

JAN 22 2016

A BILL FOR AN ACT

RELATING TO REAL ESTATE BROKERS.

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

1 SECTION 1. Chapter 467, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§467- Classes of licenses, registrations, and
5 certificates. (a) The commission shall issue three classes of
6 licenses, registrations, and certificates for real estate
7 brokers, as follows:

8 (1) Commercial real estate brokers;

9 (2) Residential real estate brokers; and

10 (3) Commercial and residential real estate brokers fees.

11 (b) The commission shall establish examination,
12 experience, continuing education requirements suitable to each
13 class of license, registration, and certificate."

14 SECTION 2. Section 467-9, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§467-9 License, registration, certificate, and

17 applications. (a) Every applicant for issuance of a real



1 estate license, registration, or certificate under this chapter
2 shall file an application with the commission in a form and
3 setting forth the information as may be prescribed or required
4 by the commission, and shall furnish any additional information
5 bearing upon the issuance of the license, registration, and
6 certificate as it requires. In the case of a partnership or
7 corporation, any general partner or officer thereof may sign the
8 application on behalf of the applicant. The commission may
9 prescribe deadlines for the submission of applications.

10 (b) Unless approved by the commission, no real estate
11 broker's license shall be issued under or changed to any trade
12 name, corporate name, or partnership name which contains the
13 name, part of the name, initials, or nickname of:

- 14 (1) An unlicensed person;
15 (2) A real estate salesperson; or
16 (3) A real estate broker whose real estate license is not
17 associated with or employed by the subject real estate
18 broker applicant.

19 A real estate broker's license name includes any trade name
20 approved by the commission.



1 (c) A real estate broker's license shall be placed on an
2 inactive status unless the real estate broker immediately
3 changes its name, trade name, corporate name, or partnership
4 name that contains the name, part of the name, initials, or
5 nickname of:

6 (1) A real estate licensee who is no longer associated
7 with or employed by the subject real estate broker,
8 except in the case of incapacitating disability or
9 death of the real estate licensee where written
10 authorization is obtained from the real estate
11 licensee or legal representative of the licensee
12 permitting use of the name; or

13 (2) A real estate licensee who is no longer a current
14 active real estate licensee due to revocation,
15 termination, forfeiture, surrender, or inactive
16 status.

17 The changes shall comply with this chapter and the rules of the
18 commission.

19 (d) Notwithstanding subsection (b), a real estate broker's
20 license name may include the name of a franchise registered with



1 the business registration division of the department of commerce
2 and consumer affairs.

3 (e) Nothing in this chapter shall prohibit a firm or an
4 individual from maintaining licenses, registrations, or
5 certificates to practice as a broker in residential real estate
6 matters, commercial real estate matters, and commercial and
7 residential real estate brokers fees; provided that no
8 individual who maintains all three types of licenses,
9 registrations, or certificates shall practice as a broker in all
10 the three areas authorized under the licenses, registrations, or
11 certificates unless the firm that retains the services of the
12 individual also maintains all three types of licenses,
13 registrations, or certificates."

14 SECTION 3. The real estate commission shall allow real
15 estate brokers who possess a license in good standing issued
16 pursuant to chapter 467, Hawaii Revised Statutes, on the day
17 prior to the effective date of this Act and who practice
18 primarily in residential real estate matters to obtain a
19 license, registration, or certificate to practice commercial
20 matters or real estate broker or commercial and residential real



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1 estate brokers fees upon presentation to the commission of proof
2 of at least five years of commercial transactional experience.

3 SECTION 4. Nothing in this Act shall be construed to
4 affect reciprocal commission referrals.

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Will Eyew BR



S.B. NO. 2171

Report Title:

Real Estate Brokers and Salespersons; Commercial; Residential;
Fees

Description:

Establishes three classes of licenses, in commercial real estate, residential real estate, and brokers' fees, for real estate brokers or real estate salespersons.

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