

GOV. MSG. NO. 1129

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

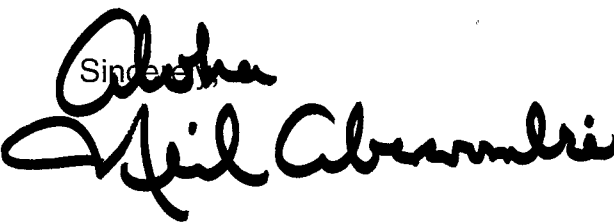
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

SB2475

RELATING TO ASSISTING UNLICENSED
CONTRACTORS
ACT 029 (14)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

APR 23 2014

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'14 APR 24 P5:36

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Approved by the Governor

APR 23 2014

THE SENATE

TWENTY-SEVENTH LEGISLATURE, 2014
STATE OF HAWAII

ACT 029
S.B. NO. 2475

JAN 17 2014

A BILL FOR AN ACT

RELATING TO ASSISTING UNLICENSED CONTRACTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that under section 444-
2 9.3, Hawaii Revised Statutes, it is a misdemeanor for a licensed
3 contractor to aid and abet an unlicensed person. However, the
4 contractors license board has determined that section 444-9.3,
5 Hawaii Revised Statutes, as written, only applies to criminal
6 conduct and penalties and is outside the scope of administrative
7 proceedings. Although the regulated industries complaints
8 office has relied upon section 444-17(17), Hawaii Revised
9 Statutes, to administratively prosecute aiding and abetting
10 conduct, that provision applies only in situations where a
11 licensee enters into a contract with an unlicensed contractor.
12 Since aiding and abetting conduct often occurs outside of a
13 contract, the regulated industries complaints office is unable
14 to administratively prosecute violations of section 444-9.3,
15 Hawaii Revised Statutes.

16 Accordingly, the purpose of this Act is to clarify that a
17 contractor licensee who aids and abets an unlicensed contractor



1 may be subject to additional discipline by the contractors
2 license board.

3 SECTION 2. Section 444-9.3, Hawaii Revised Statutes, is
4 amended to read as follows:

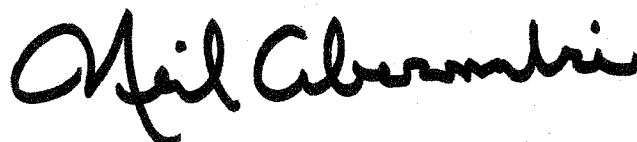
5 "~~§444-9.3~~ **Aiding or abetting.** Aiding or abetting an
6 unlicensed person to evade this chapter or knowingly combining
7 or conspiring with an unlicensed person, or allowing one's
8 license to be used by an unlicensed person, or acting as agent
9 or partner or associate, or otherwise, of an unlicensed person,
10 with the intent to evade this chapter, shall be a misdemeanor[-]
11 and may subject the licensee to additional discipline by the
12 board."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2014.

16

APPROVED this 23 day of APR, 2014



GOVERNOR OF THE STATE OF HAWAII