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# A BILL FOR AN ACT

RELATING TO REAL ESTATE LICENSEE ADVERTISING.

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

1           SECTION 1. The legislature finds that real estate  
2 licensees customarily use marketing materials that include  
3 business cards, flyers, newspaper and magazine advertisements,  
4 lawn signs, and electronic media, such as e-mail and websites.  
5 However, under the current law, a clear definition of  
6 advertising materials and how such materials can be used does  
7 not exist.

8           The legislature further finds that it is important to  
9 consumers and real estate licensees that there be a clear and  
10 unambiguous definition of advertising in the state law  
11 regulating real estate licensees. Providing such a definition  
12 will provide stronger protection for consumers and real estate  
13 licensees. The consumer has the right to have information about  
14 real estate licensees and their respective real estate  
15 brokerages when a licensee solicits business from the consumer.  
16 Accordingly, including a real estate licensee's license number



1 in certain advertising and solicitation materials will make the  
2 real estate licensees' credentials more accessible.

3 The purpose of this Act is to provide a clear definition of  
4 advertising and solicitation materials for real estate licensees  
5 and to specify how such advertising materials can be used.

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

9 "§467- Real estate advertising requirements. (a) Real  
10 estate advertising and solicitation materials shall prominently  
11 and conspicuously include:

12 (1) The legal name of the brokerage firm or trade name  
13 registered by the brokerage firm within the department  
14 of commerce and consumer affairs business registration  
15 division; and

16 (2) The license number of the brokerage.

17 (b) The license number of the brokerage shall not be  
18 required for advertising and solicitation materials that already  
19 refer to the individual licensee's legal name as licensed by the  
20 commission and licensee's license number as issued by the  
21 commission."



1 SECTION 3. Section 467-1, Hawaii Revised Statutes, is  
2 amended by adding two new definitions to be appropriately  
3 inserted and to read as follows:

4 "Advertising" means solicitation materials intended to be  
5 the first point of contact with consumers and designed to  
6 solicit the creation of a professional relationship between the  
7 licensee and a consumer or solicitation materials intended to  
8 incentivize, induce, or entice a consumer to contact the  
9 licensee about any services for which a real estate license is  
10 required.

11 "Advertising" does not include items designed to create  
12 general awareness of the individual licensee or brokerage firm  
13 licensee, including but not limited to promotional items, such  
14 as hats, clothing, pins, pens, memo pads, name badges, and  
15 office signage identifying a brokerage's principal place of  
16 business and branch office.

17 "Solicitation materials" includes the following:

- 18 (1) Business cards;  
19 (2) Business letterhead stationary;  
20 (3) Websites owned, controlled, or maintained by the  
21 soliciting real estate licensee;



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- 1        (4) Advertising flyers, leaflets, and brochures;
- 2        (5) Newspaper and magazine advertisements;
- 3        (6) E-mail messages; and
- 4        (7) Lawn and automobile signage."

5        SECTION 4. New statutory material is underscored.

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

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# S.B. NO. 2328

**Report Title:**

Real Estate Brokers; Advertising; Solicitation Materials;  
Requirements

**Description:**

Provides definitions of "advertising" and "solicitation materials" as they apply to the regulation of real estate brokers and salespersons. Specifies information that must be included on advertising and solicitation materials.

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

