

STAND. COM. REP. NO.

346

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 1219

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1219 entitled:

"A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESPERSONS,"

begs leave to report as follows:

The purpose of this measure is to clarify that a licensed real estate broker or real estate salesperson acting within the scope of the broker or salesperson's license does not violate the prohibition on the unauthorized practice of law.

Your Committee heard testimony in support of this measure from the Real Estate Commission and Hawai'i Association of Realtors. Your Committee heard testimony in opposition to this measure from the Department of the Attorney General and Hawaii State Bar Association. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that under current law, real estate brokers and salespersons are required to hold licenses and are regulated by the Real Estate Commission, which oversees the education, licensure, and discipline of licensees. This measure clarifies the existing law and allows real estate licensees who act in accordance with the terms of their license to avoid inadvertent criminal violations, especially in instances where licensed professional activities overlap with activities common to the practice of law. Your Committee believes that existing statutes and administrative rules pertaining to real estate

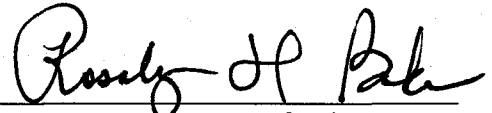


licensees, in addition to existing criminal prohibitions against the unauthorized practice of law, are sufficient to protect consumers.

Your Committee has amended this measure by deferring its effective date to provide an opportunity for further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1219, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1219, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,




ROSALYN H. BAKER, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB1219	Committee Referral: CPN, J90	Date: 2/11/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman				✓
HEMMINGS, Fred	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes