

Honolulu, Hawaii

Feb 17 , 2012

RE: H.B. No. 1295
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Economic Revitalization & Business, to which was referred H.B. No. 1295, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BUSINESS,"

begs leave to report as follows:

The purpose of this measure is to establish criminal sanctions for unlicensed contracting activities. Specifically, this measure establishes:

- (1) Unlicensed contracting activity as a misdemeanor offense; and
- (2) Habitual unlicensed contracting activity and unlicensed contractor fraud as felonies.

The Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, Department of the Prosecuting Attorney of the City and County of Honolulu, Pacific Resource Partnership, Building Industry Association of Hawaii, and an individual testified in support of this measure. The General Contractors Association of Hawaii testified in support of the intent of this measure. The Subcontractors Association of Hawaii opposed this measure.




Your Committee respectfully requests that the Committees on Judiciary and Consumer Protection & Commerce further examine the issues of affirmative defenses pertaining to the scope of the contractor's license.

Accordingly, your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2112, to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization & Business that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1295, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1295, H.D. 2, and be referred to the Committees on Judiciary and Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Revitalization & Business,



ANGUS L.K. MCKELVEY, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSLR 563.12

Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.:	HSC2 HD1 121-12	Committee Referral:	Date:	
	HB1295	ERB, JUD/CPC	2/9/12	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	X			
2. CHOY, Isaac W. (VC)	X			
3. AWANA, Karen L.	X			
4. BROWER, Tom	X			
5. EVANS, Cindy	X			
6. HASHEM, Mark J.	X			
7. NISHIMOTO, Scott Y.				X
8. TOKIOKA, James Kunane				X
9. TSUJI, Clift	X			
10. MARUMOTO, Barbara C.	X			
11. PINE, Kymerly Marcos	X			
TOTAL (11)	9	—	—	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				