

A Bill for an Act Relating to Restoration of Certain Forfeited Professional and Vocational Licenses.

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

SECTION 1. Section 442-11, Hawaii Revised Statutes, is amended to read as follows:

**“§442-11 Biennial renewal; fees; failure to renew.** Every person holding a license to practice chiropractic in the State shall submit a renewal application with the board of chiropractic examiners on or before December 31 of each odd-numbered year and shall pay a renewal fee. If the board has established continuing education requirements for renewal, the license shall not be renewed unless proof of compliance with the requirements is submitted. A renewal notice shall be mailed to the last known address of all licensed chiropractors on or before November 30 of each odd-numbered year.

The failure, neglect, or refusal of any person holding a license to practice chiropractic to renew the license or to pay the renewal fee, ~~after thirty days of delinquency, constitutes~~ on or before December 31 of each odd-numbered year shall constitute a forfeiture of the license; ~~provided that the license shall be restored upon written application therefor together with proof of compliance with the continuing education requirements, if any, and a payment of all delinquent fees and a penalty fee, if the application and payments are made within a period of one year from the date of the inception of the forfeiture. In the event, however, the forfeiture is permitted to continue over a period of one year, in addition to the foregoing requirements, the person may be required to submit to reexamination and successfully pass the reexamination]. A license that has been forfeited may be restored by the board upon compliance with the licensing renewal requirements provided by law and upon written application and payment of all applicable renewal fees, penalty fees, and compliance resolution fund fees within two years after the date of forfeiture. The license of any person who fails to apply for restoration of a forfeited license within two years from the date of forfeiture shall be automatically terminated. Once a license has been terminated pursuant to this section, the person may apply for a new license pursuant to and subject to all applicable laws and rules in effect at the time of application.”~~

SECTION 2. Section 467-11, Hawaii Revised Statutes, is amended to read as follows:

**“§467-11 Fees; original license and biennial renewals.** (a) All fees for applications, registrations, certificates, and any license prescribed by this chapter shall be deposited to the credit of the 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.

(b) The biennial renewal fee and completed renewal application shall be submitted to the department of commerce and consumer affairs on or before the ~~[commission prescribed]~~ commission-prescribed deadline and prior to the expiration date of the license. All real estate licenses expire on December 31 of an even-numbered year. Failure, neglect, or refusal of any duly licensed real estate broker or real estate salesperson to pay the biennial renewal fee and to submit

a completed renewal application shall constitute a forfeiture of the license as of January 1 of the subsequent odd-numbered year.

(c) ~~The forfeited license of an individual real estate broker or real estate salesperson may be restored [upon approval of a completed application; payment of the delinquent fees and the penalty fees as provided in the rules adopted by the director of commerce and consumer affairs pursuant to chapter 91;] upon compliance with the licensing renewal requirements provided by law; submission of a complete written application; payment of all applicable renewal fees, penalty fees, compliance resolution fund fees, and, if applicable, recovery fund assessments; satisfaction of the applicable requirements in sections 467-8[;] and 467-9[;] 467-9.5, and; submission of written documentation demonstrating compliance with section 467-11.5; and [prior to submission of the completed application; and], for individual licensees, satisfaction of one of the following as applicable:~~

- (1) For a license forfeited for more than one year but less than four years, the successful completion of the commission-approved course or courses or passage of the commission-approved examination; or
- (2) For a license forfeited for more than four years[;] but less than five years, the successful passage of the commission-approved examination.

(d) The license of any individual licensed as a real estate broker or a real estate salesperson who fails to apply for restoration of a forfeited license within five years from the date of forfeiture shall be automatically terminated. Once a license has been terminated pursuant to this section, the individual may apply for a new salesperson license pursuant to and subject to all applicable laws and rules in effect at the time of application.

(e) The license of any real estate broker other than a natural person that fails to apply for restoration of a forfeited license within one year from the date of forfeiture, shall be automatically terminated. Once a license has been terminated pursuant to this section, the entity may apply for a new license pursuant to and subject to all applicable laws and rules in effect at the time of application.

~~(e)~~ (f) A real estate broker or real estate salesperson may place that person's license on an inactive status by filing an application and setting forth ~~[such]~~ information ~~[as may be]~~ prescribed or required by the commission~~[; and such]~~; the license shall be renewed on or before the [commission prescribed] commission-prescribed deadline prior to the expiration date of the license by payment of the biennial renewal fee and submission of a completed renewal application. A real estate broker or real estate salesperson may reactivate that person's inactive license by satisfying section 467-11.5, filing an application~~[; and]~~ setting forth ~~[such]~~ any information as may be prescribed or required by the commission, and paying the proper fee.

~~(d)~~ (g) The commission may refund any fee erroneously paid to it under this section when the commission deems it just and equitable.

~~(e)~~ (h) If beginning on July 1, 1987, the education fund balance at the end of any fiscal biennium exceeds \$1,200,000, there shall be a moratorium on ~~[such]~~ renewal contributions and the commission shall review and consider a reduction in the ~~[same]~~ amount ~~[in]~~ of license fees."

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

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

(Approved April 1, 2010.)