

STAND. COM. REP. NO

184

Honolulu, Hawaii

FEB 19 2009

RE: S.B. No. 205  
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 Education and Housing, to which was referred S.B. No. 205 entitled:

"A BILL FOR AN ACT RELATING TO OWNER-BUILDERS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Increase the period prohibiting sale or lease by an owner-builder from one to two years unless the sale is due to unforeseen circumstances; and
- (2) Require that an exemption from contractor licensing requirements is given no more than once in three years.

Testimony in support of this measure was submitted by two state agencies and one private organization. Testimony in opposition was submitted by one private organization. Comments were submitted by one individual. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure will enhance enforcement of laws against unlicensed contracting activity by increasing the restriction on post construction sale and requiring owner-builders to comply with certain contractor law requirements.

Your Committee has heard a number of concerns raised by this measure and thanks the interested parties for their efforts to strike a compromise on amendments.

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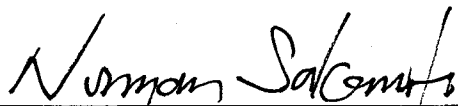


Your Committee has amended this measure by:

- (1) With regard to the prohibition on the sale or lease by an owner-builder, requiring the Contractors License Board to determine what may constitute circumstances beyond the control of the owner or lessee; and
- (2) Adding a new subsection (e) to section 444-9.1, Hawaii Revised Statutes, stating that any person who obtains a permit under section 444-2(7), Hawaii Revised Statutes, shall comply with all of the requirements specified in the disclosure statement, and that failure to comply is a violation of that section.

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 205, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 205, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on  
behalf of the members of the  
Committee on Education and  
Housing,

  
\_\_\_\_\_  
NORMAN SAKAMOTO, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Education and Housing**  
**EDH**

Bill / Resolution No.:* <b>SB 205</b>	Committee Referral: <b>EDH, CPN</b>	Date: <b>2-9-09</b>		
<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
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes