

ACT 125

S.B. NO. 1632

A Bill for an Act Relating to Examination and Prelicensing Requirements.

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

SECTION 1. Section 467-9, Hawaii Revised Statutes, is amended to read as follows:

“§467-9 License and applications. (a) Every applicant for issuance of a real estate license, registration, or certificate under this chapter shall file an application with the [real estate] commission in [such] a form and setting forth [such] the information as may be prescribed or required by the commission, and shall furnish [such] any additional information bearing upon the issuance of the license, registration, and certificate as it requires. Every application shall be sworn to before an officer authorized to administer oaths. In the case of a [copartnership] partnership or corporation, any [member] general partner or officer thereof may sign the application and verify the same on behalf of the applicant. The commission may prescribe deadlines for the submission of applications.

[(b) No broker’s license shall be issued under any trade name, corporate name, or copartnership name which contains the name, initials, or nickname of an unlicensed person or real estate salesperson, unless otherwise approved by the commission.]

(b) Unless approved by the commission, no real estate broker’s license shall be issued or changed under any trade name, corporate name, or partnership name which contains the name, part of the name, initials, or nickname of:

- (1) An unlicensed person;
- (2) A licensed real estate salesperson; or
- (3) A real estate broker whose real estate license is not associated or employed with the real estate broker applicant.

(c) A real estate broker’s license shall be placed on an inactive status unless the real estate broker immediately changes its name, trade name, corporate name, or partnership name that contains the name, part of the name, initials, or nickname of an unlicensed person, licensed real estate salesperson, or real estate broker who is:

- (1) No longer associated with or employed by the subject real estate broker, including any association or employment as a real estate broker or salesperson as defined in section 467-1; or
- (2) No longer a current active real estate licensee due to revocation, termination, forfeiture, or change to inactive status.

The changes shall comply with this chapter and the rules of the commission."

SECTION 2. Section 467-9.5, Hawaii Revised Statutes, is amended to read as follows:

"§467-9.5 Prerequisites for [written] examination. No person shall be eligible for the [written] examination unless:

- (1) The person is a citizen of the United States, or an alien who is authorized to work in the United States, and of the age of majority;
- (2) The person applying for the real estate [salesman] salesperson examination has satisfactorily completed a prelicensing course [on] for real estate salesperson candidates which includes real estate principles, or its equivalent, approved or accredited by the [real estate] commission;
- (3) The person applying for the real estate broker examination has satisfactorily completed a prelicensing course for real estate brokers candidates, or its equivalent, approved or accredited by the [real estate] commission;
- (4) The person applying for the real estate broker examination (A) [has previously been] is licensed as [a] an active or inactive Hawaii real estate [salesman] salesperson, and (B) has [previously] been engaged in the real estate business as a licensed Hawaii real estate [salesman] salesperson for a minimum period of two years on a full-time basis and has practical experience in the real estate field as determined by the commission. The commission may waive [all or] a portion of the two years' experience, if the person has had other experience or education in [the selling or management of] real estate, which, in the opinion of the commission, is equivalent to [two years'] experience, to be established by detailed explanatory affidavit or in such other manner as may be determined by the commission.

Each person shall certify on the application for examination that the prerequisites set forth above have been or will be satisfied prior to the date of examination. The examination score of any person who has taken the [written] examination without having satisfied the prerequisites set forth above shall be voided."

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

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

(Approved May 20, 1993.)

Note

1. Prior to amendment "licensed" appeared here.