

## ACT 59

A Bill for an Act to Amend Chapter 160, Part V, Revised Laws of Hawaii 1955, as Amended, Relating to the Licensing of Motor Vehicle Dealers and Salesmen.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 160, Part V, Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

1. By amending section 160-160 by deleting the entire fourteenth paragraph beginning with the word "Broker" and ending with the word "person"; and the entire fifteenth paragraph beginning with the words "Broker's agent" and ending with the word "vehicles."

2. By amending the first sentence of section 160-161 to read as follows: "It shall be unlawful for any person, other than a new motor vehicle dealer, a used motor vehicle dealer, or a salesman, as defined in this part, duly licensed under this part, for compensation to engage in the business of selling or negotiating for the purchase of motor vehicles at wholesale or at retail within this State."

3. By amending the third sentence of section 160-162 to read as follows: "For the City and County of Honolulu, three of the members to be appointed shall be, or shall have been, engaged as dealers primarily in the sale of new motor vehicles, one of the members to be appointed shall be, or shall have been, engaged primarily in the sale of used motor vehicles, and one of the members to be appointed shall be solely and exclusively engaged as a salesman of new or used motor vehicles."

4. By deleting section 160-167.5 in its entirety.

5. By deleting section 160-167.55 in its entirety.

6. By amending section 160-167.555 as follows: (a) by deleting the words "and broker" appearing the title; and (b) by deleting from the first sentence beginning at line 6, the words, "or acts as a broker or agent in negotiating for the sale of a motor vehicle from or through such non-resident to a buyer in the Territory, then in such cases".

7. By amending section 160-167.6 as amended by Act 243 of the Session Laws of Hawaii 1959, by deleting therefrom, beginning at line 6, the words: "or acts as a broker or agent in negotiating for the sale of a motor vehicle from or through such non-resident to the buyer in the Territory, then in such event,".

8. By amending section 160-167.66 and section 160-167.666 by deleting the words "or broker" wherever the same appears therein.

9. By amending section 160-168 as amended by Act 243 of the Session Laws of Hawaii 1959, as follows: (a) by deleting the words "and broker" appearing in the title; (b) by deleting the words "or broker" wherever the same appears in subsections (a), (b) (2), (c) (1), (c) (3) and (d) thereof; and (c) by substituting the words "new motor vehicle dealers or used motor vehicle dealers," for the words: "new motor vehicle dealers, used motor vehicle dealers, or brokers" appearing in subsection (b) (1) thereof.

10. By deleting section 160-170.5 in its entirety.

11. By deleting section 160-170.55 in its entirety.

12. By amending section 160-170.555 by deleting the words "and brokers' agents" and "and broker's agent" wherever the same appears therein.

13. By amending section 160-171 as follows: (a) by amending the first sentence to read as follows: "The board shall prescribe the forms for licenses of automobile dealers and automobile salesmen and shall issue such license at the time it grants an application therefor"; (b) by deleting the words "and motor vehicle broker" and "and broker's agent" appearing in paragraph 3 thereof; (c) by amending paragraph 4 thereof to read as follows: "Dealers' and salesmen's licenses shall expire on June 30 of each year unless sooner terminated, suspended or revoked. A salesman's license shall terminate upon the termination of the license of the dealer by whom he is employed or upon his ceasing for any other reason to be employed by such dealer. A dealer's license shall terminate upon the cessation of the business for which it was issued. Upon the termination, suspension or revocation of a dealer's or salesman's license, the holder shall deliver it to the board. Where such termination is not the result of suspension or revocation by the board for cause, the board shall return the license to the holder without cost in the event of his resuming the business or employment for which it was originally issued prior to the expiration of the fiscal year for which it was issued. Prior to entering the employ of a dealer, other than the one for whose employ his license was issued, a salesman may apply to the board for an amended license authorizing such new employment. Unless good cause exists for refusal, the board shall issue such amended license for the period of the unexpired term of the original license and shall charge therefor a fee of \$1. Failure to obtain a properly amended license prior to commencing such new employment shall constitute grounds for refusal to issue an amended salesman's license or revocation of the license."; (d) By amending paragraph 5 thereof to read as follows: "No license issued under this part shall be transferable. Each dealer shall keep a license or a certified copy of a license posted in a conspicuous place in each place of business. Each salesman shall carry his license or a certified copy thereof and shall exhibit such license or certified copy thereof upon demand by any person with whom he seeks to transact business as a motor vehicle salesman. A license issued under this part shall authorize the doing of business thereunder only in the county in which the same has been issued."; and (e) by amending paragraph 7 thereof to

read as follows: "A copy of the application of each dealer duly executed and approved by the board and a report of the suspension, revocation or change of status of a dealer's license shall be furnished to the treasurer promptly upon the granting, suspension, revocation or change of status of any dealer's license."

14. By amending the first sentence of section 160-172 by deleting the words "or broker" therefrom.

15. By substituting the words "dealer's or salesman's license" for the words "dealer's, salesman's, broker's or broker's agent's license" wherever the same appear in the first sentence of section 160-173 and in the first sentence of subsection (b) of section 160-174.

16. By substituting the words "dealers and salesmen" for the words "dealers, salesmen, brokers and brokers' agents" and "salesmen, dealers, brokers' agents" appearing in section 160-185 and section 160-186, respectively.

SECTION 2. This Act shall take effect upon its approval; provided, however, that anything herein to the contrary notwithstanding, all brokers heretofore duly licensed under this chapter and actively engaged in such business, shall be entitled to continue to carry on such business, in accordance with and shall continue to be governed by, the terms and provisions of this chapter, as those terms and provisions existed prior to the passage of this Act.

(Approved May 16, 1961.) **H.B. 1266.**

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