

Honolulu, Hawaii

March 21, 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,



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ANGUS L.K. MCKELVEY, Chair



