

## ACT 29

S.B. NO. 2475

A Bill for an Act Relating to Assisting Unlicensed Contractors.

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

SECTION 1. The legislature finds that under section 444-9.3, Hawaii Revised Statutes, it is a misdemeanor for a licensed contractor to aid and abet an unlicensed person. However, the contractors license board has determined that section 444-9.3, Hawaii Revised Statutes, as written, only applies to criminal conduct and penalties and is outside the scope of administrative proceedings. Although the regulated industries complaints office has relied upon section 444-17(17), Hawaii Revised Statutes, to administratively prosecute aiding and abetting conduct, that provision applies only in situations where a licensee enters into a contract with an unlicensed contractor. Since aiding and abetting conduct often occurs outside of a contract, the regulated industries complaints office is unable to administratively prosecute violations of section 444-9.3, Hawaii Revised Statutes.

Accordingly, the purpose of this Act is to clarify that a contractor licensee who aids and abets an unlicensed contractor may be subject to additional discipline by the contractors license board.

SECTION 2. Section 444-9.3, Hawaii Revised Statutes, is amended to read as follows:

**“~~[[§444-9.3]] Aiding or abetting.~~ Aiding or abetting an unlicensed person to evade this chapter or knowingly combining or conspiring with an unlicensed person, or allowing one’s license to be used by an unlicensed person, or acting as agent or partner or associate, or otherwise, of an unlicensed person, with the intent to evade this chapter, shall be a misdemeanor[-] and may subject the licensee to additional discipline by the board.”**

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on July 1, 2014.

(Approved April 23, 2014.)