

ACT 232

H.B. NO. 1896

A Bill for an Act Relating to the Deposit of Professional and Vocational License Fees.

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

SECTION 1. Section 436B-15, Hawaii Revised Statutes, is amended to read as follows:

“**§436B-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 with the director [of finance] to the credit of the [general fund of the State.] compliance resolution fund established pursuant to section 26-9(o).”

SECTION 2. Section 438-11, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) All fees required by this chapter shall be as provided in rules adopted by the director pursuant to chapter 91 and shall be deposited with the director [of finance] to the credit of the [general fund,] compliance resolution fund established pursuant to section 26-9(o). except that the examination fee required in section 438-8 may be paid directly to the professional testing service by the department or examinee.”

SECTION 3. Section 439-14, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Every applicant who is required by the board to be examined shall pay an examination fee as provided in rules adopted by the director pursuant to chapter 91. The examination fee may be paid directly to the professional testing service by the director or the examinee or deposited with the director of [finance] commerce and consumer affairs to the credit of the [general fund.] compliance resolution fund established pursuant to section 26-9(o).”

SECTION 4. Section 440-13, Hawaii Revised Statutes, is amended to read as follows:

“**§440-13 License fees.** License fees shall be paid annually to the State by every applicant to whom a license is issued to participate in the conduct of professional boxing in any of the capacities set forth in this section: physician,

referee, judge, matchmaker, manager, timekeeper, second, and professional boxer. The charge for a duplicate of a license and 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 and shall be deposited with the director of [finance] commerce and consumer affairs to the credit of the [general fund.] compliance resolution fund established pursuant to section 26-9(o).

The director of commerce and consumer affairs may establish a schedule of license fees for participation in amateur boxing contests, and may waive payment of license fees for amateur boxing contests.”

SECTION 5. Section 442-18, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All moneys received by the board [of chiropractic examiners] under this chapter shall be paid to the director of commerce and consumer affairs and shall be deposited [with the director of finance] to the credit of the [general fund.] compliance resolution fund established pursuant to section 26-9(o).”

SECTION 6. Section 447-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person:

- (1) Eighteen years of age or over;
- (2) Holding or having a diploma or a proper certificate of graduation from an accredited high school employing at least a four year course of instruction;
- (3) Holding and having a diploma or proper certificate of graduation from a dental hygiene school accredited by the American Dental Association (A.D.A.) Commission on Dental Accreditation requiring at least a two year course, recognized by the board of dental examiners; and
- (4) Having been officially certified in the administration of intra-oral infiltration local anesthesia by an accredited dental hygiene school or by a certification program previously approved by the board;

upon written application made to and filed with the secretary of the board at least sixty days prior to the date selected by the board for the examination, may be examined by the board for qualification as a dental hygienist.

The application for examination shall be accompanied by the applicant’s certificate of graduation from an accredited dental hygiene school together with documentary proof of the applicant’s certification in the administration of intra-oral infiltration local anesthesia and, at the time of filing the application, the applicant shall pay to the board application and examination fees, which fees, together with all other fees or charges in 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.] compliance resolution fund established pursuant to section 26-9(o).”

SECTION 7. Section 452-17, Hawaii Revised Statutes, is amended to read as follows:

“**§452-17 Fees.** (a) The fees for application, licensing, and other registrations shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91, and shall be paid in advance and deposited with the director of [finance] commerce and consumer affairs to the credit of the [general fund.] compliance resolution fund established pursuant to section 26-9(o).”

(b) Every applicant who is required by the board to be examined shall pay an examination fee as provided in rules adopted by the director pursuant to chapter 91. The examination fee may be paid directly to the testing agency by the director or the examinee or deposited with the director of [finance] commerce and consumer affairs to the credit of the [general fund.] compliance resolution fund established pursuant to section 26-9(o).”

SECTION 8. Section 454-3, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The license fee for a license calendar year or any part thereof shall be \$100 for a mortgage broker and \$25 for a mortgage solicitor, which fees shall be deposited by the commissioner [with the director of finance] to the credit of the [general fund.] compliance resolution fund established pursuant to section 26-9(o). Failure of any mortgage broker or mortgage solicitor to pay the license fee for a license calendar year on or before December 31 of the preceding calendar year shall constitute an automatic forfeiture of the broker’s or solicitor’s license. A broker’s or solicitor’s license which is forfeited for nonpayment of the license fee may be restored; provided that application for restoration is made within six months of the forfeiture and a penalty fee in the amount of \$100 for mortgage brokers and \$25 for mortgage solicitors is paid in addition to the delinquent license fee.”

SECTION 9. Section 467-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All fees for applications, registrations, certificates, and any license prescribed by this chapter shall be deposited to the credit of the [general fund.] compliance resolution fund established pursuant to section 26-9(o). and all fees allocated to the real estate education fund shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91.”

SECTION 10. Section 467-30, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) All condominium hotel operators shall register with the commission as a sole proprietor, partnership, or corporation and shall:

- (1) Obtain a license as a real estate broker in compliance with this chapter and the rules of the commission;
- (2) Register on an annual basis on or before December 31 of each year as a condominium hotel operator with the commission; provided that after December 31, 1996, registration shall be on a biennial basis on or before December 31 of each even-numbered year. Registration information shall include but not be limited to the number of apartments managed for others as well as the number of apartments owned by the condominium hotel operator. Any operator failing to register with the commission shall be subject to a fine not exceeding an amount equal to \$25 multiplied by the aggregate number of apartments being utilized as a condominium hotel. Each month or fraction of a month of non-compliance shall be deemed a new and separate violation;
- (3) Provide evidence of fidelity bonding to the commission in an amount equal to \$500 multiplied by the aggregate number of apartments in the condominium hotel operation; provided that the minimum of the bond required by this paragraph shall not be less than \$20,000 nor greater than \$100,000. The aggregate number of apartments excludes the num-

- ber of apartments owned by the condominium hotel operator either as a sole proprietor, partnership, or corporation or those apartments included in a registered time share plan managed by a registered time share plan manager. The bond shall cover all of the condominium hotel operator's employees handling or having custody and control of either the condominium hotel operator's or the apartment owner's funds, or both. The commission may adopt rules establishing conditions and terms by which it may grant an exemption or bond alternative, or permit deductibles. No fidelity bond exemption shall be granted to a condominium hotel operator who is exempt from paragraph (1); and
- (4) Pay an application fee and upon approval an initial registration fee as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91, which fees shall be deposited with the director of [finance] commerce and consumer affairs to the credit of the [general fund;] compliance resolution fund established pursuant to section 26-9(o);

provided that this subsection shall not apply to persons who are subject to section 467-2.”

SECTION 11. Section 514A-44, Hawaii Revised Statutes, is amended to read as follows:

“**§514A-44 Deposit of fees.** All fees collected under this chapter shall, unless otherwise provided in this chapter, be deposited by the director of commerce and consumer affairs [with the director of finance] to the credit of the [general fund.] compliance resolution fund established pursuant to section 26-9(o).”

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 13. This Act shall take effect upon its approval.

(Approved June 17, 1997.)