

---

---

# A BILL FOR AN ACT

RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS AND  
LANDSCAPE ARCHITECTS.

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

1           SECTION 1. Section 464-10, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§464-10 Licensees; disciplinary proceeding; criminal  
4 conviction; suspension or revocation of licenses; fines;  
5 hearings. (a) In addition to any other actions authorized by  
6 law, the board may revoke, suspend, or refuse to renew the  
7 license of any licensee for any cause authorized by law,  
8 including but not limited to fraud or deceit in obtaining the  
9 license or gross negligence, incompetency, or misconduct in the  
10 practice of the profession, or violating this chapter or the  
11 rules of the board. Any person may prefer charges in writing  
12 with the executive secretary of the board against any person  
13 holding a license.

14           (b) The conviction of a crime by a licensee that is  
15 substantially related to the qualifications, functions, and  
16 duties of the licensee constitutes a ground for disciplinary



1 action by the board. A record of the conviction or a copy  
2 thereof certified by the clerk of the court in which the  
3 conviction is obtained shall be conclusive evidence of the  
4 conviction. For the purposes of this section, a person is  
5 deemed convicted when a verdict or adjudication has been  
6 rendered by a judge or jury, or a plea of guilty or nolo  
7 contendere has been accepted by the court.

8 The board may, subject to the requirements of subsection  
9 (c), order the license held by the convicted licensee to be  
10 suspended or revoked, or decline to reissue a license to the  
11 convicted licensee, when the time for appeal of the conviction  
12 has elapsed, the judgment of conviction has been affirmed on  
13 appeal, or an order granting probation is issued suspending the  
14 imposition of sentence, whichever occurs later, regardless of  
15 any subsequent court order granting the licensee's motion to  
16 withdraw the plea of guilty or nolo contendere and enter a plea  
17 of not guilty; set aside the verdict or judgment of guilty or  
18 conviction; or dismiss the prosecution or indictment.

19 (c) In every case where it is proposed to impose any  
20 penalty under this section, the board shall give the licensee  
21 concerned notice and hearing in conformity with chapter 91. The



1 notice shall be given in writing by registered or certified mail  
2 with return receipt requested at least fifteen days before the  
3 hearing.

4       (d) In all proceedings before it, the board and each  
5 member thereof shall have the same powers respecting  
6 administering oaths, compelling the attendance of witnesses and  
7 the production of documentary evidence, and examining witnesses,  
8 as are possessed by circuit courts. In case of disobedience by  
9 any person of any order of the board or of any member thereof,  
10 or of any subpoena issued by it or by a member, or the refusal  
11 of any witness to testify to any matter regarding which the  
12 person may be questioned lawfully, any circuit judge, on  
13 application by the board or a member thereof, shall compel  
14 obedience as in the case of disobedience of the requirements of  
15 a subpoena issued by a circuit court, or a refusal to testify  
16 therein.

17       (e) Any licensee who violates this chapter or the rules  
18 adopted pursuant thereto may also be fined not less than \$500  
19 nor more than \$1,000 per violation. Each day of violation or  
20 failure to comply shall constitute a separate offense."



# H.B. NO. 320

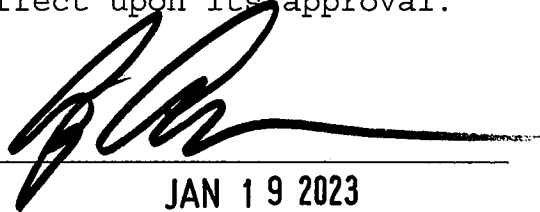
1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 3. New statutory material is underscored.

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

6

INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'R. R.', is written over a horizontal line. Below the line, the date 'JAN 19 2023' is printed.

JAN 19 2023



# H.B. NO. 320

**Report Title:**

Professional Engineers, Architects, Surveyors and Landscape Architects License; Disciplinary Action; Conviction of Crime; State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects.

**Description:**

Clarifies that the conviction of a crime by a person holding a license to practice professional engineering, architecture, land surveying, or landscape architecture in the State, that is substantially related to the qualifications, functions, and duties of the licensee constitutes a ground for disciplinary action by the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects. Allows the Board to suspend or revoke a convicted licensee's license or decline to reissue a license to a convicted licensee subject to certain conditions.

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

