



GOV. MSG. NO. **508**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 22, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB2546 SD1, without my approval, and with the statement of objections relating to the measure.

HB2546 SD1

A BILL FOR AN ACT
RELATING TO RESTORATION OF CERTAIN
FORFEITED PROFESSIONAL AND VOCATIONAL
LICENSES.

Sincerely,



LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

April 22, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2546

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2546, entitled "A Bill for an Act Relating to Restoration of Certain Forfeited Professional and Vocational Licenses."

The purpose of this bill is to establish time limits to restore forfeited licenses of chiropractors and of real estate salespersons and brokers.

A companion measure, Senate Bill No. 2699, was also passed during the Regular Session of 2010. Because I approved Senate Bill No. 2699 as Act 11 of the Session Laws of Hawaii 2010, which accomplished the purpose of this bill, there is no need to also approve this bill.

For the foregoing reason, I am returning House Bill No. 2546 without my approval.

Respectfully,



LINDA LINGIE
Governor of Hawaii

VETO

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

H.B. NO. 2546
S.D. 1

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:

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

3 "**§442-11 Biennial renewal; fees; failure to renew.** Every
4 person holding a license to practice chiropractic in the State
5 shall submit a renewal application with the board of
6 chiropractic examiners on or before December 31 of each
7 odd-numbered year and shall pay a renewal fee. If the board has
8 established continuing education requirements for renewal, the
9 license shall not be renewed unless proof of compliance with the
10 requirements is submitted. A renewal notice shall be mailed to
11 the last known address of all licensed chiropractors on or
12 before November 30 of each odd-numbered year.

13 The failure, neglect, or refusal of any person holding a
14 license to practice chiropractic to renew the license or to pay
15 the renewal fee [~~after thirty days of delinquency, constitutes~~]
16 on or before December 31 of each odd-numbered year shall
17 constitute a forfeiture of the license [~~provided that the~~



1 ~~license shall be restored upon written application therefor~~
2 ~~together with proof of compliance with the continuing education~~
3 ~~requirements, if any, and a payment of all delinquent fees and a~~
4 ~~penalty fee, if the application and payments are made within a~~
5 ~~period of one year from the date of the inception of the~~
6 ~~forfeiture. In the event, however, the forfeiture is permitted~~
7 ~~to continue over a period of one year, in addition to the~~
8 ~~foregoing requirements, the person may be required to submit to~~
9 ~~reexamination and successfully pass the reexamination]. A~~
10 license that has been forfeited may be restored by the board
11 within two years after the date of forfeiture upon compliance
12 with licensing renewal requirements as provided by law, written
13 application, and payment of all applicable renewal fees, penalty
14 fees, and compliance resolution fund fees. The license of any
15 person who fails to apply for restoration of a forfeited license
16 within two years from the date of forfeiture shall be
17 automatically terminated. Once a license has been terminated
18 pursuant to this section, the person may apply for a new license
19 pursuant to and subject to all applicable laws and rules in
20 effect at the time of that application."

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



1 "§467-11 Fees; original license and biennial renewals.

2 (a) All fees for applications, registrations, certificates, and
3 any license prescribed by this chapter shall be deposited to the
4 credit of the compliance resolution fund established pursuant to
5 section 26-9(o), and all fees allocated to the real estate
6 education fund shall be as provided in rules adopted by the
7 director of commerce and consumer affairs pursuant to chapter
8 91.

9 (b) The biennial renewal fee and completed renewal
10 application shall be submitted to the department of commerce and
11 consumer affairs on or before the [~~commission-prescribed~~
12 commission-prescribed deadline prior to the expiration date of
13 the license. All real estate licenses expire on December 31 of
14 [~~an~~] each even-numbered year. Failure, neglect, or refusal of
15 any duly licensed real estate broker or real estate salesperson
16 to pay the biennial renewal fee and to submit a completed
17 renewal application shall constitute a forfeiture of the license
18 as of January 1 of the subsequent odd-numbered year.

19 (c) The forfeited license of an individual real estate
20 broker or real estate salesperson may be restored [~~upon approval~~
21 ~~of a completed application; payment of the delinquent fees and~~
22 ~~the penalty fees as provided in the rules adopted by the~~



1 ~~director of commerce and consumer affairs pursuant to chapter~~
2 ~~917]~~ upon compliance with the licensing renewal requirements
3 provided by law, completion of a written application, and
4 payment of all applicable renewal fees, penalty fees, compliance
5 resolution fund fees, and, if applicable, recovery fund
6 assessments; satisfaction of the applicable requirements in
7 sections 467-8 [7] and 467-9, [467-9.5,]; and submission of
8 written documentation demonstrating compliance with section
9 ~~467-11.5; and [prior to submission of the completed application,~~
10 ~~and]~~ for individual licensees, satisfaction of one of the
11 following as applicable:

12 (1) For a license forfeited for more than one year but
13 less than four years, the successful completion of the
14 commission-approved course or courses or passage of
15 the commission-approved examination; or

16 (2) For a license forfeited for more than four years [7]
17 but less than five years, the successful passage of
18 the commission-approved examination.

19 (d) The license of any individual licensed as a real
20 estate broker or a real estate salesperson who fails to apply
21 for restoration of a forfeited license within five years from
22 the date of forfeiture shall be automatically terminated. Once



1 a license has been terminated pursuant to this section, the
2 individual may apply for a new salesperson license pursuant to
3 and subject to all applicable laws and rules in effect at the
4 time of that application.

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

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



1 information [~~as may be~~] prescribed or required by the
2 commission, and paying the proper fee.

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

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

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

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

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