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# A BILL FOR AN ACT

RELATING TO REAL ESTATE.

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

1           SECTION 1. The legislature finds that section 467-9.5,  
2 Hawaii Revised Statutes, requires individuals seeking the  
3 opportunity to take the real estate licensing examination, to  
4 prove, among other things, that the applicant has experience as  
5 a full-time Hawaii-licensed real estate salesperson associated  
6 with a Hawaii-licensed real estate broker for at least three  
7 years of the five-year period immediately prior to submission of  
8 the experience certification application. The legislature  
9 further finds that Act 245, Session Laws of Hawaii 2001,  
10 repealed an exemption that allowed the real estate commission,  
11 at its discretion, to exempt an applicant from these licensure  
12 requirements, if the commission found that the applicant had  
13 other experience that the commission deemed to be equivalent to  
14 those requirements. The legislature additionally finds that  
15 this repeal has prevented individuals who have real estate  
16 experience but who, because of the economic downturn that began  
17 shortly after the enactment of Act 245 are unable to fulfill the



1 rigid three out of five years requirement, from being able to  
2 take the licensing examination.

3 The purpose of this Act is to create a discretionary  
4 exemption to the three out of five years requirement to allow  
5 for one of the required three years to be substituted with  
6 equivalent experience in the real estate field.

7 SECTION 2. Section 467-9.5, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) No individual shall be eligible for the licensing  
10 examination unless the individual is:

11 (1) A United States citizen, a United States national, or  
12 an alien authorized to work in the United States, and  
13 of the age of majority; and

14 (2) Applying for:

15 (A) The real estate salesperson examination and has  
16 satisfactorily completed a commission-approved  
17 prelicensing course for real estate salesperson  
18 candidates, which includes real estate  
19 principles, or its equivalent as determined by  
20 the commission; or

21 (B) The real estate broker examination and:



- 1 (i) Holds a current, unencumbered Hawaii real  
2 estate salesperson license or a current,  
3 unencumbered real estate salesperson or  
4 broker license in another state or in a  
5 jurisdiction recognized by the Association  
6 of Real Estate License Law Officials, with  
7 an equivalent real estate licensing law as  
8 determined by the commission;
- 9 (ii) Has satisfactorily completed a commission-  
10 approved prelicensing course for real estate  
11 broker candidates, or its equivalent as  
12 determined by the commission; and
- 13 (iii) Has experience as a full-time Hawaii-  
14 licensed real estate salesperson associated  
15 with a Hawaii-licensed real estate broker  
16 for at least three years of the five-year  
17 period immediately prior to the submission  
18 of the experience certification application  
19 and has practical real estate salesperson  
20 experience, as certified by the principal  
21 broker, principal brokers, broker in charge,  
22 or brokers in charge, as the case may be,



1 during the subject period. The candidate  
2 shall secure commission approval of the  
3 candidate's experience certification  
4 application prior to the date of the  
5 examination. Subject to commission  
6 approval, a candidate may request a  
7 determination of equivalency for the  
8 experience requirement based on real estate  
9 salesperson license experience or a current,  
10 unencumbered real estate broker license in  
11 another state, or in a jurisdiction  
12 recognized by the Association of Real Estate  
13 License Law Officials, with an equivalent  
14 real estate licensing law as determined by  
15 the commission. The commission may waive up  
16 to one year of the required three years of  
17 experience required by this clause, if, by  
18 affidavit or other manner adopted by the  
19 commission, the individual demonstrates to  
20 have maintained through the date of the  
21 application at least five years of full-time  
22 experience in the real estate field and the



1                   commission, in its discretion, determines  
2                   that experience to be equivalent to the one-  
3                   year of experience waived."

4           SECTION 3.   New statutory material is underscored.

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



**Report Title:**

Real Estate; Licensure

**Description:**

For real estate licensure, allows Real Estate Commission to waive one year of the three-year experience as a full-time Hawaii licensed real estate salesperson associated with a Hawaii-licensed real estate broker requirement, with proof of full-time experience in the real estate field for five years up to the time of experience certification. (SB41 HD1 PROPOSED)

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

