

JAN 19 2024

A BILL FOR AN ACT

RELATING TO PROFESSIONAL LICENSURE.

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

13 (b) In every case where it is proposed to impose any
14 penalty under [~~this section,~~] subsection (a) or (d), the board
15 shall give the licensee concerned notice and hearing in
16 conformity with chapter 91. The notice shall be given in



1 writing by registered or certified mail with return receipt
2 requested at least fifteen days before the hearing.

3 (c) In all proceedings before it[7] regarding the
4 imposition of a penalty under subsection (a) or (d), the board
5 and each 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 (d) 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.



1 (e) In addition to any other penalties authorized by this
2 section, the department of commerce and consumer affairs may
3 revoke the license of any architect who has been, or caused an
4 employee of the department of commerce and consumer affairs to
5 be, convicted of a criminal offense involving the acceptance of
6 a bribe. For any license revoked under this subsection, the
7 department of commerce and consumer affairs shall give the
8 licensee concerned notice of the revocation; provided that the
9 notice shall be served by hand delivery or certified mail,
10 marked for restricted delivery; provided further that, if the
11 department of commerce and consumer affairs is unable to serve
12 the notice by hand delivery or certified mail, the department of
13 commerce and consumer affairs may then serve the notice by
14 publication; and provided further that service by publication
15 shall be made by publishing once per week for four consecutive
16 weeks in a newspaper that is published in the State and
17 circulated throughout the State a statement identifying the
18 licensee and the reason for the revocation. The licensee may
19 appeal the notice to the office of administrative hearings of
20 the department of commerce and consumer affairs within thirty
21 days of service of the notice; provided that the office of



1 administrative hearings shall only sustain an appeal from a
2 notice of revocation if the office of administrative hearings
3 finds that the notice was based on an erroneous finding of
4 material fact."

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

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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S.B. NO. 2697

Report Title:

DCCA; Architects; Licensure; Revocation

Description:

Authorizes the Department of Commerce and Consumer Affairs to revoke the licenses of architects who have been, or caused an employee of the Department of Commerce and Consumer Affairs to be, convicted of a criminal offense involving the acceptance of a bribe.

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

