

1 road, sidewalk, or point of interest for the purpose of
2 explaining, describing, or conveying information relevant to
3 that location.

4 "Vehicle" includes any taxicab, bus, motor vehicle,
5 locomotive, car, trolley, train, airplane, submarine, or boat.

6 § -2 **Tour guide licensing program.** There is established
7 a tour guide licensing program within the department to be
8 administered by the director.

9 § -3 **Prohibited acts.** (a) Except as specifically
10 provided in this chapter, no person shall engage in the practice
11 of tour guiding in exchange for compensation or use the title of
12 "licensed tour guide" or "tour guide" without a valid license
13 issued under this chapter.

14 (b) Any person who violates this section shall be subject
15 to a fine of not more than \$1,000 for each separate offense.
16 Each day of each violation shall constitute a separate offense.
17 Any action taken to impose or collect the fine imposed under
18 this section shall be a civil action.

19 (c) This section shall not apply to:

20 (1) Any government employee acting within the scope of the
21 person's employment;



- 1 (2) The operator of any vehicle while the operator:
 - 2 (A) Speaks to passengers in the vehicle; and
 - 3 (B) Operates the vehicle for the primary purpose of
 - 4 transporting passengers;
- 5 (3) Any person duly licensed who is acting within the
- 6 course and scope of the person's licensed profession;
- 7 (4) Tour guides employed by a museum, amusement park, or
- 8 other entity and for which the majority of the tour
- 9 occurs on property that is not owned by the State or
- 10 any county; and
- 11 (5) Tour guides engaging in the practice of tour guiding
- 12 as an employee of a private, nonprofit, tax-exempt
- 13 corporation, association, or organization pursuant to
- 14 section 501(c)(3), Internal Revenue Code of 1986, as
- 15 amended, that is domiciled in this State.

16 § -4 **Powers and duties of the director.** In addition to
17 any other powers and duties authorized by law, the director
18 shall have the powers and duties to:

- 19 (1) Grant a tour guide license to a person to use the
- 20 title of "tour guide" or a description indicating a
- 21 person is a licensed tour guide in this State;



- 1 (2) Adopt, amend, or repeal rules pursuant to chapter 91
2 to carry out this chapter;
- 3 (3) Administer, coordinate, and enforce this chapter;
- 4 (4) Discipline a licensed tour guide for any due cause
5 described by this chapter or violation of the rules;
- 6 (5) Refuse to license a person for failure to meet
7 licensing requirements or on grounds sufficient to
8 discipline a licensed tour guide;
- 9 (6) Appoint an advisory committee consisting of licensed
10 tour guides, members of the visitor industry, members
11 of the University of Hawaii, commissioners or
12 employees of the public utilities commission, and
13 members of the public to assist with the
14 implementation of this chapter and adoption of rules;
15 provided that the initial members of the committee who
16 are tour guides shall not be required to be licensed
17 pursuant to this chapter; and
- 18 (7) In consultation with the advisory council:
- 19 (A) Adopt a code of ethics for tour guides; and



1 (B) Establish annual continuing education
2 requirements necessary to renew a tour guide
3 license.

4 § -5 **Application for licensure as a tour guide.** Subject
5 to section -9, the department shall issue a license to an
6 applicant upon receiving satisfactory evidence that the
7 applicant has successfully completed the professional standards
8 tour certification program offered by the university of Hawaii
9 or another program approved by the director.

10 § -6 **Licensure; fees.** Upon the payment of a license
11 fee, the department shall issue a license valid for three years
12 to a person deemed to be qualified under this chapter.

13 § -7 **Renewal of license; fees.** Licenses shall be
14 renewable, upon the payment of a renewal fee, triennially not
15 earlier than ninety days before June 30. Failure to renew a
16 license shall result in a forfeiture of the license. Licenses
17 that have been forfeited may be restored within one year of the
18 expiration date upon payment of renewal and restoration fees.
19 Failure to restore a forfeited license within one year of the
20 date of its expiration shall result in the automatic termination



1 of the license, and a person seeking restoration of a license
2 may be required to reapply for licensure as a new applicant.

3 **§ -8 Fees; establishment; disposition.** (a)
4 Application, examination, reexamination, license, renewal,
5 restoration, penalty, and any other fees relating to the
6 administration of this chapter shall not be refundable and shall
7 be established in rules adopted by the director pursuant to
8 chapter 91.

9 (b) Fees assessed shall defray costs incurred by the
10 department to support the operation of the tour guide licensing
11 program. Fees collected shall be managed in accordance with
12 section 26-9(1).

13 **§ -9 Grounds for refusal to issue, renew, reinstate, or**
14 **restore, and for revocation, suspension, denial, or condition**
15 **of, licenses.** (a) In addition to any other acts or conditions
16 provided by law, the director may refuse to issue, renew,
17 reinstate, or restore, and may deny, revoke, suspend, or
18 condition in any manner, any license for any one or more of the
19 following acts or conditions on the part of a licensee or
20 license applicant:



- 1 (1) Failing to meet or maintain the conditions and
2 requirements necessary to qualify for the granting of
3 a license;
- 4 (2) Engaging in false, fraudulent, or deceptive
5 advertising, or making untruthful or improbable
6 statements;
- 7 (3) Being addicted to, dependent on, or a habitual user of
8 a narcotic, barbiturate, amphetamine, hallucinogen,
9 opium, cocaine, or other drug or derivative of a
10 similar nature;
- 11 (4) Practicing the licensed profession while impaired by
12 alcohol, drugs, physical disability, or mental
13 instability;
- 14 (5) Obtaining a license through fraud, misrepresentation,
15 or deceit;
- 16 (6) Aiding and abetting an unlicensed person to directly
17 or indirectly perform activities that require a
18 license;
- 19 (7) Professional misconduct, incompetence, gross
20 negligence, or manifest incapacity, in the practice of
21 the licensed profession;



- 1 (8) Engaging in conduct or practice contrary to recognized
2 standards of ethics for the licensed profession;
- 3 (9) Violating any condition or limitation upon which a
4 conditional or temporary license was issued;
- 5 (10) Engaging in business under a past or present license
6 issued pursuant to the licensing laws, in a manner
7 causing injury to one or more members of the public;
- 8 (11) Failing to comply with, observe, or adhere to any law
9 in a manner such that the director deems the applicant
10 or holder to be an unfit or improper person to hold a
11 license;
- 12 (12) Having had a license revoked or suspended, or having
13 been the subject of other disciplinary action, by
14 another state or a federal agency for any reason
15 provided by the relevant licensing laws or this
16 section;
- 17 (13) Having been convicted of a crime, whether by nolo
18 contendere or otherwise, directly related to the
19 qualifications, functions, or duties of the licensed
20 profession;



1 (14) Failing to report in writing to the director any
2 disciplinary decision issued against the licensee or
3 applicant in another jurisdiction within thirty days
4 of the disciplinary decision;

5 (15) Employing, utilizing, or attempting to employ or
6 utilize, at any time, any person not licensed under
7 the licensing laws where licensure is required; or

8 (16) Violating this chapter, chapter 436B, or any rule or
9 order of the director.

10 (b) Any licensee or applicant who violates this section
11 may be fined not more than \$1,000 per violation.

12 § -10 **Constitutional rights.** This chapter shall not be
13 construed to interfere with a person's right to freedom of
14 speech provided by the First Amendment to the Constitution of
15 the United States."

16 SECTION 2. This Act shall take effect on January 1, 2026.

17

INTRODUCED BY: 

JAN 18 2024

H.B. NO. 1816

Report Title:

Tour Guides; DCCA; UH; License

Description:

Establishes the Tour Guide Licensing Program within the Department of Commerce and Consumer Affairs. Requires tour guides to complete the Professional Standards Tour Certification program by the University of Hawaii or another program approved by the Director.

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

