement in advertising one's naturopathic practice or business;
- (6) False, fraudulent, or deceptive advertising;
- (7) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or an habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;
- (8) Practicing naturopathy while the ability to practice is impaired by alcohol, drug, physical disability, or mental instability;
- (9) Procuring a license through fraud, misrepresentation, or deceit or knowingly permitting an unlicensed person to perform activities requiring a license;
- (10) Professional misconduct or gross carelessness or manifest incapacity in the practice of naturopathy;
- (11) Conduct or practice contrary to recognized standard of ethics of the naturopathic profession;
- (12) Utilizing medical service or treatment which is inappropriate or unnecessary;
- (13) Submitting to or filing with the board any notice, statement, or other document required under this chapter which is false or untrue or contains any material misstatement of fact;
- (14) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final;
- (15) Using the title "physician" without clearly identifying oneself as being a naturopathic physician; and
- (16) Violation of any provisions of this chapter or rules adopted under this chapter.

[(b) In any proceeding to impose disciplinary sanctions against a licensee, the board shall give the person concerned notice and an opportunity for hearing in conformity with chapter 91.

In any such proceeding, the board shall have power to administer oaths, compel the attendance of witnesses and the production of documentary evidence, and examine witnesses.

(c) Any revocation or suspension of a license imposed by the board shall be in accordance with section 92-17(c).

(d)] (b) Any fine imposed by the board after a hearing in accordance with chapter 91 shall be no less than \$500 and no more than \$10,000 for each violation."

SECTION 106. Section 457-3, Hawaii Revised Statutes, is amended to read as follows:

"§457-3 State board of nursing; appointment; term of office; removal from office. [There shall be a board of nursing the members of which shall be appointed and may be removed by the governor in the manner prescribed in section 26-34.] The board shall consist of nine members, five of whom shall be registered nurses, two of whom shall be licensed practical nurses and two of whom shall be public members. Both nursing education and nursing service shall be represented on the board. The term of office for members of the board shall be three years. No member shall be appointed to more than two consecutive terms or serve more than six years. Six members of the board shall be residents of the city and county of Honolulu and three shall be residents of counties other than the city and county of Honolulu."

SECTION 107. Section 457-5, Hawaii Revised Statutes, is amended to read as follows:

"§457-5 Duties and powers of board. [(a) The board shall hold meetings as it deems necessary. The board shall have a chairman and a vice-chairman, who shall be elected annually from its members.

(b) The] (a) In addition to any other powers and duties authorized by law, the board may:

- (1) Adopt, amend, or repeal rules, pursuant to chapter 91, not inconsistent with the law, as may be necessary to enable it to carry into effect this chapter;
- (2) Prescribe standards for preparing persons for licensure under this chapter;
- (3) Provide for surveys of educational programs as it may deem necessary;
- (4) Accredited educational programs as meet the requirements of this chapter and the rules of the board;
- (5) Deny or withdraw accreditation from educational programs for failure to meet prescribed standards;
- (6) Examine, license, and renew the licenses of qualified applicants;
- (7) Conduct hearings upon charges calling for discipline of a licensee or, denial, suspension, or revocation of a license;
- (8) Exercise the power to issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings;
- (9) Cause the prosecution of all persons violating this chapter and to incur necessary expenses therefor; and

(10) Keep a record of all its proceedings.

[(c)] (b) The board shall monitor and evaluate the scope of the practice of nursing in other states and make recommendations to the legislature, when deemed desirable, for appropriate amendment to the definitions under section 457-2 and any other provision of this chapter.

[(d)] The members of the board shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.]”

SECTION 108. Section 457-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) An applicant for a license to practice nursing as a registered nurse shall submit [to] an application on a form prescribed by the board and shall provide written evidence, verified by oath or affirmation, that the applicant:

- (1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and
- (2) Has completed a nursing program approved by the Hawaii board of nursing.”

SECTION 109. Section 457-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) An applicant for a license to practice nursing as a licensed practical nurse shall submit [to] an application on a form prescribed by the board and shall provide written evidence, verified by oath or affirmation, that the applicant:

- (1) Has completed an approved high school course of study or the equivalent thereof as determined by the appropriate educational agency; and
- (2) Has completed a licensed practical nurse program, or its equivalent, approved by the board, and holds a diploma or certificate therefrom.”

SECTION 110. Section 457-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any licensee who allows a license to lapse by failing to renew the license as provided in subsection (a) may be [reinstated] restored by the board on satisfactory explanation of the failure to renew and on payment of the renewal fee and a penalty fee.

Any person practicing nursing during the time the person’s license has lapsed shall be considered an illegal practitioner and shall be subjected to the penalties provided for violations of this chapter.

A nurse who does not engage in nursing in the State during the succeeding year shall not be required to pay the renewal fee as long as the nurse remains inactive. Should the nurse wish to resume nursing at some future time, the nurse shall so notify the board and remit the renewal fee for the current biennial period.”

SECTION 111. Section 457-12, Hawaii Revised Statutes, is amended to read as follows:

“**§457-12 Discipline; grounds; proceedings; hearings.** (a) [The] In addition to any other actions authorized by law, the board shall have the power to

deny, revoke, limit, or suspend any license to practice nursing as a registered nurse or as a licensed practical nurse applied for or issued by the board in accordance with this chapter, and to fine or to otherwise discipline a licensee for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Fraud or deceit in procuring or attempting to procure a license to practice nursing as a registered nurse or as a licensed practical nurse;
- (2) Gross immorality;
- (3) Unfitness or incompetence by reason of negligence, habits, or other causes;
- (4) Habitual intemperance, addiction to, or dependency on alcohol or other habit-forming substances;
- (5) Mental incompetence;
- (6) Unprofessional conduct as defined by the board in accordance with its own rules;
- (7) Wilful or repeated violation of any of the provisions of this chapter or any rule adopted by the board;
- (8) Revocation, suspension, limitation, or other disciplinary action by another state of a nursing license for reasons as provided in this section;
- (9) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a nurse, notwithstanding any statutory provision to the contrary;
- (10) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final;
- (11) Submitting to or filing with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement of fact; or
- (12) Violation of the conditions or limitations upon which any license is issued.

[(b) In any proceeding to discipline a licensee or for the suspension, limitation, or revocation of a license to practice nursing, the licensee sought to be disciplined or the person whose license is sought to be suspended, limited, or revoked shall be given notice and opportunity for hearing in conformity with chapter 91. Any person whose application for a license has been denied shall be given notice and the opportunity for a hearing pursuant to chapter 91.

(c) [(b)] Any fine imposed by the board after a hearing in accordance with chapter 91 shall be no less than \$100 and no more than \$1,000 for each violation.

[(d)] [(c)] 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."

SECTION 112. Section 457B-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) [The governor shall appoint the members of the board in accordance with section 26-34.] The board shall consist of seven members who shall serve for a term of four years. No member shall be appointed to more than two full consecutive terms. The board shall be composed of persons representing professions

and institutions concerned with the care and treatment of chronically ill or infirm elder patients, including but not limited to doctors, skilled nurses, hospital administrators, long term care facility administrators, physical therapists, occupational therapists, nutritionists, and gerontological social workers; provided that no more than three members shall be nursing home administrators.”

SECTION 113. Section 457B-6, Hawaii Revised Statutes, is amended to read as follows:

“§457B-6 Powers and duties. [The] In addition to any other powers and duties authorized by law, the board shall:

- (1) Develop, impose, and enforce standards which shall be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators shall be individuals who by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;
- (2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets the board’s standards;
- (3) Issue licenses to individuals determined, after the application of appropriate techniques, to meet the board’s standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding a license is determined substantially to have failed to conform to the requirements of the board’s standards;
- (4) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators shall, during any period that they serve as such, comply with the requirements of the board’s standards. The board shall also initiate and maintain cooperative arrangements with the long-term care ombudsman,³ department of human services and the⁴ department of health for the sharing of information on the performance of administrators;
- (5) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of the board’s standards;
- (6) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of administrators of nursing homes and of procedures and methods for the enforcement of licensing standards with respect to administrators of nursing homes who have been licensed;
- (7) Adopt in accordance with chapter 91 rules as may be necessary for the purposes of this chapter; and
- (8) Maintain a record of all its proceedings.”

SECTION 114. Section 457B-9, Hawaii Revised Statutes, is amended to read as follows:

“§457B-9 Fees. (a) An applicant for a license to practice nursing home administration by examination shall pay application and examination fees. A reexamination fee is required for each reexamination. Application fees shall not be refundable. Each applicant who successfully passes the examination shall pay

a license fee.

(b) There shall be a biennial renewal fee which shall be paid to the board on or before June 30 of each even-numbered year. Failure, neglect, or refusal of any duly licensed nursing home administrator to pay the biennial renewal fee shall constitute a forfeiture of the nursing home administrator's license. The license may be restored within three years upon written application therefor and the payment to the board of all delinquent fees plus a penalty fee and evidence of participation in educational programs.

[(c) All fees and other moneys collected or received under this chapter or rules adopted by the board shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 and shall be deposited with the director of finance to the credit of the general fund.]”

SECTION 115. Section 458-2, Hawaii Revised Statutes, is amended to read as follows:

“§458-2 Board of examiners; members, qualifications. The governor shall appoint [in the manner prescribed in section 26-34 as the] a board of dispensing opticians (hereinafter in this chapter referred to as the “board”) consisting of five members.

Upon the expiration of the member's term of office a member shall continue to serve until the member's successor has been appointed and has qualified. [A member may be removed by the governor in the manner prescribed in section 26-34.] Three members of the board shall be persons engaged in the occupation of dispensing opticians and two shall be public members. [Each member of the board is entitled to necessary travel and other expenses incurred in the discharge of the member's duties.]”

SECTION 116. Section 458-3, Hawaii Revised Statutes, is amended to read as follows:

“§458-3 [Organization;] Powers and duties; meetings[, records]. [The board of dispensing opticians shall annually elect from its members a chairman and a vice-chairman. The board shall keep a complete record of its proceedings. The] In addition to any other powers and duties authorized by law, the board, subject to chapter 91 [and with the approval of the governor and the director of commerce and consumer affairs], may [make,] adopt, amend, and repeal rules for the administration of this chapter.

The board shall meet a minimum of four times a year, at quarterly intervals. Each member [is required to] shall attend at least one-half of all board meetings in a year. Any member not attending at least one-half of all board meetings in a year shall forfeit that member's seat on the board.”

SECTION 117. Section 458-6.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) To apply for a license to engage in the occupation of dispensing optician, an individual must have completed one of the following:

- (1) The equivalent of a high school education and three years of work experience as an opticianry apprentice as required by the board's administrative rules;
- (2) Graduation from an opticianry course accredited by the Commission on Opticianry Accreditation; or

(3) Previous licensure in another jurisdiction which required successful completion of the national examinations specified in subsection (c). The applicant shall submit to the board an application for a license [in] on a form [approved] prescribed by the board, which shall include the applicant's experience and signature, and an application fee."

SECTION 118. Section 458-9, Hawaii Revised Statutes, is amended to read as follows:

"§458-9 Revocation or suspension of certificates or licenses. [After notice and hearing, as in this chapter provided,] In addition to any other actions authorized by law, the board [may],⁴ in conformity with chapter 91, may revoke or suspend any certificate or license issued under this chapter for any cause authorized by law, including but not limited to fraud or dishonesty in obtaining the certificate or license, for dishonesty, fraud, gross negligence, or incompetency in the occupation or business of dispensing optician, or for violation of this chapter."

SECTION 119. Section 458-10, Hawaii Revised Statutes, is amended to read as follows:

"§458-10 [Hearings before board; procedure, notice.] Subpoenas; oaths. [(a) Commencement of proceedings. The board of dispensing opticians may initiate proceedings under this chapter either on its own motion or on the complaint of any person. The proceedings shall be subject to chapter 91.

(b) Notice; service and contents. A written notice as required by section 91-9 shall be served on the accused not less than thirty days prior to the date of the hearing either personally or by mailing a copy thereof by registered or certified mail with return receipt requested to the address of the accused last known to the board.

(c) Failure to appear. If, after having been served with the notice of hearing as provided for herein, the accused fails to appear at the hearing and defend, the board may proceed to hear evidence against the accused and may enter such order as is justified by the evidence, which order shall be final; provided that within thirty days from the date of any order, upon a showing of good cause for failing to appear and defend, the board may reopen the proceedings and may permit the accused to submit evidence in the accused's behalf.

(d) Counsel; witnesses, cross-examination. At any hearing the accused may appear in person and by counsel, produce evidence and witnesses on the accused's own behalf, cross-examine witnesses, and examine such evidence as may be produced against the accused. The accused shall be entitled, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses on the accused's behalf.

(e) Subpoenas; oaths.] In all proceedings before the board, 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, as are possessed by circuit courts. In case of disobedience by any person or persons of any order of the board or a member of the board or any subpoena issued by it or the member or of the refusal of any witness to testify to any matter regarding which the witness may be questioned lawfully, any circuit judge on application by the board or member thereof shall compel obedience as in the case of disobedience of the requirements of a subpoena issued from a circuit court or a refusal to testify therein.

[The fees and traveling expenses of witnesses shall be the same as allowed witnesses of the circuit courts, and shall be paid from any revenues or funds available for the expenses of the board.

(f) Evidence. The board shall not be bound by technical rules of evidence.

(g) Record. A stenographic record of the hearings shall be kept and a transcript thereof filed with the board.

(h) Attorney for the board. At all hearings the attorney general, or one of the attorney general's deputies designated by the attorney general, shall appear and represent the board.]”

SECTION 120. Section 458-11, Hawaii Revised Statutes, is amended to read as follows:

“§458-11 Reinstatement. The board may [reissue] reinstate without examination the license or certificate of any dispensing optician issued under this chapter which has been revoked or may modify the suspension of any such license or certificate which has been suspended.”

SECTION 121. Section 459-3, Hawaii Revised Statutes, is amended to read as follows:

“§459-3 Board of examiners; members, appointment, qualifications. There shall be a board to be known as the board of examiners in optometry, for the State. The board shall consist of seven members, five of whom shall be licensed optometrists who have actually engaged in the practice of optometry for at least five years and two of whom shall be public members. One of the five licensed optometrist members shall be from a county other than the city and county of Honolulu. [The board shall be appointed by the governor in accordance with section 26-34.] No member of the board shall be a stockholder, member of the faculty, or on a board of trustees of any school of optometry.”

SECTION 122. Section 459-4, Hawaii Revised Statutes, is amended to read as follows:

“§459-4 [Organization; meetings; rules.] Powers and duties of the board. [The members of the board of examiners in optometry shall qualify by taking oath of office before a notary public, or other officer empowered to administer oaths. At the first meeting of the board after each annual appointment, the board shall elect a chairperson and vice chairperson. The] In addition to any other powers and duties authorized by law, the board shall prescribe rules in harmony with this chapter, as may be necessary to carry out its legal responsibilities and duties, to do all things necessary or incidental to the exercise of the powers and duties as established by these statutes, and to regulate the practice of optometry in the State.”

SECTION 123. Section 459-9, Hawaii Revised Statutes, is amended to read as follows:

“§459-9 Refusal to permit examination or issue license; revocation and suspension of license; grounds for. [The] In addition to any other actions authorized by law, the board of examiners in optometry may refuse to admit persons to its examinations or to issue a license or may revoke or suspend, for the period of time as may be determined by the board, a license previously issued, or

may impose a penalty as shall be established by the board, for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Presentation to the board of any certificate or testimony or information which was untrue in any material respect or illegally or fraudulently obtained, or when fraud or deceit has been practiced in obtaining any license under this chapter or in passing an examination;
- (2) Conduct of a character likely to deceive or defraud the public, or habits of intemperance or drug addiction calculated to destroy the accuracy of the work of an optometrist, or professional misconduct, or gross carelessness or negligence, or manifest incapacity in the practice of optometry;
- (3) Advertising by means of false and deceptive statements or by statements which tend to deceive or defraud;
- (4) Directly or indirectly accepting or offering employment to practice optometry from, or to any person not having a valid, unrevoked and unsuspended license or from any company or corporation;
- (5) Soliciting or receiving, directly or indirectly, any price differential, rebate, refund, discount, commission, credit, kickback, or other allowance, whether in the form of money or otherwise, from a dispensing optician for or on account of referring or sending to the dispensing optician of any intended or prospective wearer or user of any article or appliance prepared or furnished by a dispensing optician, or for or on account of any service or article furnished by the dispensing optician to any intended or prospective wearer or user;
- (6) Using any name in connection with the licensee's practice other than the name under which the licensee is licensed to practice, or using any advertising which fails to clearly identify the individual licensee or which is ambiguous or misleading as to the licensee's identity;
- (7) Employing or utilizing any unlicensed individual to perform optometric services in connection with refraction or visual training without directly and personally supervising the individuals in the performances of the services;
- (8) Violating this chapter or the rules adopted by the board;
- (9) Utilizing pharmaceutical agents without first being certified as provided in section 459-7 or utilizing pharmaceutical agents for purposes other than those specified in section 459-1; or
- (10) Failure to refer a patient to an appropriate licensed physician upon discovery, by history or examination, that the patient evidences an ocular abnormality or symptoms of systemic disease requiring further diagnosis and possible treatment by a licensed physician."

SECTION 124. Section 460-4, Hawaii Revised Statutes, is amended to read as follows:

"§460-4 Board; appointment, powers, and duties. The governor shall appoint [and may remove in the manner prescribed in section 26-34] a board of osteopathic examiners, consisting of five persons, three of whom shall be osteopathic physicians and surgeons licensed under the laws of this State and two of whom shall be public members. As used in this chapter, "board" means the board of osteopathic examiners.

The board shall examine all applicants for licenses to practice as osteopathic physicians and surgeons. In lieu of the board's written examination, the board will accept the national board of examiners for osteopathic physicians and surgeons (NBEOPS) with scores deemed satisfactory by the board and who otherwise meets the requirements of the laws of this State. Subject to chapter 91 and with the approval of the governor and the director of commerce and consumer affairs, the board may [make,] adopt, amend, and repeal all necessary rules relating to the enforcement of this chapter and not inconsistent therewith. [The members of the board shall serve without pay.]”

SECTION 125. Section 460-5, Hawaii Revised Statutes, is amended to read as follows:

“§460-5 Fees. (a) No applicant for a license to practice as an osteopathic physician and surgeon shall be examined until the applicant has paid to the board [of osteopathic examiners] application and examination fees.

(b) Section 460-2 and any other provisions of this chapter to the contrary notwithstanding, there shall be paid to the board by every person licensed to practice as an osteopathic physician and surgeon, biennially in each even-numbered year on or before June 30, a renewal fee. Failure of any licensee to pay any renewal fee shall work a forfeiture of the license. Licenses forfeited by this section shall be [reissued] restored upon payment of a penalty fee and all fees which the licensee would have paid if the licensee had continuously renewed the license.

(c) All fees collected by the board shall be deposited by the director of commerce and consumer affairs with the director of finance to the credit of the general fund.

(d) All fees required by this chapter or rules adopted by the board shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.]”

SECTION 126. Section 460-6, Hawaii Revised Statutes, is amended to read as follows:

“§460-6 Application for license. Each applicant for a license provided for in this chapter shall comply with the following requirements:

- (1) [Make application] Apply on [blank forms prepared and furnished] a form prescribed by the board of osteopathic examiners;
- (2) Submit evidence verified on oath and satisfactory to the board that the applicant is a graduate of a school or college of osteopathy which is approved by the American Osteopathic Association; and
- (3) Submit satisfactory evidence to the board that the applicant has served an internship of at least one year in a hospital approved by the American Osteopathic Association and the American College of Osteopathic Surgeons, or the equivalent of the requirement as determined by the board, if the applicant graduated prior to 1943.”

SECTION 127. Section 460-12, Hawaii Revised Statutes, is amended to read as follows:

“§460-12 Refusal, suspension, and revocation of license. [The] In addition to any other grounds for denial of license or disciplinary action authorized by

law, the board may refuse to issue a license, or may suspend or revoke any license at any time in a proceeding before the board [upon any one or more of the following grounds:] for any cause authorized by law, including but not limited to the following:

- (1) Procuring or aiding or abetting in procuring a criminal abortion;
- (2) Employing any person to solicit patients for one's self;
- (3) Wilfully betraying a professional secret;
- (4) Engaging in false, fraudulent, or deceptive advertising, including, but not limited to:
 - (A) Making excessive claims of expertise in one or more medical specialty fields;
 - (B) Assuring a permanent cure for an incurable disease; or
 - (C) Making any untruthful and improbable statement in advertising one's osteopathic practice or business;
- (5) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or an habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;
- (6) Practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
- (7) Procuring a license through fraud, misrepresentation, or deceit or knowingly permitting an unlicensed person to perform activities requiring a license;
- (8) Professional misconduct, gross carelessness, or manifest incapacity in the practice of osteopathy;
- (9) Negligence or incompetence, including, but not limited to, the consistent use of medical service in osteopathy which is inappropriate or unnecessary;
- (10) Conduct or practice contrary to recognized standards of ethics of the osteopathic profession as adopted by the American Osteopathic Association;
- (11) Revocation, suspension, or other disciplinary action by another state of a license or certificate for reasons as provided in this section;
- (12) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of an osteopathic physician and surgeon, notwithstanding any statutory provision to the contrary;
- (13) Violation of chapter 329, the uniform controlled substances law, or any rule adopted thereunder; or
- (14) Failure to report to the board by a licensee, in writing, any disciplinary decision issued in another jurisdiction against the licensee within thirty days after the disciplinary decision is issued, or failure to report to the board by an applicant, in writing, any disciplinary decision issued in another jurisdiction against the applicant prior to the application or during the pendency of the application."

SECTION 128. Section 460-14.5, Hawaii Revised Statutes, is amended to read as follows:

"§460-14.5 Disciplinary action. In disciplining a licensee in a proceeding under section 460-12, the board may impose one or more of the following actions:

- (1) Place the licensee on probation, including conditions of probation as requiring observation of the licensee by an appropriate group or society of licensed osteopathic physicians and surgeons;
- (2) Suspend the license;
- (3) Revoke the license;
- (4) Limit the license by restricting the fields of practice in which the licensee may engage;
- (5) Fine the licensee, including assessment against the licensee of the costs of the disciplinary proceedings. Any fine imposed by the board after a hearing in accordance with chapter 91 shall be not less than \$500 nor more than \$5,000 for each violation exclusive of the costs of the disciplinary proceedings; or
- [(6) Temporarily suspend the license for not more than thirty days without a hearing, when the board finds the practice of the licensee probably constitutes an immediate and grave danger to the public; or
- (7)] (6) Require further education or training or require proof of performance competency.”

SECTION 129. Section 460J-2, Hawaii Revised Statutes, is amended to read as follows:

“**[§460J-2]**¹ **Pest control board.** (a) There shall be a pest control board of nine members. Six members of the board shall be appointed by the governor[, pursuant to section 26-34]; of which four shall have been for a period of not less than five years preceding the date of their appointment, licensed pest control operators actively engaged in the business of pest control; and two shall be public members. Three members of the board shall serve on an ex officio voting basis: the chairperson of the board of agriculture or the chairperson’s representative, the director of health or the director’s representative, and the chairperson of the department of entomology of the college of tropical agriculture and human resources of the University of Hawaii or the chairperson’s representative. No two members of the board shall be employed by or associated with the same business firm engaged in pest control.

(b) Except for members of the board first appointed, no one, except the ex officio and public members, shall be eligible for appointment who does not at the time of the member’s appointment hold a valid and unexpired license to operate as a pest control operator.

[(c) Immediately upon the appointment and qualification of the original members, and annually thereafter, the board shall organize by the election of one member as chairman and one member as vice-chairman. The board shall keep a complete record of all proceedings and shall present annually to the governor through the director of commerce and consumer affairs a detailed statement of the receipts and disbursements of the board during the preceding year, with a statement of its acts and proceedings and such recommendations as the board may deem proper. The board is placed within the department of commerce and consumer affairs for administrative purposes.

(d) No member of the board shall receive any compensation for the member’s services, but each shall be reimbursed for the member’s necessary expenses, including travel expenses, incurred in the performance of the member’s duties.]”

SECTION 130. Section 460J-3, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§460J-3]]¹~~ **Powers and duties of board.** In addition to any other [duties and powers granted by this chapter] powers and duties authorized by law, the board shall:

- (1) Grant licenses to operators pursuant to this chapter;
- (2) Adopt, amend, or repeal rules as it may deem necessary to effectuate this chapter and carry out the purpose thereof which purpose is the protection of the general public. All rules shall be adopted pursuant to chapter 91. The rules shall:
 - (A) Forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter;
 - (B) Require operators to make reports to the board containing items of information that will enable the board to improve the enforcement of this chapter and its rules to fully effectuate the purposes of this chapter;
 - (C) Require operators to furnish reports to owners containing matters of information as the board deems necessary to promote the purpose of this chapter;
 - (D) Require liability insurance verification for license renewals; and
 - (E) Provide for the development of an enforcement information reporting system;
- (3) Enforce this chapter and rules adopted pursuant thereto;
- (4) Suspend or revoke any license for any cause prescribed by this chapter, or for any violation of the rules, and refuse to grant any license for any cause [which] that would be grounds for revocation or suspension of a license; and
- (5) Direct the executive secretary to publish and distribute pamphlets and circulars containing information as it deems proper to further the accomplishment of the purpose of this chapter.”

SECTION 131. Section 460J-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Every applicant for a license under this chapter shall file an application on forms prescribed or required by the board, and shall furnish any additional information bearing upon the issuance of the license as the board requires. Every application shall be sworn to before an officer authorized to administer oaths and shall be accompanied by the application and examination fees. In the case of a [copartnership,] partnership, joint venture, or corporation, any licensed member or officer therefor may sign the application and verify the same on behalf of the applicant and every application shall be accompanied by the application and license fees. In the case of a proprietorship, every application shall be accompanied by the application and license fees.”

SECTION 132. Section 460J-14, Hawaii Revised Statutes, is amended to read as follows:

“**§460J-14 Fees; biennial renewal.** The biennial renewal fee shall be paid to the board on or before June 30 of each even-numbered year. Failure, neglect, or refusal of any duly licensed operator to pay the biennial renewal fee shall constitute a forfeiture of the person’s license. Any license may be restored upon written application therefor within one year from the due date of the renewal fee and the payment of the delinquent fee plus an amount equal to ten per cent thereof.

[All fees and other money collected or received under this chapter or rules adopted by the board shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 and shall be deposited with the director of finance to the credit of the general fund.]”

SECTION 133. Section 460J-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [The] In addition to any other actions authorized by law, the board may revoke, suspend, or refuse to renew any license issued hereunder, for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Departure from, or disregard of, plans or specifications in the performance of pest control work in any material respect, without consent of the owner or the owner’s authorized representative;
- (2) Disregard and violation of any law of the State[,] or [of] any [political subdivision thereof,] county relating to building, including any violation of any applicable rule [or regulation] of the department of health, or of any applicable safety or labor law;
- (3) Misrepresentation of a material fact by the applicant in obtaining a license;
- (4) Failure on the part of a licensee to complete any operation or construction repairs for the price stated in the contract for [such] the operation or construction repairs or in any modification of [such] the contract;
- (5) Failure to comply with this chapter, or any rule [or regulation] adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests;
- (6) The commission of any grossly negligent or fraudulent act by the licensee as an operator;
- (7) The negligent handling or use of any poisonous exterminating agent without regard to public safety;
- (8) Fraud or misrepresentation, after inspection, by any licensee engaged in pest control work or any infestation or infection of wood-destroying pests found in property or structures, or respecting any conditions of the structure that would ordinarily subject structures to attack by wood-destroying pests whether or not a report was made pursuant to sections 460J-19 and 460J-20;
- (9) Failure of an operator to make and keep all inspection reports, contracts, documents, and records, other than financial records, for a period of not less than two years after completion of any work or operation for the control of wood-destroying pests;
- (10) Wilful failure to pay when due a debt incurred for services or materials rendered or purchased in connection with the operator’s operations as an operator when the operator has the ability to pay or when the operator has received sufficient funds therefor as payment for the particular operation for which the services or materials were rendered or purchased;
- (11) The false denial of any debt due or the validity of the claim therefor with intent to secure for the licensee, the licensee’s employer, or other person, any discount of [such] the debt or with intent to hinder, delay, or defraud the person to whom [such] the debt is due;

- (12) Failure to secure or maintain workers' compensation insurance when not authorized to act as a self-insurer under chapter 386;
- (13) Knowingly entering into a contract with an unlicensed operator involving work or activity for the performance of which licensing is required under this chapter; or
- (14) Conviction of any offense described in chapter 708 committed while in the performance of the person's regular occupation as a fumigator or pest control operator.

[No license shall be suspended for longer than two years and no person whose license is revoked shall be eligible to apply for a new license until the expiration of two years.]”

SECTION 134. Section 460J-16, Hawaii Revised Statutes, is amended to read as follows:

“§460J-16 Hearings. [(a) In every case in which the board denies or refuses to grant or renew a license, the board shall give the person concerned notice and opportunity for hearing in conformity with chapter 91. Any person aggrieved by the denial or refusal by the board to grant or renew a license shall submit a request for a contested case hearing within sixty days of the date of the board's proposed denial or refusal. Appeal to the circuit court under section 91-14, or any other applicable statute, may only be taken from the board's final order, following a contested case hearing.

(b) In every case where it is proposed to revoke or suspend a license, 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. The hearing whenever possible shall be held on the island on which the aggrieved party resides.

(c) 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 judges at chambers. 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 a member, or the refusal of any witness to testify to any matter regarding which the witness 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.”

SECTION 135. Section 461-2, Hawaii Revised Statutes, is amended to read as follows:

“§461-2 Board of pharmacy; appointment; qualifications. There shall be a board of pharmacy of seven members [who shall be appointed by the governor in the manner prescribed by section 26-34].

Five members of the board shall be graduates of a school or college of pharmacy and shall have been licensed as pharmacists and actively engaged in the practice of pharmacy in the State for at least five years prior to their appointment and two shall be public members. Four members of the board shall be residents of the city and county of Honolulu and three shall be residents of counties other than the city and county of Honolulu.”

SECTION 136. Section 461-3, Hawaii Revised Statutes, is amended to read as follows:

"§461-3 [Officers.] Records. [(a) The board shall elect one of its members to serve as chairman. The chairman of the board shall preside at all meetings and in the chairman's absence the members present shall select a chairman pro tem.

(b)] The executive secretary [shall], subject to the direction of the board, shall make and keep all records and record books required to be kept by the board and shall furnish the department of health with copies of those records as it requires."

SECTION 137. Section 461-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) [The] In addition to any other powers and duties authorized by law, the board shall:

- (1) Adopt, amend, and repeal rules pursuant to chapter 91, as it deems proper for the purposes of this chapter;
- (2) Examine, license, and renew the licenses of qualified applicants;
- (3) Inspect, or may designate a duly authorized representative to inspect, any pharmacy or premises in the State where drugs are packed, packaged, compounded, sold, offered for sale, exposed for sale, or kept for sale to ensure compliance with this chapter and rules established by the board; and
- (4) Fine, suspend, or revoke any license or permit for any cause prescribed by this chapter, or for any violation of the rules, and refuse to grant or renew any license or permit for any cause which would be ground for revocation or suspension of a license or permit."

SECTION 138. Section 461-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any applicant for a license as a pharmacist shall submit an application on a form prescribed by the board and shall provide evidence to the board that the applicant:

- (1) Is at least eighteen years of age[.];
- (2) Holds a degree from a school or college of pharmacy or department in a university, which school or college or department is recognized and accredited by the American Council of Pharmaceutical Education[.];
- (3) Has a minimum of two thousand hours practical experience in any state of the United States in a pharmacy under the supervision of a registered pharmacist. Service and experience in a pharmacy under the supervision of a registered pharmacist as required in this section shall be predominantly related to the selling of drugs, compounding prescriptions, preparing pharmaceutical preparations, keeping records and making reports required under state and federal statutes. In the event an applicant has no practical experience as required, the applicant may take the examination and upon passing the examination, shall not receive a license until after the fulfillment of the practical experience requirement[.]; and
- (4) Has passed an examination as may be prescribed by the board."

SECTION 139. Section 461-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [The] In addition to any other actions authorized by law, the board shall have the power to deny, revoke, or suspend any license or permit applied for or issued by the board in accordance with this chapter, and to fine or otherwise discipline a licensee or permit holder for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Procuring a license through fraud, misrepresentation, or deceit;
- (2) Professional misconduct, gross carelessness, or manifest incapacity;
- (3) Permitting an unlicensed person to perform activities which require a license under this chapter;
- (4) Violation of any of the provisions of this chapter or the rules adopted pursuant thereto;
- (5) Violation of any state or federal drug, controlled substance, or poison law;
- (6) False, fraudulent, or deceptive advertising;
- (7) Any other conduct constituting fraudulent or dishonest dealings;
- (8) Failure to comply with a board order;
- (9) Making a false statement on any document submitted or required to be filed by this chapter; or
- (10) Habitual intemperance or addiction to the use of habit-forming drugs.”

SECTION 140. Section 461J-4, Hawaii Revised Statutes, is amended to read as follows:

“**[§461J-4] Board of physical therapy; establishment, appointment, membership.** (a) There is established within the department of commerce and consumer affairs for administrative purposes the board of physical therapy. The board shall consist of five members [appointed by the governor pursuant to section 26-34]. Three members shall be physical therapists. The fourth member shall be a consumer who has demonstrated interest in community health concerns prior to appointment. The fifth member shall be a physician or surgeon with a permanent license under chapter 453 or 460, or a dentist with a permanent license under chapter 448. All members shall be at least eighteen years of age and residents of the State.

[(b) The terms for the physical therapist members first appointed shall be as follows: one shall serve for a term of four years, one shall serve for a term of three years, and one shall serve for a term of two years.

(c) [(b)] Each physical therapist member of the board shall possess a valid permanent license as a physical therapist in this State and shall have, after graduation from a school of physical therapy, at least three years of full-time experience or the equivalent in any of the following areas or in any combination of the following: clinical physical therapy services, administration in physical therapy or related health fields, or teaching in an educational program to prepare practitioners of physical therapy.

[(d)] [(c)] The governor may fill each vacancy for a physical therapist member from a recommendation list of at least two or more persons submitted by the Hawaii Chapter of the American Physical Therapy Association.

[(e) Members shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.]”

SECTION 141. Section 461J-5, Hawaii Revised Statutes, is amended to read as follows:

“[§461J-5] Meetings; general duties.] Powers and duties of board.

[(a) The board shall hold meetings semiannually and at such other times deemed necessary by a quorum of the board. A quorum of the board shall be three members.

(b)] In addition to any other powers and duties [prescribed under this chapter,] authorized by law, the board may:

- (1) Adopt, amend, or repeal rules in accordance with chapter 91 for the purposes of this chapter;
- (2) Recommend the denial or withdrawal of accreditation from educational programs for failure to meet prescribed standards;
- (3) Conduct hearings upon charges calling for discipline of a licensee or denial, suspension, limitation, or revocation of a license;
- (4) Exercise the power to issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings;
- (5) Enforce this chapter and the rules adopted pursuant thereto; and
- (6) Keep a record of all its proceedings.”

SECTION 142. Section 461J-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) An applicant for a permanent license to practice physical therapy shall submit proof of educational qualifications and any other information required by the board on an application form [supplied] prescribed by the board. The board shall maintain a current list of schools of physical therapy which are approved by an agency recognized by the United States Department of Education or Council on Postsecondary Accreditation.

In the case of foreign-trained persons, the board shall establish procedures for assessing the education and training to determine in each case whether it is equivalent to that of applicants trained in the United States.”

SECTION 143. Section 461J-12, Hawaii Revised Statutes, is amended to read as follows:

“[§461J-12] Revocation, suspension, probation of license. (a) [Any] In addition to any other actions authorized by law, any license issued under this chapter may be revoked or suspended, by the board at any time for any [one or more of the following acts or conditions on the part of the holder of the license:] cause authorized by law, including but not limited to the following:

- (1) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
- (2) Wilfully betraying patient confidentiality;
- (3) Making an untruthful and improbable statement in advertising one’s practice of business;
- (4) False, fraudulent, or deceptive advertising;
- (5) Being habituated to the excessive use of drugs or alcohol or being or having been addicted to, dependent on, or a habitual user of, a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;

- (6) Practicing physical therapy while the ability to practice is impaired by alcohol, drugs, or mental instability;
- (7) Procuring a license through fraud, misrepresentation, or deceit, or knowingly permitting an unlicensed person to perform activities requiring a license;
- (8) Professional misconduct, gross carelessness, or manifest incapacity in the practice of physical therapy;
- (9) Conduct or practice contrary to the ethics of the profession of physical therapists in the United States;
- (10) Violation of the conditions or limitations upon which a temporary license is issued or an exemption is granted; or
- (11) Violation of this chapter or the rules adopted pursuant thereto.

[(b) All actions under this section shall be taken in accordance with chapter 91.

(c) Any license revoked or suspended may be restored in full by the board but not until at least one calendar year has elapsed from the date of revocation or suspension.] (b) To [restore] reinstate a suspended license, or to grant licensure to an applicant whose license was previously revoked, the board may require further education or training or require proof of competence in performance.

[(d)] (c) In lieu of revoking or suspending a license, the board may place the licensee on probation, the terms of which may require observation of the licensee by an appropriate group or society of physical therapists.”

SECTION 144. Section 462A-3, Hawaii Revised Statutes, is amended to read as follows:

“§462A-3 Powers and duties of the director. In addition to any other [duties and powers granted by this chapter] powers and duties authorized by law, the director shall:

- (1) Grant licenses to port pilots and deputy port pilots pursuant to this chapter;
- (2) [Make,] Adopt, amend, or repeal rules in accordance with chapter 91 as may be necessary to carry out the purposes of this chapter which are to provide for maximum efficiency in navigating vessels entering or leaving the waters of this State; maintain a pilotage system devoted to the preservation, and protection of lives, property and vessels entering or leaving waters of the State; and ensure an adequate supply of qualified pilots in aid of commerce and navigation;
- (3) Develop appropriate standards for licensure including examinations and investigations to determine whether persons applying for full port pilot, or deputy port pilot licenses are qualified;
- (4) Enforce this chapter and rules adopted pursuant thereto;
- (5) Suspend, revoke or deny the issuance of any license for any cause prescribed by this chapter, or for any violation of the rules;
- (6) Investigate any person for violations of any provisions of this chapter;
- (7) Adopt methods to improve disciplinary and enforcement programs against violations of this chapter; and
- (8) Do all things reasonable, necessary, and expedient to insure proper and safe pilotage and to facilitate the efficient administration of this chapter.”

SECTION 145. Section 462A-8, Hawaii Revised Statutes, is amended to read as follows:

“§462A-8 Denial, suspension, or revocation. [The] In addition to any other actions authorized by law, the director may deny the issuance of a license to any applicant, and may suspend or revoke the license of any pilot for any [of the following reasons:] cause authorized by law, including but not limited to the following:

- (1) Violation of this chapter or any rule adopted by the director;
- (2) Loss, damage, or injury due to negligent pilotage;
- (3) Habitual use of any substance rendering a pilot unfit to be entrusted with the charge of a vessel;
- (4) Inability to physically or mentally perform the duties of a pilot;
- (5) Failure to maintain active service as a pilot in the State;
- (6) Procurement of a license through fraudulent misrepresentation or deceit;
- (7) Participation in any unfair or deceptive act or practice as prohibited by section 480-2;
- (8) Violation of any law or [regulation] rule intended to promote marine safety or protect navigational waters;
- (9) Failure to report marine accidents in accordance with the rules of this chapter; or
- (10) Failure to maintain a current and valid federal pilots license issued in accordance with title 46, United States Code, chapter 71.”

SECTION 146. Section 463-2, Hawaii Revised Statutes, is amended to read as follows:

“§463-2 Board of private detectives and guards; appointment; qualifications; term. Appointment and removal. There shall be a board of detectives and guards consisting of seven members, six of whom shall be nominated, and by and with the advice and consent of the senate, appointed by the governor. The terms of [such] the members shall be for four years. Each term shall commence on July 1 and expire on June 30. No person shall be appointed consecutively to more than two terms, provided that [such] membership shall not exceed eight consecutive years. The director of commerce and consumer affairs shall be an ex officio nonvoting seventh member of the board and may designate a representative to sit in the director’s stead.

Of the six appointed members, two shall be chiefs of police of any of the four counties, two shall be private citizens not engaged in any of the licensed practices, and two shall be persons actively engaged in any of the licensed practices; provided that one person shall be a licensed private detective and one person shall be a licensed guard.

[The board shall examine applicants for private detective or guard licenses, grant licenses, and revoke or suspend licenses of licensees who violate this chapter.]”

SECTION 147. Section 463-3, Hawaii Revised Statutes, is amended to read as follows:

“§463-3 Policy [and standards.]; powers and duties. It is the policy of this State to protect the general public from unlawful and unethical conduct and operation of the business of private detective and guards. [The] In addition to any

other powers and duties authorized by law, the board of detective and guards may adopt, amend, or repeal rules [and regulations], which shall have the force and effect of law, relating to qualifications for licensing of private detectives and guards, to the conduct and operation of the businesses of such license, and to the revocation or suspension for cause of such licenses. The board shall consult with appropriate state and federal agencies and any appropriate industry or trade organization in establishing [such] those rules [and regulations]. The rules [and regulations] so established shall be on the basis of what the board deems best suited to the public interest. The board also shall examine applicants for private detective or guard licenses, grant licenses, and revoke or suspend licenses of licensees who violate this chapter."

SECTION 148. Section 463-4, Hawaii Revised Statutes, is amended to read as follows:

"§463-4 Procedure in revocation or suspension of licenses. (a) Actions to revoke or suspend licenses granted under this chapter shall be subject to chapter 91 and shall be commenced by a notice of hearing.

(b) The notice of hearing shall be served by certified mail to the [accused's] licensee's last known business address.

(c) The [accused] licensee shall be given thirty days from the date of mailing [such] the notice in which to answer.

[(d) Any licensee whose license has been revoked or suspended may file an appeal to the circuit courts.

(e) Prosecution of such actions shall be conducted by the department of the attorney general.]"

SECTION 149. Section 463-9, Hawaii Revised Statutes, is amended to read as follows:

"§463-9 Form of application for license. Application for [such] a license shall be made under oath on a form [to be furnished] prescribed by the board which [form] may require a statement of the applicant's full name, age, date and place of birth, residence and business address, the business or occupation the applicant has engaged in for ten years immediately preceding the date of the filing of the application with names and addresses of employers, the date and place of any arrest or conviction of a crime where there has not been any order annulling or expunging the sentence or of any offense involving moral turpitude, whether the applicant has received treatment for any psychiatric or psychological disorder, or whether [such] the treatment has ever been recommended, and such information, including fingerprints of the applicant and such other information as the board may require to investigate the character, competency, and integrity of the applicant. The board shall conduct such investigation of the applicant's background, character, competency, and integrity as it deems appropriate, and shall request criminal history records of the applicant from each jurisdiction in which the application form indicates the applicant lived for any substantial period of time. The Hawaii criminal justice data center shall provide such information on request to the director of commerce and consumer affairs."

SECTION 150. Section 463-10, Hawaii Revised Statutes, is amended to read as follows:

"§463-10 Licenses and renewal of licenses; establishment of fees by

rule. [(a)] The license shall state the name and address of the principal office or place of business of the licensee, the name under which the licensed business is to be conducted, and the name of the principal detective or guard, if the licensee is a corporation.

The holder of a license issued by the board of detectives and guards who continues in active practice shall biennially renew the license and pay the renewal fee not later than June 30 of each even-numbered year.

The holder of an expired license may have the license restored within one year of the date of expiration upon due application therefor and payment of the delinquent fees and a penalty fee.

[(b) All fees required under this chapter shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 and shall be deposited with the director of finance to the credit of the general fund.]”

SECTION 151. Section 463E-5, Hawaii Revised Statutes, is amended to read as follows:

“§463E-5 Fees; expenses. No applicant shall be examined under this chapter until the applicant has paid to the board [of medical examiners] application, examination, and license fees. The board may provide separate fees for licensure by endorsement and for limited and temporary licenses. Every person holding a license under this chapter shall reregister with the board no later than January 31 of each even-numbered year, and for registration shall pay a renewal fee. At the time of reregistration, the licensee shall provide written proof of a minimum of forty hours of postgraduate work or continuing education of podiatric medicine taken during the previous biennium. Failure to reregister and present this proof shall constitute a forfeiture of the license, which may be restored only upon written application therefor and payment to the board of a restoration fee. A license that has been forfeited for one renewal term shall be automatically terminated and cannot be restored, and a new application for licensure shall be required. [All fees shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 and shall be deposited with the director of finance to the credit of the general fund.]”

SECTION 152. Section 463E-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In addition to or in lieu of revoking or suspending a license to practice podiatric medicine, the board may impose one or more of the following actions:

- (1) Place the licensee on probation, including such conditions of probation as requiring observation of the licensee by an appropriate group or society of licensed podiatrists;
- (2) Limit the license by restricting the field of practice in which the licensee may engage;
- (3) Fine the licensee, including assessment against the licensee of the cost of the disciplinary proceedings. Any fine imposed by the board [after a hearing in accordance with chapter 91] shall be no less than \$500 and no more than \$5,000 for each violation, exclusive of the costs of the disciplinary proceedings; or
- [(4) Temporarily suspend the license for not more than thirty days without a hearing, when the board finds the practice of the licensee probably constitutes an immediate and grave danger to the public; or

- (5)] (4) Require further education or training or require proof of performance competency.”

SECTION 153. Section 464-6, Hawaii Revised Statutes, is amended to read as follows:

“§464-6 Board of professional engineers, etc., members; appointment; tenure; qualifications. There shall be a state board of professional engineers, architects, surveyors, and landscape architects hereinafter called “the board”[, to be appointed by the governor in the manner prescribed in section 26-34]. The board shall consist of fourteen members, including at least four professional engineers, three professional architects, two professional surveyors, two professional landscape architects, and three public members. Each county shall be represented by at least one member who is a resident of the county. Each member shall hold over after the expiration of the member’s term until the member’s successor is duly appointed and qualified.

Each member shall have been a resident of the State for at least three years. A member representing the profession shall have been engaged in the practice of the member’s profession for at least five years immediately preceding the date of the member’s appointment. [Members of the board shall serve without pay, except the secretary, who shall be allowed such compensation as the board may fix with the approval of the governor.] Any member of the board[, however,] who incurs expenses in connection with the preparation and grading of examination papers shall be reimbursed for those expenses with the approval of the [board].

The department of commerce and consumer affairs shall employ, subject to chapters 76 and 77, a secretary and such other clerical help as are necessary for the proper performance of the board’s work and may make any reasonable expenditures which are necessary to carry out the functions of the board.] department.”

SECTION 154. Section 464-7, Hawaii Revised Statutes, is amended to read as follows:

“§464-7 Powers and duties of board; secretary; records. [The] In addition to any other powers and duties authorized by law, the board [is entitled to the services of the attorney general in connection with its affairs, and] may compel the attendance of witnesses upon subpoena, administer oaths, take testimony, and do all other things necessary and proper to carry out this chapter in all matters within its jurisdiction. It shall adopt and have an official seal and [make,] adopt, subject to chapter 91 and with the approval of the governor and the director of commerce and consumer affairs, rules for the performance of its duties and the carrying on of its business and the enforcement of this chapter. [It shall be provided with suitable office quarters by the State and shall hold at least two regular meetings during each year.] It shall have a [chairman, a vice-chairman,] chairperson, a vice-chairperson, and a secretary, and a quorum shall consist of not less than six members.

[All fees and other moneys received by the board shall be deposited by the director of commerce and consumer affairs with the director of finance to the credit of the general fund.]

The board shall keep a record of its proceedings and all applicants for licensure as engineers, architects, surveyors, or landscape architects, the date of application, name, age, educational and other qualifications, place of business and residence, whether or not an examination was required, and whether or not the applicant was licensed and a certificate issued to the applicant and the date of the

action. The records shall be prima facie evidence of all matters therein contained."

SECTION 155. Section 464-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Application for licensure shall be made upon [blanks to be furnished] a form prescribed by the board and shall be signed and sworn to by the applicant. With each application there shall be paid to the board an application fee, the fee to be nonreturnable after the application has been entered in the records of the board.

For each examination, or repetition thereof in whole or in part as shall be limited or permitted by the rules of the board, the candidate shall pay to the board an examination fee; provided where the candidate is eligible to take only that part of the examination pertaining to engineering fundamentals the candidate shall pay the appropriate fee. The fee paid shall not be refundable; provided if a candidate after having paid the fee is unable for any reason beyond the candidate's control to participate in the examination, the board may extend the time of the candidate's participation to the next regular examination date and credit the candidate the amount of the fee paid."

SECTION 156. Section 464-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Every license expires on April 30 of each even-numbered year following its issuance and becomes invalid after that date unless renewed. The secretary of the board, at least one month in advance of the date of expiration of the license, shall mail a notice to every person licensed under this section giving the date of expiration and the amount required for the renewal thereof. [The fee for renewal and all other fees in this chapter shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.] Licenses which have expired for failure to pay renewal fees on or before the date required in this subsection may be [reinstated] restored within one year of the expiration date upon payment of a fee for each renewal. Any person who fails to [reinstate] restore the person's license within one year of the date of its expiration shall reapply for licensure."

SECTION 157. Section 464-10, Hawaii Revised Statutes, is amended to read as follows:

"§464-10 Licensees; suspension or revocation of licenses; fines; hearings. [The] In addition to any other actions authorized by law, the board may revoke, suspend, or refuse to renew the license of any licensee for any cause authorized by law, including but not limited to [who is found guilty of any] fraud or deceit in obtaining the license or [of] gross negligence, incompetency, or misconduct in the practice of the profession, or [who is convicted of] violating this chapter or the rules of the board. Any person may prefer charges in writing with the executive secretary of the board against any person holding a license.

In every case where it is proposed to impose any penalty under this section, the board shall give the licensee 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 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 licensee who violates this chapter or the rules adopted pursuant thereto may also be fined not less than \$500 nor more than \$1,000 per violation. Each day of violation or failure to comply shall constitute a separate offense."

SECTION 158. Section 465-4, Hawaii Revised Statutes, is amended to read as follows:

"§465-4 Board of psychology; appointment, qualifications, term, expenses. [(a)] There is created a board of psychology[, within the department of commerce and consumer affairs for administrative purposes,] consisting of seven members. [In accordance with section 26-34, the governor shall appoint, with the advice and consent of the senate,] There shall be five members representing varied specialties of the profession, each of whom shall be licensed to practice psychology under this chapter and have a minimum of five years of post-doctoral professional experience, and two lay members from the community at large. A lay member shall not be a psychologist, an applicant, or former applicant for licensure as a psychologist. [The board shall elect one of its members to serve as chairman.

(b) Members shall serve without compensation, except that they shall be reimbursed for actual expenses incurred in the performance of official duties on islands other than the island of their residence.]"

SECTION 159. Section 465-6, Hawaii Revised Statutes, is amended to read as follows:

"§465-6 Powers and duties. [The] In addition to any other powers and duties authorized by law, the board shall:

- (1) Examine the qualifications of applicants for licensing under this chapter to determine their eligibility for licensing as psychologists and forward to the director the names of applicants who are eligible for licensing no later than ninety days after the date of application;
- (2) Prepare, administer, and grade examinations and tests for applicants as may be required for the purposes of this chapter. The board shall determine the scope and length of the examinations and tests, whether they shall be oral, written, or both and the score that shall be deemed a passing score. Examinations must be scheduled at least once annually;
- (3) Keep a record of action taken on all applicants for licensing; the names of all persons licensed; petitions for temporary permits; actions involving suspension, revocation, or denial of licenses; decisions on waiver of examination in whole or in part and receipt and disbursement of any moneys; and

- (4) Adopt, amend, and repeal pursuant to chapter 91, rules as it deems proper for the purposes of this chapter.”

SECTION 160. Section 465-12, Hawaii Revised Statutes, is amended to read as follows:

“§465-12 Fees; disposition. Application, examination, license, renewal, and temporary permit fees required by this chapter, none of which are refundable, shall be as provided in rules adopted by the director pursuant to chapter 91.

[All fees shall be paid to the director and shall be deposited with the director of finance to the credit of the general fund.]”

SECTION 161. Section 465-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [The] In addition to any other actions authorized by law, the board shall refuse to grant a license to any applicant and may revoke or suspend any license, or may place a license, or may put a license holder on conditional probation, [upon any of the following grounds:] for any cause authorized by law, including but not limited to the following:

- (1) Professional misconduct, gross carelessness, manifest incapacity, or incompetency in the practice of psychology;
- (2) Violation of this chapter by the applicant within one year of the application, or violation of this chapter by a license holder any time the license is valid;
- (3) Any unethical practice of psychology as defined by the board in accordance with its own rules;
- (4) Fraud or deception in applying for or procuring a license to practice psychology as defined in section 465-1;
- (5) Conviction of a crime substantially related to the qualifications, functions, or duties of psychologists;
- (6) Wilful unauthorized communication of information received in professional confidence;
- (7) The suspension, revocation, or imposition of probationary conditions by another state of a license or certificate to practice psychology issued by that state if the act for which the disciplinary action was taken constitutes a violation of this chapter;
- (8) The commission of any dishonest, corrupt, or fraudulent act or any act of sexual abuse, or sexual relations with a client, or sexual misconduct which is substantially related to the qualifications, functions, or duties of a psychologist;
- (9) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
- (10) Exercising undue influence in the manner as to exploit the client or patient for financial or other personal advantage to the practitioner or a third party;
- (11) Conviction of fraud in filing medicaid claims or conviction of fraud in filing claims to any third party payor, for which a copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence;
- (12) Aiding or abetting any unlicensed person to engage in the practice of psychology;

- (13) Repeated acts of excessive treatment or use of diagnostic procedures as determined by the standard of the local community of licensees; or
- (14) Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, or excessive use of any substance, or as a result of any mental or physical condition."

SECTION 162. Section 466-3, Hawaii Revised Statutes, is amended by deleting the definition "licensee".

[""Licensee" means the holder of a license issued by the board under sections 466-5 and 466-6."]

SECTION 163. Section 466-4, Hawaii Revised Statutes, is amended to read as follows:

"§466-4 Board of public accountancy. (a) There shall be a board of public accountancy to be known as the state board of public accountancy, which shall consist of nine members [appointed by the governor in the manner prescribed in section 26-34]. All members of the board shall be citizens of the United States and residents of this State. Five members thereof shall be certified public accountants in active practice, holding current licenses and current permits to practice public accountancy issued under this chapter. Two members thereof shall be public accountants in active practice holding current licenses and current permits to practice public accountancy issued under this chapter, and two shall be public members.

(b) The governor shall remove or suspend any member of the board for cause, in accordance with [the provisions of] section 26-34, including any member thereof:

- (1) Who ceases to engage in active practice as a certified public accountant or as a public accountant, as the case may be; or
- (2) Whose license of certified public accountant or of public accountant, as the case may be, or whose permit to practice public accountancy:
 - (A) Has been canceled, revoked, or suspended;
 - (B) Has expired without renewal; or
 - (C) Has otherwise become invalid.

[(c) The board shall elect annually a chairperson and a vice chairperson from its members. The board shall conduct its meetings and keep records of its proceedings in accordance with the provisions of chapter 92.

(d) Members of the board of public accountancy shall not receive any compensation for performance of the duties imposed upon them by this chapter, but shall be entitled to necessary traveling expenses.

(e) [(c)] The director shall employ clerks, proctors, examiners, and other personnel under [the provisions of] chapters 76 and 77 to assist the board in the performance of its duties.

[(f) The] (d) In addition to any other powers and duties authorized by law, the board [may], in accordance with [the provisions of] chapter 91[:.] shall:

- (1) Initiate investigations and hearings, either upon complaint or on its own motion on any matter involving the conduct of certified public accountants, public accountants, or firms, or the violation of any of the provisions of this chapter or the rules of the board;
- (2) Adopt, amend, and repeal rules governing the administration and

- enforcement of this chapter and the conduct of the licensees, as it deems appropriate to establish and maintain high standards of competence and integrity in the practice of public accountancy;
- (3) Grant, deny, suspend, or revoke licenses [which] that are authorized by this chapter and impose such conditions as may be necessary in connection with the granting, denial, suspension, or revocation of licenses;
 - (4) Prescribe the proof to be furnished for the issuance of a duplicate license in place of one alleged to have been lost or destroyed, including a requirement for any indemnity deemed appropriate to the case; and
 - (5) Grant, renew, forfeit and restore permits to practice [which] that are authorized by this chapter and impose such conditions as may be necessary in connection with the granting, renewal, forfeiture and restoration of permits."

SECTION 164. Section 466-8, Hawaii Revised Statutes, is amended to read as follows:

"§466-8 Fees. [(a) All fees required by this chapter or rules adopted by the board shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.

(b)] (a) An application for admission to the examination described in section 466-5(f) shall be accompanied by the application and examination fees. The board may prescribe by rule the terms and conditions upon which an applicant who is unable to attend the examination may receive a credit in the amount of the fee paid toward a subsequent examination.

[(c)] (b) An application for the issuance of a [certificate] license of certified public accountant under section 466-5(a) or a [registration] license of public accountant under section 466-6(a) shall be accompanied by a [certificate or registration] license fee.

[(d)] (c) An applicant for the renewal of a current [certificate] license of certified public accountant under section [466-5(a)] 466-5 or for the renewal of a [registration] license of public accountant under section [466-6(a)] 466-6 shall pay a fee biennially in each odd-numbered year on or before December 31. An applicant for the renewal of a [certificate] license of certified public accountant or [for the renewal of a registration of] public accountant which is not current under this chapter or under the laws of this State theretofore existing shall pay a fee with the application for renewal in an amount equal to twice the amount of the fees which the applicant would have paid had the applicant timely renewed the [certificate or registration] license since the date it was last current.

[(e)] (d) An application for the issuance of a biennial permit to practice for an individual or firm under section 466-7(a) and (d) shall be accompanied by the application and permit to practice fees. An applicant for the restoration of a forfeited permit shall pay a fee with the application for restoration in an amount equal to twice the amount of the fees which the applicant would have paid had the applicant renewed the permit by December 31 of every odd-numbered year.

[(f)] (e) An application for the issuance of a temporary permit to practice under section [466-7(b)] 466-7(c) shall be accompanied by the application and temporary permit to practice fees.

[(g)] (f) Any person requesting the board to proctor the certified public accountant examination for another state shall pay a proctoring fee.

[(h) All fees and other moneys received by the board pursuant to this chapter shall be deposited by the director of commerce and consumer affairs with the director of finance to the credit of the general fund.]]”

SECTION 165. Section 466-9, Hawaii Revised Statutes, is amended to read as follows:

“§466-9 Disciplinary action. (a) In addition to any other actions authorized by law, in accordance with chapter 91, the board may take the following action:

- (1) Cancel or revoke any license or permit issued under section 466-5, 466-6, or 466-7, or corresponding provisions of prior law;
- (2) Suspend a license or permit for a period of not more than two years;
- (3) Refuse to renew a license or permit for a period of not more than two years;
- (4) Reprimand, censure or limit the scope of practice of any licensee or firm;
- (5) Impose an administrative fine not exceeding \$1,000;
- (6) Place a licensee or firm on probation;
- (7) Require a firm to have a quality review conducted in the manner specified by the board; or
- (8) Require a licensee to attain satisfactory completion of additional continuing professional education hours as specified by the board.

(b) [Any] In addition to any other grounds for disciplinary action authorized by law, any one or more of the following shall constitute grounds for disciplinary action:

- (1) Fraud or deceit in obtaining a license or permit;
- (2) Disciplinary action taken by another state where the license is canceled, revoked, suspended, denied, or refused renewal;
- (3) Failure, on the part of a holder of a license or a permit under section 466-5, 466-6, or 466-7, to maintain compliance with the requirements for issuance of a license or a permit, or renewal of a license or permit, or to report changes to the board;
- (4) Revocation or suspension of the right to practice before any state or federal agency;
- (5) Dishonesty, deceit, fraud, or gross negligence in the practice of public accountancy or in the filing or failure to file a licensee’s or firm’s own income tax returns;
- (6) Violation of any provision of this chapter or of any rule adopted by the board;
- (7) Violation of any provision of professional conduct established by the board under this chapter;
- (8) Conviction of any crime an element of which is dishonesty or fraud, under the laws of the United States, of this State, or of any other state if the act involved would have constituted a crime under the laws of this State;
- (9) Performance of any fraudulent act while holding a license or permit issued under this chapter; or
- (10) Any conduct reflecting adversely upon the licensee’s or permit holder’s fitness to engage in the practice of public accountancy.

(c) Upon application of any person against whom disciplinary action has been taken under [the provisions of] subsection (a) [of this section], the board [may], in accordance with [the provisions of] chapter 91, may reinstate [such

person and reissue any] the person's license or permit to practice which was affected by [such] the disciplinary action.

- (1) The board shall specify the manner in which an application shall be made, the time within which it shall be made, and the circumstances under which the [forfeited] license may be reinstated[.]; and
- (2) Before [reissuing,] reinstating, the board may:
 - (A) Require the applicant to show successful completion of specified continuing professional education; and
 - (B) Make the reinstatement of a license or permit conditional and subject to satisfactory completion of a quality review conducted in a manner as the board may specify."

SECTION 166. Section 466K-3, Hawaii Revised Statutes, is amended to read as follows:

"§466K-3 Powers and duties of the director. [The] In addition to any other powers and duties authorized by law, the director shall have the following powers and duties:

- (1) To grant permission to practice as a certified real estate appraiser in this State pursuant to this chapter and 12 United States Code §3301 et seq. and the rules and regulations adopted pursuant thereto;
- (2) To adopt, amend, or repeal rules as the director finds necessary to effectuate fully this chapter and 12 United States Code §3301 et seq.;
- (3) To enforce this chapter and 12 United States Code §3301 et seq. and rules and regulations adopted pursuant thereto;
- (4) To discipline a certified real estate appraiser for any cause prescribed by this chapter or 12 United States Code §3301 et seq. or for any violation of the rules and regulations and refuse to grant a person permission to practice as a certified real estate appraiser for any cause that would be grounds for disciplining a certified real estate appraiser;
- (5) To act as the designated representative of this State to implement 12 United States Code §3301 et seq.; and
- (6) To appoint an advisory committee to assist with the implementation of this chapter and 12 United States Code §3301 et seq. and the rules and regulations adopted pursuant thereto."

SECTION 167. Section 467-3, Hawaii Revised Statutes, is amended to read as follows:

"§467-3 Commission, appointments, qualifications, tenure. There shall be appointed [in the manner provided by section 26-34,] a commission to be known as the real estate commission, [and] to consist of nine members, at least four of whom shall be licensed real estate brokers who have been engaged in business as licensed real estate brokers or salespersons for three years immediately preceding their appointments, each of whom shall be a citizen of the United States and shall have resided in the State for at least three years preceding appointment, and one of whom shall be designated by the appointing power as [chairman.] chairperson. Four members shall be residents of the city and county of Honolulu, one shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, and one shall be a resident of the county of Kauai and two members shall be public members.

Appointments shall be made for a term of four years, commencing from the date of expiration of the last preceding term and shall be made to expire on June 30. Appointments shall be made so that at least one appointment shall be required each year.

Any vacancy shall be filled by appointment for the unexpired term. [The members of the commission shall serve without pay. All expenses shall be paid out of the special fund provided in section 467-11.]”

SECTION 168. Section 467-4, Hawaii Revised Statutes, is amended to read as follows:

“§467-4 Powers and duties of commission. In addition to any other [duties and powers granted by this chapter] powers and duties authorized by law, the real estate commission shall:

- (1) Grant licenses to real estate brokers and real estate salespersons pursuant to this chapter;
- (2) [Make,] Adopt, amend, or repeal such rules [and regulations] as it may deem proper to fully effectuate this chapter and carry out its purpose, which [purpose] is the protection of the general public in its real estate transactions. All rules [and regulations] shall be approved by the governor and the director of commerce and consumer affairs, and when adopted pursuant to chapter 91 shall have the force and effect of law. The rules [and regulations] may forbid acts or practices deemed by the commission to be detrimental to the accomplishment of the purpose of this chapter, and the rules [and regulations] may require real estate brokers and salespersons to make reports to the commission containing such items of information as will better enable the commission to enforce this chapter and the rules [and regulations], or as will better enable the commission from time to time to amend the rules [and regulations] to more fully effect the purpose of this chapter, and, further, the rules [and regulations] may require real estate brokers and salespersons to furnish reports to their clients containing such matters of information as the commission deems necessary to promote the purpose of this chapter. This enumeration of specific matters which may properly be made the subject of rules [and regulations] shall not be construed to limit the commission’s broad general power to make all rules [and regulations] necessary to fully effectuate the purpose of this chapter;
- (3) Enforce this chapter and rules [and regulations] adopted pursuant thereto;
- (4) Suspend or revoke any license for any cause prescribed by this chapter, or for any violation of the rules [and regulations], and refuse to grant any license for any cause which would be ground for revocation or suspension of a license;
- (5) Report to the governor through the director of commerce and consumer affairs annually and at such other times and in such other manner as the governor may require concerning its activities;
- (6) Publish and distribute pamphlets and circulars containing such information as it deems proper to further the accomplishment of the purpose of this chapter; and
- (7) Enter into contract or contracts with qualified persons or firms to assist the commission in conducting review of applications and monitoring the schools by conducting school visitations.”

SECTION 169. Section 467-14, Hawaii Revised Statutes, is amended to read as follows:

“§467-14 Revocation and suspension of licenses. [The] In addition to any other actions authorized by law, the real estate commission may revoke any license issued under this chapter, or suspend the right of the licensee to use the license, for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Making any misrepresentation concerning any real estate transaction;
- (2) Making any false promises concerning any real estate transaction of a character likely to mislead another;
- (3) Pursuing a continued and flagrant course of misrepresentation, or making of false promises through advertising or otherwise;
- (4) Without first having obtained the written consent to do so of both parties involved in any real estate transaction, acting for both the parties in connection with the transaction, or collecting or attempting to collect commissions or other compensation for the licensee's services from both of [such] the parties;
- (5) When the licensee, being a real estate salesperson, accepts any commission or other compensation for the performance of any of the acts enumerated in the definition set forth in section 467-1 of real estate salesperson from any person, copartnership, or corporation other than the salesperson's employer or the broker with whom the salesperson associates or, being a real estate broker or salesperson, compensates one not licensed under this chapter to perform any such act;
- (6) When the licensee, being a real estate salesperson, acts or attempts to act as a real estate broker or represents, or attempts to represent, any real estate broker other than the salesperson's employer or the broker with whom the salesperson is associated;
- (7) Failing, within a reasonable time, to account for any moneys belonging to others which may be in the possession or under the control of the licensee;
- (8) Any other conduct constituting fraudulent or dishonest dealings;
- (9) When the licensee, being a copartnership, permits any member of the copartnership who does not hold a real estate broker's license to actively participate in the real estate brokerage business thereof or permits any employee thereof who does not hold a real estate salesperson's license to act as a real estate salesperson therefor;
- (10) When the licensee, being a corporation, permits any officer or employee of the corporation who does not hold a real estate broker's license to have the direct management of the real estate brokerage business thereof or permits any officer or employee thereof who does not hold a real estate salesperson's license to act as a real estate salesperson therefor;
- (11) When the licensee, being a real estate salesperson, fails to file with the commission a written statement setting forth the name of the real estate broker by whom the licensee is employed or with whom the licensee is associated;
- (12) When the licensee fails to obtain on the contract between the parties to the real estate transaction confirmation of who the broker represents;

- (13) Violating this chapter[,]; [chapter] chapters 484, 514A, 514E, or 515; [or] section 516-71[,]; or the rules adopted pursuant thereto;
- (14) Splitting fees with or otherwise compensating others not licensed hereunder for referring business; provided that notwithstanding paragraph (5), a licensed broker may pay a commission to:
 - (A) A licensed broker of another state, territory, or possession of the United States if [such] that broker does not conduct in this State any of the negotiations for which a commission is paid;
 - (B) A broker lawfully engaged in brokerage activity under the laws of a foreign country if [such] that broker does not conduct in this State any of the negotiations for which a commission is paid; or
 - (C) A travel agency that in the course of business as a travel agency or sales representative, arranges for compensation the rental of transient vacation rental; provided that for purposes of this paragraph "travel agency" means any sole proprietorship, organization, trust, group, association, partnership, corporation, society, or combination of such, which for compensation or other consideration, acts or attempts to act as an intermediary between a person seeking to purchase travel services and any person seeking to sell travel services, including an air or ocean carrier;
- (15) Commingling the money or other property of the licensee's principal with the licensee's own;
- (16) Converting other people's moneys to the licensee's own use;
- (17) The licensee is adjudicated insane or incompetent;
- (18) Failing to ascertain and disclose all material facts concerning every property for which the licensee accepts the agency, so that the licensee may fulfill the licensee's obligation to avoid error, misrepresentation, or concealment of material facts; provided that for the purposes of this paragraph, the fact that an occupant has AIDS or AIDS Related Complex (ARC) or has been tested for HIV (human immunodeficiency virus) infection shall not be considered a material fact;
- (19) When the licensee obtains or causes to be obtained, directly or indirectly, any licensing examination or licensing examination question for the purpose of disseminating the information to future takers of the examination for the benefit or gain of the licensee; or
- (20) Failure to maintain a reputation for honesty, truthfulness, financial integrity, and fair dealing.

Disciplinary action may be taken by the commission whether the licensee is acting as a real estate broker, or salesperson, or on the licensee's own behalf.

[No license shall be suspended for longer than two years and no person whose license has been revoked shall be eligible to apply for a new license until the expiration of two years.]"

SECTION 170. Section 468E-6, Hawaii Revised Statutes, is amended to read as follows:

"§468E-6 Board of speech pathology and audiology. (a) There is hereby established within the department of commerce and consumer affairs a state board of speech pathology and audiology consisting of seven members [who shall be appointed by the governor in a manner prescribed in section 26-34].

(b) The membership of the board shall include two speech pathologists, two audiologists, and three public members, one of whom shall be licensed to practice medicine in the State and hold a certificate of qualification from the American Board of Otorhinolaryngology. [For purposes of the initial appointments to the board, the original speech pathologists and audiologists appointed shall meet all requirements of section 468E-5 except those relating to examination. Subsequent appointees] Appointees shall be fully licensed speech pathologists or audiologists.

All members of the board shall be residents of the State.

(c) Members shall serve for a term of three years. Terms shall begin on the first day of the fiscal year and end on the last day of the fiscal year.

[(d) The board shall meet during the first month of each fiscal year to select a chairman and for other appropriate purposes. At least one additional meeting shall be held before the end of each fiscal year. Further meetings may be convened at the call of the chairman or the written request of any two board members. The board shall conduct its meetings and keep records of its proceedings in accordance with the provisions of chapter 92.

(e) Members of the board shall not receive any compensation for performance of the duties imposed upon them by this chapter, but shall be entitled to necessary traveling expenses.

(f) The director of commerce and consumer affairs shall employ clerks, proctors, examiners and other personnel under the provisions of chapters 76 and 77 to assist the board in the performance of its duties.

(g) (d) Four members of the board shall constitute a quorum for all purposes, but in no instance shall a meeting of the two speech pathologist members and two audiologist members alone be considered a quorum."

SECTION 171. Section 468E-7, Hawaii Revised Statutes, is amended to read as follows:

"§468E-7 Functions and powers of the board. (a) [The] In addition to any other powers and duties authorized by law, the board [shall], in accordance with [the provisions of] chapters 91 and 92, shall administer, coordinate, and enforce [the provisions of] this chapter.

(b) [The] In addition to other powers and duties authorized by law, the board [shall], in accordance with [the provisions of] chapter 91, shall adopt rules relating to professional conduct to effectuate the policy of this chapter, including but not limited to rules [which] that establish ethical standards of practice, and for other purposes, and may amend or repeal the same."

SECTION 172. Section 468E-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) [The] In addition to any other actions authorized by law, the board may take disciplinary action against any licensee, including but not limited to revocation, suspension, fine, or a combination thereof, or refuse to issue or renew a license for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
- (2) Professional misconduct or unethical conduct;
- (3) Conduct constituting fraudulent or dishonest dealings;
- (4) Violating any provision of this chapter or rules adopted thereunder;

- (5) Failure to comply with a board order; or
- (6) Making a false statement on any document submitted or required to be filed by this chapter.”

SECTION 173. Section 468E-14, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Any person who fails to renew the person’s license within the five years after the date of its expiration may not renew it, and it may not be restored[, reissued, or reinstated] thereafter, but [such] the person may apply for and obtain a new license if the person meets the requirements of this chapter.”

SECTION 174. Section 471-3, Hawaii Revised Statutes, is amended to read as follows:

“§471-3 Board of examiners; appointment and removal; qualifications. A board of veterinary examiners, consisting of seven members, four of whom shall be residents of the city and county of Honolulu and three of whom shall be residents of counties other than the city and county of Honolulu, shall be appointed, and may be removed, by the governor [in the manner provided in section 26-34].

Five of the members of the board shall be veterinarians who have been licensed to practice in the State for at least five years and shall be actively engaged in the practice of veterinary medicine or, if not active at the time of appointment, shall have been previously so engaged for ten years and two shall be public members.”

SECTION 175. Section 471-10, Hawaii Revised Statutes, is amended to read as follows:

“§471-10 Refusal to grant and revocation or suspension of license. (a) [The] In addition to any other actions authorized by law, the board may refuse to grant, renew, reinstate or restore a license for any cause which would be ground for revocation of a license under [this section.] the law.

(b) [The] In addition to any other actions authorized by law, the board may revoke or suspend the license of any veterinarian or fine the licensee, or both, for any [of the following causes:] cause authorized by law, including but not limited to the following:

- (1) Professional misconduct, gross negligence, or manifest incapacity;
- (2) Violation of this chapter or the rules adopted pursuant thereto or any other law which applies to the licensee as a practicing veterinarian;
- (3) Making any false representations or promises through advertising or otherwise;
- (4) Habitual intemperance in the use of alcoholic beverages or addiction to the use of narcotic or dangerous substances;
- (5) Mental incompetence;
- (6) Any fraudulent, dishonest, or deceitful act in connection with the practice of veterinary medicine;
- (7) Making a false statement in any document submitted or required to be filed by this chapter;
- (8) Revocation, suspension, or other disciplinary action by another state of a license or certificate for reasons as provided in this section;

- (9) Conviction, whether by nolo contendere or otherwise, or a penal offense substantially related to the qualifications, functions, or duties of a veterinarian, notwithstanding any statutory provision to the contrary;
- (10) Violation of chapter 329, the uniform controlled substances act, or any rule adopted thereto; or
- (11) Failure to report any disciplinary action taken against a licensee in another jurisdiction within thirty days after the disciplinary action becomes final.”

SECTION 176. Section 471-11, Hawaii Revised Statutes, is amended to read as follows:

“§471-11 Hearings. In every case where it is proposed to refuse to grant, renew, reinstate, or restore a license or to revoke or suspend the exercise of a license for any of the causes enumerated in section 471-10, the person concerned shall be given notice and opportunity for hearing in conformity with chapter 91. [The notice of hearing shall be given at least five days before the hearing.]

In all proceedings before it, the board of veterinary examiners 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 any member thereof, or of any subpoena issued by it, or the member, or the refusal of any witness to testify to any matter regarding which the witness may lawfully be questioned, any circuit judge, on application by the board, or any 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.”

SECTION 177. Section 514E-1, Hawaii Revised Statutes, is amended by deleting the definition “person”.

[““Person” means one or more natural persons, partnerships, joint ventures, corporations, associations, trusts, other entities, or any combination thereof.”]

SECTION 178. Section 514E-1.5, Hawaii Revised Statutes, is amended to read as follows:

“[[§514E-1.5]] Time share administrator; [other personnel.] duties. The director shall appoint a time share administrator, who shall not be subject to chapters 76 and 77, to administer this chapter. The administrator shall be responsible for the performance of the duties conferred upon the director by this chapter.

[The director shall employ, subject to chapters 76 and 77, such other administrative and clerical assistants as the director deems necessary for the proper administration of this chapter.]”

SECTION 179. Section 514E-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [If the director determines, after notice and a hearing,] For any cause authorized by law, including but not limited to a determination by the director that any person has violated any provision of this chapter or any rule adopted by the director pursuant to this chapter, or that a person has authorized, directed,

ordered, or personally participated in any violation of this chapter or any rule adopted by the director pursuant to this chapter, in addition to any other actions authorized by law, the director:

- (1) May fine the person a sum of not less than \$500 nor more than \$10,000 for each separate offense; provided that each date of violation shall constitute a separate offense; and
- (2) May issue an order suspending or revoking the registration of the person and the right of the person to offer or sell time share interests or otherwise engage in time share activities.”

SECTION 180. Section 373-14.7, Hawaii Revised Statutes, is repealed.

SECTION 181. Section 436E-8, Hawaii Revised Statutes, is repealed.

SECTION 182. Section 436E-11, Hawaii Revised Statutes, is repealed.

SECTION 183. Section 437-8, Hawaii Revised Statutes, is repealed.

SECTION 184. Section 437-22, Hawaii Revised Statutes, is repealed.

SECTION 185. Section 437-30, Hawaii Revised Statutes, is repealed.

SECTION 186. Section 437-31, Hawaii Revised Statutes, is repealed.

SECTION 187. Section 437B-5, Hawaii Revised Statutes, is repealed.

SECTION 188. Section 439-4, Hawaii Revised Statutes, is repealed.

SECTION 189. Section 439-6, Hawaii Revised Statutes, is repealed.

SECTION 190. Section 439-9, Hawaii Revised Statutes, is repealed.

SECTION 191. Section 440-3, Hawaii Revised Statutes, is repealed.

SECTION 192. Section 440-4, Hawaii Revised Statutes, is repealed.

SECTION 193. Section 441-34, Hawaii Revised Statutes, is repealed.

SECTION 194. Section 442-4, Hawaii Revised Statutes, is repealed.

SECTION 195. Section 442-13, Hawaii Revised Statutes, is repealed.

SECTION 196. Section 442-20, Hawaii Revised Statutes, is repealed.

SECTION 197. Section 443B-4.61, Hawaii Revised Statutes, is repealed.

SECTION 198. Section 443B-7, Hawaii Revised Statutes, is repealed.

SECTION 199. Section 444-6, Hawaii Revised Statutes, is repealed.

SECTION 200. Section 444-18, Hawaii Revised Statutes, is repealed.

SECTION 201. Section 444-19, Hawaii Revised Statutes, is repealed.

SECTION 202. Section 444-20, Hawaii Revised Statutes, is repealed.

SECTION 203. Section 448E-3, Hawaii Revised Statutes, is repealed.

SECTION 204. Section 448E-7, Hawaii Revised Statutes, is repealed.

SECTION 205. Section 448F-10, Hawaii Revised Statutes, is repealed.

SECTION 206. Section 451A-4, Hawaii Revised Statutes, is repealed.

SECTION 207. Section 451A-8.5, Hawaii Revised Statutes, is repealed.

SECTION 208. Section 452-5, Hawaii Revised Statutes is repealed.

SECTION 209. Section 452-7, Hawaii Revised Statutes, is repealed.

SECTION 210. Section 452-8, Hawaii Revised Statutes, is repealed.

SECTION 211. Section 452-20, Hawaii Revised Statutes, is repealed.

SECTION 212. Section 453-5.2, Hawaii Revised Statutes, is repealed.

SECTION 213. Section 453-9, Hawaii Revised Statutes, is repealed.

SECTION 214. Section 455-8.5, Hawaii Revised Statutes, is repealed.

SECTION 215. Section 455-12, Hawaii Revised Statutes, is repealed.

SECTION 216. Section 457-6, Hawaii Revised Statutes, is repealed.

SECTION 217. Section 457-10, Hawaii Revised Statutes, is repealed.

SECTION 218. Section 457B-5, Hawaii Revised Statutes, is repealed.

SECTION 219. Section 458-12, Hawaii Revised Statutes, is repealed.

SECTION 220. Section 459-11, Hawaii Revised Statutes, is repealed.

SECTION 221. Section 460J-4, Hawaii Revised Statutes, is repealed.

SECTION 222. Section 460J-5, Hawaii Revised Statutes, is repealed.

SECTION 223. Section 460J-18, Hawaii Revised Statutes, is repealed.

SECTION 224. Section 460J-31, Hawaii Revised Statutes, is repealed.

SECTION 225. Section 461-4, Hawaii Revised Statutes, is repealed.

SECTION 226. Section 461-16.5, Hawaii Revised Statutes, is repealed.

SECTION 227. Section 461J-11, Hawaii Revised Statutes, is repealed.

SECTION 228. Section 462A-7, Hawaii Revised Statutes, is repealed.

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SECTION 229. Section 462A-20, Hawaii Revised Statutes, is repealed.

SECTION 230. Section 463-16, Hawaii Revised Statutes, is repealed.

SECTION 231. Section 463E-7, Hawaii Revised Statutes, is repealed.

SECTION 232. Section 463E-13, Hawaii Revised Statutes, is repealed.

SECTION 233. Section 464-16, Hawaii Revised Statutes, is repealed.

SECTION 234. Section 465-5, Hawaii Revised Statutes, is repealed.

SECTION 235. Section 465-14, Hawaii Revised Statutes, is repealed.

SECTION 236. Section 466-14, Hawaii Revised Statutes, is repealed.

SECTION 237. Section 468E-15, Hawaii Revised Statutes, is repealed.

SECTION 238. Section 471-4, Hawaii Revised Statutes, is repealed.

SECTION 239. Section 471-5, Hawaii Revised Statutes, is repealed.

SECTION 240. Section 471-12, Hawaii Revised Statutes, is repealed.

SECTION 241. Statutory material to be repealed is bracketed. New statutory material is underscored.⁵

SECTION 242. This Act shall take effect upon its approval.

(Approved June 12, 1992.)

Notes

1. So in original.
2. Prior to amendment "subsection" appeared here.
3. Prior to amendment "the" appeared here.
4. Should be underscored.
5. Edited pursuant to HRS §23G-16.5.