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## 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, [467-9.57]; 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.

14



**Report Title:**

Restoration Time Limits; Forfeited Licenses; Chiropractic  
Examiners; Individual Real Estate Brokers and Salespersons

**Description:**

Establishes times limits to restore forfeited chiropractic  
examiner licenses and individual real estate broker and  
salesperson licenses. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

