

A Bill for an Act Relating to Notarized Signatures on Professional and Vocational License Applications.

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

SECTION 1. Section 436B-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Application for a license shall be made [under oath] on an application form to be furnished by the licensing authority. An applicant shall provide the following information on the application form:

- (1) The applicant’s legal name;
- (2) Affirmation that the applicant is beyond the age of majority;
- (3) The applicant’s current residence, business and mailing addresses, and phone numbers;
- (4) The applicant’s social security number if the licensing authority is authorized by federal law to require the disclosure;
- (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;
- (6) Proof that the applicant is a United States citizen, a United States national, or an alien authorized to work in the United States;
- (7) Disclosure of similar licensure in any state or territory;
- (8) Disclosure of disciplinary action by any state or territory against any license held by the applicant; and
- (9) Any other information the licensing authority may require to investigate the applicant’s qualifications for licensure.

Failure to provide the above information and pay the required fees shall be grounds to deny the application for licensure.”

SECTION 2. Section 437-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A person applying for a salesperson’s license under this section shall be granted a temporary license by the executive officer of the board; provided no patent disqualification of the applicant is disclosed or no valid objection to the granting of the temporary license is apparent and if all requirements relative to the filing of the application appear to have been met and the dealer files [an affidavit certifying] a statement that this person is employed by and under the supervision of the dealer. A fee shall be charged for the issuance of the temporary license, as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91, and the license shall remain in effect until the board approves or denies the application for a permanent license.”

SECTION 3. Section 438-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each person who desires to practice as a barber or as an apprentice barber or to operate a barber shop shall first file with the board a written application[, under oath,] on a form prescribed and supplied by the board, deposit with the board

the required fees, and satisfy the applicable qualification requirements specified in this section.”

SECTION 4. Section 439-11, Hawaii Revised Statutes, is amended to read as follows:

“**§439-11 Application for examination.** Each person who desires to practice or instruct as a beauty operator or instructor shall file with the board a written application[, under oath,] on a form prescribed and supplied by the board and shall submit satisfactory proof of the required age and qualifications specified in section 439-12 and pay the required application and examination fees.”

SECTION 5. Section 440-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any individual, partnership, club, association, organization, or corporation may make application to the commission for a license to conduct, hold, and give professional boxing contests. The application shall be in writing, addressed to the commission, and [duly verified] signed by the applicant, or if the applicant is a club, association, organization, or corporation, by a duly authorized officer thereof, and shall include the following:

- (1) Evidence of financial integrity for an individual applicant, for each partner of a partnership or joint venture, or for each corporate entity or association to include a:
 - (A) Current credit report covering a five-year period immediately preceding the date of application;
 - (B) Current financial statement certified by a registered certified public accountant or a registered public accountant;
 - (C) State tax clearance from the state department of taxation;
- (2) For corporations organized under the laws of the State, a copy of the affidavit of officers on file with the department of commerce and consumer affairs, or certificates of registration for foreign corporations and partnerships;
- (3) Proof that the applicant has contracted for medical insurance coverage for all boxers on the applicant’s cards.”

SECTION 6. Section 440-12, Hawaii Revised Statutes, is amended to read as follows:

“**§440-12 Licenses, participants.** Any individual, partnership, or corporation may make application to the commission for a license to act as a physician, referee, judge, matchmaker, manager, timekeeper, second, or professional boxer to participate, either directly or indirectly, in any contest. The application shall be in writing, addressed to the commission, and [duly verified] signed by the applicant or, if the applicant is a corporation, by a duly authorized officer thereof. The application shall contain a recital of facts as may be specified by the commission in order for it to determine whether or not the applicant possesses the necessary physical, mental, and moral qualifications to entitle the applicant to a license.

In addition, the applicant for a referee, judge, manager, or second license shall take and pass a written examination as provided by the commission. The commission may exempt an applicant for a manager or second license from taking the examination, if the applicant holds a valid manager or second license in another jurisdiction with comparable boxing regulations.

ACT 40

Any license to act as a physician, referee, judge, matchmaker, manager, timekeeper, second, or professional boxer may be suspended or revoked by the commission upon cause as it deems sufficient after due hearing.”

SECTION 7. 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.”

SECTION 8. 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 no later than sixty days prior to the examination, accompanied by the application and examination fees and all documents and affidavits that may be prescribed by law. The application shall be submitted in accordance with the rules of the board, shall be on a form prescribed by the board, and shall be signed [and verified under oath] by the applicant. In addition thereto, each applicant shall furnish to the board:

- (1) A photostatic copy of the applicant’s diploma from a chiropractic college or school holding status with the commission on accreditation as provided in this section;
- (2) Satisfactory proof that the applicant has completed two years of liberal arts or science study at a university or college; provided that this requirement shall not apply to applicants having entered an approved chiropractic college on or before October 31, 1955; and
- (3) 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 9. Section 443B-4.52, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Not less than sixty days before a collection agency terminates its business operations in the State, the registrant shall transmit a [notarized] statement to the director and to each of the agency’s clients indicating:

- (1) That the registrant intends to terminate business in this State;
- (2) The effective date of the termination; and
- (3) That prior to the termination, the registrant shall lawfully expend or disburse all funds acquired in the course of business.”

SECTION 10. Section 444-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Every applicant for a license under this chapter shall complete and file an application provided by the board and shall furnish any additional information bearing upon the issuance of the license as the board shall require. [Every application shall be sworn to before an officer authorized to administer oaths.] In the case of a partnership, joint venture, or corporation, any partner, member, or officer thereof may sign the application [and verify the same] on behalf of the applicant.”

SECTION 11. Section 452-12, Hawaii Revised Statutes, is amended to read as follows:

“**§452-12 Application for examination.** Each person who desires to practice the occupation of massage therapist shall file with the board a written application [under oath,] on a form prescribed and supplied by the board, and shall submit such credentials as may be required by this chapter or the rules adopted by the board, and shall also pay the board the required fees.”

SECTION 12. Section 452-13, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) An applicant desiring to license a massage therapy establishment shall file with the board a written application [under oath,] on a form prescribed and supplied by the board, and setting forth that the applicant has complied with all of the requirements in a manner and detail as may be required by the rules established by the board. A license fee shall be paid to the board together with the application fee.”

SECTION 13. 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 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 14. 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 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 15. Section 459-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as otherwise provided in this chapter, every person desiring to begin or to continue the practice of optometry, before beginning or continuing practice, upon presentation of satisfactory evidence[, verified by oath,] that the

ACT 40

applicant is a graduate of an optometric college, school, or university approved by the board of examiners in optometry and accredited by a regional or professional accreditation organization and recognized by the council on post-secondary accreditation or by the United States Department of Education, shall pass all examinations required by the board and comply with the following requirements:

- (1) Submit a completed application for licensure to the department of commerce and consumer affairs;
- (2) Submit a nonrefundable application fee together with the application; and
- (3) Submit a copy of the applicant's diploma or certificate of graduation from an optometric college, school, or university approved in accordance with this subsection."

SECTION 16. 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 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 17. Section 463-9, Hawaii Revised Statutes, is amended to read as follows:

"**§463-9 Form of application for license.** Application for a license shall be made [under oath] on a form prescribed by the board which 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 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 18. Section 464-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Application for licensure shall be made upon 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 19. Section 466-5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Each applicant shall present satisfactory evidence in the form of a [notarized or] certified statement from present or former employer(s) that the applicant has met one of the following experience requirements for license:

- (1) Completion of one thousand five hundred chargeable hours in the performance of audits involving the application of generally accepted accounting principles and auditing standards earned while in public accounting practice; or
- (2) Completion of two years of professional experience in public accounting practice as defined in section 466-3."

SECTION 20. Section 467-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Every applicant for issuance of a real estate license, registration, or certificate under this chapter shall file an application with the commission in a form and setting forth the information as may be prescribed or required by the commission, and shall furnish 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 partnership or corporation, any 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."

SECTION 21. Section 468L-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Each travel agency shall renew its registration on or before December 31 of each odd-numbered year. A [notarized] statement on a form designed and provided by the department verifying that the practices of the travel agency are in accordance with section 468L-5, shall be filed with the renewal. [The director, by rule, may permit alternatives to the notarized statement that provide for at least the same level of verification.]"

SECTION 22. Section 514A-12, Hawaii Revised Statutes, is amended to read as follows:

"**§514A-12 Copy of the floor plans to be filed.** Simultaneously with the recording of the declaration, there shall be filed in the office of the recording officer a set of the floor plans and elevations of the building or buildings, showing the

layout, location, apartment numbers, and dimensions of the apartments, stating the name of the property or that it has no name, and bearing the [verified] statement of a registered architect or professional engineer certifying that it is an accurate copy of portions of the plans of the building or buildings as filed with and approved by the county or city and county officer having jurisdiction over the issuance of permits for the construction of buildings. If the plans do not include a [verified] statement by the architect or engineer that the plans fully and accurately depict the layout, location, apartment numbers, and dimensions of the apartments as built, there shall be recorded within thirty days from the date of completion of the building or buildings as “date of completion” is defined in section 507-43, or from the date of occupancy of the building or buildings, whichever shall first occur, an amendment to the declaration to which shall be attached a [verified] statement of a registered architect or professional engineer certifying that the final plans theretofore filed, or being filed simultaneously with such amendment, fully and accurately depict the layout, location, apartment numbers, and dimensions of the apartments as built, which amendment shall require only the vote or written consent of the declarant or such other person or persons as are provided in the declaration. The plans shall be kept by the recording officer as provided by rules adopted by the department of land and natural resources, pursuant to chapter 91, indexed in the same manner as a conveyance entitled to record, numbered serially in the order of receipt, each designated “apartment ownership,” with the name of the property, if any, and each containing an appropriate reference to the recording of the declaration. Correspondingly, the record of declaration shall contain a reference to the file number of the floor plans of the building or buildings on the property affected thereby.”

SECTION 23. Section 514A-32, Hawaii Revised Statutes, is amended to read as follows:

“§514A-32 Questionnaire and filing fee. The notice of intention shall be accompanied by:

- (1) A nonrefundable fee as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91;
- (2) A [verified] copy of a questionnaire properly filled in; and
- (3) Such documents and information concerning the project as may be specified by the commission.

The questionnaire shall be in such form and content as prescribed by the commission.”

SECTION 24. Section 514A-40, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) No effective date shall be issued by the commission for a final public report prior to completion of construction of the project, unless there is filed with the commission:

- (1) A [verified] statement showing all costs involved in completing the project, including land payments or lease payments, real property taxes, construction costs, architect, engineering, and attorneys’ fees, financing costs, provisions for contingency, etc., which must be paid on or before the completion of construction of the project;
- (2) A [verified] estimate of the time of completion of construction of the total project;
- (3) Satisfactory evidence of sufficient funds to cover the total project cost from purchasers’ funds, equity funds, interim or permanent loan commitments, or other sources;

- (4) A copy of the executed construction contract;
- (5) Satisfactory evidence of a performance bond issued by a surety licensed in the State of not less than one hundred per cent of the cost of construction, or such other substantially equivalent or similar instrument or security approved by the commission;
- (6) If purchasers' funds are to be used for construction, an executed copy of the escrow agreement for the trust fund required under section 514A-67 for financing construction, which expressly shall provide for:
 - (A) No disbursements by the escrow agent for payment of construction costs, unless bills are submitted with the request for disbursements that have been approved or certified for payment by the project lender or an otherwise qualified financially disinterested person; and
 - (B) No disbursements from the balance of the trust fund after payment of construction costs pursuant to the preceding paragraph until construction of the project has been completed and the escrow agent receives satisfactory evidence that all mechanics' and materialmen's liens have been cleared, unless sufficient funds are set aside for any bona fide dispute; and
- (7) A parking plan to include designated residence parking stalls and guest parking, if any, exclusive of assignment to individual apartments, if parking stalls are to be considered limited common elements.
 - (b) No effective date shall be issued by the commission for a final public report for a project that includes one or more existing structures being converted to condominium status unless there is filed with the commission all items required under subsection (a) and:
 - (1) A [verified] statement signed by an appropriate county official that the project is in compliance with all zoning and building ordinances and codes applicable to the project, and specifying, if applicable:
 - (A) Any variances which have been granted to achieve such compliance; and
 - (B) Whether the project contains any legal nonconforming uses or structures as a result of the adoption or amendment of any ordinances or codes.
 - (2) A statement by the declarant, based upon a report prepared by an independent Hawaii registered architect or engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the project; and
 - (3) A statement by the declarant of the expected useful life of each item reported on in paragraph (2) or a statement that no representations are made in that regard; provided that this paragraph and paragraph (2) apply only to apartments that may be occupied for residential use and have been in existence for five years or more."

SECTION 25. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 26. This Act shall take effect upon its approval.

(Approved April 22, 1997.)