Honolulu, Hawaii

, 2014

RE: S.B. No. 2076 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2076 entitled:

"A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTOR FRAUD," begs leave to report as follows:

The purpose of this measure is to strengthen the laws relating to the prevention of unlicensed contractor fraud.

Specifically, the measure establishes that the element of "intent to deprive" in the offense of unlicensed contractor fraud may be formed before or after the person obtains or exerts control over the property of another.

Your Committee received testimony in support of this measure from both the Regulated Industries Complaints Office and the Contractors License Board of the Department of Commerce and Consumer Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu, and the Subcontractors Association of Hawaii.

Your Committee finds that this measure clarifies the offense of unlicensed contractor fraud with regard to the time at which the intent to deprive is formed and is consistent with a recent opinion from the Hawaii Supreme Court on a similar matter.

Your Committee has amended this measure by changing the effective date to December 21, 2112, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2076, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2076, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ANUL K. McKELVEY, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Consumer Protection and Commerce

Bill/Resolution No.: 5B 2076	CPC, JUD		Date: 3/9/14		
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
CPC Members		Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	1144	1			
2. KAWAKAMI, Derek S.K. (VC)	100 × 100 ×				
3. BELATTI, Della Au					
4. BROWER, Tom					
5. CACHOLA, Romy M.6. CREAGAN, Richard	1 2 2 50				
7. EVANS, Cindy		1/ 19 1			
8. HAR, Sharon E.	A 4 (1)				
9. ITO, Ken					1
10. LEE, Chris		/		Sub Company of the	D CONTRACTOR OF THE PROPERTY O
11. NAKASHIMA, Mark M.					
12. OSHIRO, Marcus R.	West Livering to the control of the		Legge & A Thirtimassamm removes a secre	Commence of the second of the	
13. TSUJI, Clift				2 27 in 1	
14. YAMANE, Ryan I.					
15. MCDERMOTT, Bob 16. THIELEN, Cynthia					
10. Titteber, Cyntina		•			
TOTAL (16)					3
The recommendation is: Adopted					
If joint referral, did not support recommendation.					
Vice Chair's or designee's signature:					
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO					