

ACT 232

H.B. NO. 2808

A Bill for an Act Relating to County Licenses.

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

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The following chapters and sections are hereby repealed effective December 31, 1992:

- (1) Chapter 446 (Debt Adjusters)
- (2) Chapter 467D (Social Workers)
- (3) Sections 321-13 to 321-15 only as they relate to sanitarians
- [(4) Sections 445-21 to 38 (Auctions)]
- [(5)] (4) Sections¹ 445-131 to 136 (Pawnbrokers)
- [(6) Sections 445-171 to 172 (Secondhand Dealers)
- (7) Sections 445-231 to 235 (Scrap Dealers)]”

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The following chapters are hereby repealed effective December 31, 1995:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 440 (Boxing Commission)
- (4) Chapter 448H (Elevator Mechanics Licensing Board)
- (5) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (6) Chapter 445 Part V (Pawnbrokers)”

SECTION 3. Section 445-2, Hawaii Revised Statutes, is amended to read as follows:

“§445-2 **Treasurer to issue.** The treasurer [shall], upon the application of any person, shall issue to the applicant any license in this chapter [enumerated,] upon the terms and conditions in this chapter set forth[.], provided that the county shall have the option to license those businesses enumerated in section 445-15(1).”

SECTION 4. Section 445-12, Hawaii Revised Statutes, is amended to read as follows:

“§445-12 Business without license forbidden; not transferable; penalty. (a) [The carrying on] Where a county requires a license for the conduct of any business, or the [doing] performance of any act in this chapter enumerated, that business or act, except upon obtaining a license [in conformity with the provisions thereof,] from the appropriate county, is forbidden.

(b) No license required and issued by a county under this chapter shall be transferable.

(c) Any person who [engages]:

(1) Engages in or carries on any business, or does any act enumerated in this chapter, the engaging in or doing of which is [therein] required to be licensed[, in the county in which the business is conducted or act is performed, without first obtaining a license [issued in conformity with the provisions thereof; or who sells] from that county;

(2) Sells any goods, wares, merchandise, produce, or thing of value, contrary to the terms of this chapter; or [who violates]

(3) Violates or fails to observe this chapter;

shall be fined a maximum of \$500 per day, unless otherwise provided in this chapter.”

SECTION 5. Section 445-15, Hawaii Revised Statutes, is amended to read as follows:

“§445-15 Control by ordinance. Each council has the power by ordinance:

(1) To require, or eliminate the requirement for, the licensing of auctions under part II of this chapter, secondhand dealers under part VII of this chapter, and scrap dealers under part X of this chapter;

(2) To impose annual license fees;

[(1)] (3) To increase, decrease, or waive effective upon the expiration of any existing license, the annual fee for a license issued under this chapter, or to exempt wholly or partially, the payment by any religious, charitable, or educational organization or institution of any license fee imposed in this chapter or any ordinance enacted hereunder with respect to any business which is not regularly engaged in or carried on by such organization or institution; and

[(2)] (4) To adopt rules not inconsistent with law concerning the conduct of the business of all persons licensed under this chapter, as deemed necessary for the public health, safety, or welfare.”

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

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

(Approved June 17, 1992.)

Note

1. Prior to amendment “section” appeared here.