

**A Bill for an Act Relating to Lowering the Age of Majority and Conforming Amendments to the Hawaii Revised Statutes.**

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

**SECTION 1.** Section 577-1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 577-1 Age of majority.** All persons, whether male or female, residing in the State, who have attained the age of eighteen years, shall be regarded as of legal age and their period of minority to have ceased.”

SECTION 2. Chapter 52, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 52-40 to read as follows:

**“Sec. 52-40 Service on chief of police.** When the chief of police is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the chief of police to execute, shall be executed by any police officer; provided, when an action is begun against the chief of police, all process and orders may be served by any person, a citizen of the United States, of the age of eighteen years, appointed by the court or judge for that purpose.”

2. By amending section 52-72 to read as follows:

**“Sec. 52-72 Serving process against chief of police.** When the chief of police is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the chief of police to execute, shall be executed by any police officer; provided, when an action is begun against the chief of police, all process and orders may be served by any person, a citizen of the United States, over the age of eighteen years, appointed by the court or judge for that purpose.”

SECTION 3. Chapter 134, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 134-3 to read as follows:

**“Sec. 134-3 Permits to acquire; registration; penalty.** No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; provided, when title to any such firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of same. Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not the owner has consented to its possession, without a permit from the chief of police of the aforesaid county; provided, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another even though he be a minor, upon a target range, for a period not longer than to allow the other person to then and there use it for target shooting, without a permit.

Each chief of police may issue permits, within his jurisdiction, to acquire such firearms, to citizens of the United States, of the age of eighteen years or more, and to duly accredited official representatives of foreign nations. Each chief of police may also issue permits to aliens of the age of eighteen years

## ACT 2

or more for use of rifles and shotguns for a period not exceeding sixty days, after the alien had first procured a hunting license under sections 191-1 to 191-6.

Applications for the permits shall be signed by the applicant upon forms to be specified by the department of the attorney general and shall be signed by issuing authority. One copy of the permit shall be retained by the issuing authority, as a permanent official record. The permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the State the permit shall be signed in ink by the holder thereof and shall be delivered to and taken up by the person who is transferring title to the firearm, who shall make entry thereon setting forth in the space provided, the name of the person to whom the firearm was transferred, and the make, style, caliber, and number as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of the firearm is had by mail, express, freight or otherwise, from sources without the State, the person to whom the permit has been issued shall make the prescribed entries thereon, sign it in ink, and cause it to be delivered, or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm. No person shall sell, give, loan, or deliver into the possession of another any firearm or ammunition except in accordance with this section.

Any person acquiring a firearm under this section shall, within five days of acquisition, register it in the manner prescribed by section 134-2.

No fee shall be charged for permits under this section.

Any person who violates this section shall be fined not more than \$500 or imprisoned not more than one year, or both."

2. By amending section 134-4 to read as follows:

**"Sec. 134-4 Transfer of rifles and shotguns.** No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of eighteen years, and no person under the age of eighteen years shall possess any such rifle or shotgun, except as provided by section 134-5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191-1 to 191-6 and a firearms permit under section 134-3.

Any person who violates this section shall be fined not more than \$500 or imprisoned not more than one year, or both."

SECTION 4. Section 206-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Land disposed of by the board. To be eligible to purchase or lease a residence lot from the board, the buyer shall furnish satisfactory evidence to the board, under oath, and otherwise as required by the board, that he:

(1) Is a citizen of the United States or a declarant alien who has re-

sided in the State for a period of five years or more;

- (2) Is at least eighteen years of age;
- (3) Is a bonafide resident of the State and has a bona fide intent to reside in the development area concerned, if successful in purchasing or leasing a lot in the area under this chapter; and
- (4) Has a gross income sufficient to meet the cost of the land being disposed of by the board. The board shall develop policies whereby those most deserving of housing shall be given preference. In developing the policies, the board shall consider the applicant's household income, the number of dependents, and such other factors as the board may deem pertinent.

Any person whom the board finds to be within one of the following classes, shall not be eligible to become an original purchaser or lessee of a residence lot, to wit:

- (A) A person who himself or whose husband or wife or both (when husband and wife are living together) owns or own in fee simple lands suitable for residential purposes within the political subdivision and in or reasonably near the place of residence or place of business of the person; and
- (B) A person who himself or whose husband or wife (when husband and wife are living together) has pending an unrefused application to purchase a lot in a development area under this chapter from the board.

Any person, firm, association, or corporation may purchase business lots within a development project for business necessary to service the project. The lots shall be sold at public auction to the highest bidder for cash.

The board shall require all applicants for the purchase or lease of residence lots to make application therefor under oath, and may require additional testimony or evidence under oath in connection with any application. The determination of any applicant's eligibility under this chapter by the board shall be conclusive as to all persons thereafter dealing with the property; but the making of any false statement knowingly by the applicant or other person to the board in connection with any application shall constitute perjury and be punishable as such.

When a development project or projects has or have been sufficiently completed to be suitable for disposition to individual purchasers or lessees, the board shall sell or lease the lots therein to eligible purchasers or lessees and shall give notice of the disposition by publication in at least two newspapers of general circulation on the island of Oahu. The notice shall state in general terms the size, location, and prices or rental of lots to be sold or leased, the terms of sale or lease, and the last date on which application will be received by the board, which date shall not be less than thirty days after the first publication of the notice. The notice shall also state the times and places at which more detailed information with respect to the sale or lease may be secured by interested persons. No more than one lot shall be sold or leased to each applicant.

The purchaser at his option may pay the purchase price in full on delivery of a deed or pay not less than ten per cent of the purchase price and execute with the board an agreement of sale under the terms of which the unpaid balance is to be paid in monthly installments and over such period as the board determines, with interest on unpaid balances at a rate not to exceed six and one-half per cent, payable monthly, deed to be delivered on final payment; provided, that not less than one-half of one per cent on account of principal shall be required by the agreement to be paid each month. Taxes shall be prorated as of the date of delivery of deed in the case of a cash sale and as of the date of execution of the agreement of sale in the case of a sale in other cases. Each agreement of sale shall provide that the whole or any part of the unpaid balance of the purchase price plus accrued interests may be paid at any time."

SECTION 5. Section 281-1, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 281-1 Definitions.** Whenever used in this chapter, unless otherwise apparent from the context:

"Addicted to the excessive use of intoxicating liquor" refers to one who has acquired the habit of using intoxicating liquor excessively to deprive himself of reasonable self-control, a common drunkard, or a habitual drunkard.

"Alcohol" means the product of distillation of any fermented liquid, whether rectified or not, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but not denatured or other alcohol which is considered nonpotable under the customs laws of the United States.

"Beer" means any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley or other grain, malt, and hops in water.

"Commission" means the liquor commission for the county within which such commission has jurisdiction under this chapter.

"Club" means any organization for objects of a social, patriotic, political, or athletic nature, or the like, but not for pecuniary gain, having a regular membership to all of whom is charged monthly or quarterly dues, employing a full-time steward, and from which organization no person is entitled to or takes, directly or indirectly, any share of the profits thereof. "Club" also means the establishment so operated and the premises thereof; provided, the word "club" shall not apply to any organization not in existence for at least one year prior to its application for a license.

"County" means the county in respect of which each commission has jurisdiction under this chapter; provided that in the county of Kalawao liquor may be sold only by such persons and only under such conditions as may be permitted or prescribed from time to time by the department of health.

"Elected executive head" includes the chairman of the board of supervisors of each county and the mayor of the city and county of Honolulu and any duly appointed or elected successor to the officers.

"Gross sales" means the total receipts actually received from the sale of liquor for which the license has been issued without deduction on account of the cost of property sold or expenses of any kind.

“Inspector” means any inspector of the commission in each case for the county wherein the commission has jurisdiction.

“License” means any license granted under this chapter.

“Licensee” includes also all agents, servants, and employees of the holder of a license.

“Liquor” or “intoxicating liquor” includes alcohol, brandy, whiskey, rum, gin, okolehao, sake, beer, ale, porter, and wine; and also includes, in addition to the foregoing, any spirituous, vinous, malt or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, in whatever form and of whatever constituency and by whatever name called containing one-half of one percent or more of alcohol by volume, which are fit for use or may be used or readily converted for use for beverage purposes.

“Minor” means any person below the age of eighteen years.

“Original package” means a package or container as it existed at the time of its delivery by the manufacturer or the wholesale dealer for convenience in transportation and sale.

“Person” means and includes natural persons, associations, copartnerships, and corporations, and also includes any agent, servant, and employee of such person.

“Premises” or “licensed premises” means the premises in respect of which a license has been or is proposed to be issued.

“Public place” means any place, building, or passenger conveyance to which the public resort or are generally permitted to have access.

“Regulation” means any regulation prescribed by the commission with the approval of the elected executive head of the county for carrying out this chapter.

“Sell” or “to sell” includes to solicit and receive an order for; to have or keep or offer or expose for sale; to deliver for value or in any other way than purely gratuitously; to peddle; to keep with intent to sell; to traffic in; and the word “sale” includes every act of selling as herein defined. Notwithstanding the provisions above, the delivery of liquor by a licensee’s vehicle or the vehicle of a licensee’s agent shall be deemed delivery for value.

“Seller” includes the agents and employees of a seller; provided that any person shall be deemed to be a seller, who in the State, whether acting as agent or representative of a nonresident principal or otherwise, solicits the placing of or takes, receives, or forwards orders for liquor to be shipped into the State from any place without the State to be delivered to customers, by direct shipment or otherwise.

“Under the influence of liquor” means that the person concerned has consumed intoxicating liquor sufficient to impair at the particular time under inquiry his normal mental faculties or ability to care for himself and guard against casualty, or sufficient to substantially impair at the time under inquiry that clearness of intellect and control of himself which he would otherwise normally possess.

“Wine” means any wine coming within the definition of wine contained in the United States Revenue Act of 1918 (Act of February 24, 1919), and includes sake.

“Written” or “writing” includes printing and typewriting.”

SECTION 6. Chapter 286, Hawaii Revised Statutes, is amended in the following respects:

1. By amending subsection 286-102(c) to read as follows:

“(c) No person under the age of eighteen years shall be issued a license to operate or shall operate any motor vehicle which is used in the transport of persons for compensation or any bus or any motor vehicle used as a bus.”

2. By amending section 286-105 to read as follows:

“**Sec. 286-105 What persons are exempt from license.** The following persons are exempt from license:

- (1) Any person while driving or operating a motor vehicle in the service or employ of any branch or agency of the federal government; provided he has received from such branch or agency a license or permit to so operate and drive the motor vehicle; and provided such branch or agency has been duly authorized by the federal government to issue license or permit;
- (2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway; provided that no person under the age of thirteen years shall be permitted to drive or operate any such road machine, farm tractor, or implement of husbandry on a highway;
- (3) Any nonresident who is at least eighteen years of age who has in his possession a valid driver’s license issued to him in his home state or in the Dominion of Canada may, if his home state or province is a party to the Driver License Compact, operate any category of motor vehicle for which the license is valid.

Any other nonresident who is at least eighteen years of age who has in his possession a valid driver’s license issued to him in his home state or the Dominion of Canada may, for a period of not more than ninety days, operate any category of motor vehicle for which the license is valid.”

3. By amending subsections 286-112(a) and (b) to read as follows:

“(a) The application of any person under the age of eighteen years for an instruction permit or operator’s license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event that neither parent is living then by the person or guardian having such custody or by an employer of the minor, or in the event that there is no guardian or employer then by any responsible person who is willing to assume the obligation imposed under this part upon a person signing the application of a minor.

(b) Any negligence or misconduct of a minor under the age of eighteen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of the minor for a permit or license, which person shall be jointly and severally liable with the minor for any

damages caused by such negligence or misconduct except as otherwise provided in the next succeeding paragraph.”

SECTION 7. Section 302-4, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 302-4 Qualifications for licensing.** In addition to other requirements of licensing, no license shall be issued to any person unless he meets the following:

- (1) That he is eighteen years of age or older.
- (2) That he is of good moral character and has a good reputation for honesty, truthfulness, and fair dealing.
- (3) That he has been authorized to represent a private school or a private correspondence school which is licensed by the proper officials in the State where the private school or correspondence school is located. The licensing does not accredit courses offered as valid for transfer to any other school or college in Hawaii.
- (4) That the department of education review and approve the contract the school proposes to use in enrolling students from Hawaii.”

SECTION 8. Chapter 304, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 304-55 to read as follows:

“**Sec. 304-55 Courses of instruction.** Chapter 281, or any other law to the contrary notwithstanding, the University of Hawaii may offer and conduct courses of instruction in food and beverage control, club management, and classical food and beverage management, which include wine tasting, through any campus of the university including the community colleges; and shall admit qualified students to such courses even if the students are below the age of eighteen.”

2. By amending section 304-94 to read as follows:

“**Sec. 304-94 Capacity of minors.** Any student otherwise qualifying for a loan under this program shall not be disqualified by reasons of his being under the age of eighteen years, and for the purpose of applying for, receiving, and repaying the loan, any such person shall be deemed to have full legal capacity to act and shall have all rights, powers, privileges and obligations of an adult with respect thereto.”

SECTION 9. Section 309-3, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 309-3 Capacity of minors.** Any student otherwise qualifying for loan under the provisions of this chapter shall not be disqualified by reasons of his being under the age of eighteen years, and for the purpose of applying for, receiving and repaying such loan, any such person shall be deemed to have full legal capacity to act and shall have all rights, powers, privileges, and obligations of an adult, with respect thereto.”



## ACT 2

SECTION 10. Chapter 328, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 328-82 to read as follows:

“**Sec. 328-82 Prohibited acts, generally.** The following acts and the causing thereof are prohibited:

- (1) The manufacture, compounding, processing, or importation of a drug in violation of section 328-86(a);
- (2) The sale, delivery, or other disposition of a drug in violation of section 328-86(b);
- (3) The possession of a drug in violation of section 328-86(c);
- (4) Obtaining a drug in violation of section 328-86(d);
- (5) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit drug;
- (6) The doing of any act which causes a drug to be a counterfeit drug, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit drug;
- (7) Inducing any person under the age of eighteen years to buy, traffic in, receive, take, ingest, or otherwise use, any depressant or stimulant drug, except that this prohibition shall not apply to a practitioner acting in the course of his professional practice or in the performance of his official duties;
- (8) The failure to prepare or obtain, or the failure to keep, a complete and accurate record with respect to any drug as required by section 328-86(e);
- (9) The refusal to permit access to or copying of any record as required by section 328-86(e);
- (10) The refusal to permit entry or inspection as authorized by section 328-86(e);
- (11) The filling or refilling of any prescription in violation of section 328-86(f).”

2. By amending subsection 328-84(a) to read as follows:

“(a) Any person violating any of the provisions of section 328-82(1) to (6) shall be fined not more than \$1,000 and imprisoned for not more than ten years for the first offense, and fined not more than \$2,000 and imprisoned for not more than twenty years for any subsequent offense; provided, that any person who violates section 328-82(2) by selling, delivering, or otherwise disposing of any depressant or stimulant drug to any person under the age of eighteen years, or who violates section 328-82(7), shall be fined not more than \$1,000 and imprisoned for not more than twenty years for the first offense, and fined not more than \$2,000 and imprisoned for life for any subsequent offense.”

SECTION 11. Section 329-4 Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 329-4 Sale of narcotic drugs to minors; penalty.** Any person selling or dispensing any narcotic drug as defined in section 329-1, including marihuana, to any person under the age of eighteen years, or inducing any person under the age of eighteen years to buy, traffic in, receive, take, inject, inhale, or smoke any narcotic drug as defined by section 329-1, including marihuana, except as permitted by this chapter, shall be fined not more than \$1,000 and imprisoned at hard labor not more than twenty years for the first offense, and fined not more than \$2,000 and imprisoned at hard labor for life for any subsequent offense.”

SECTION 12. Section 333-35, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 333-35 Voluntary admission of minors.** Upon the written application of a parent or guardian or other person or agency having legal custody, the director of health may permit the admission to Waimano training school and hospital of any minor who comes within sections 333-24 and 333-25, even though no application for commitment under this part has been filed; provided, that no such minor shall be entitled as a matter of right either to be admitted or to remain at the Waimano training school and hospital. No minor admitted under this section shall be detained at the Waimano training school and hospital for a period of more than thirty days after a parent or guardian or any adult relative of the admitted minor shall have submitted to the director a written demand for release or discharge, unless an application for commitment under this part has been filed in a circuit court having authority to order the commitment. The period of thirty days may be extended for not more than an additional thirty days by a circuit judge having jurisdiction to order commitments upon the judge’s finding that the extension is for the best interests of the minor. No such voluntary admission shall be permitted for any minor with respect to whom an application for commitment has previously been denied after presentation to a circuit judge having jurisdiction, without the specific written authorization of the judge, or a successor to or substitute for the judge, which authorization may be made subject to such conditions as may be deemed by the judge to promote the best interests of the minor.

Any court-appointed guardian of the person of a minor, before entering into any agreement with the director concerning the voluntary admission of the minor, shall report the plan to the court that appointed the guardian and shall thereafter be guided by the directions of the court.

No person admitted under this section shall be detained at the Waimano training school and hospital after the person has reached his eighteenth birthday unless, prior thereto, an application for commitment has been filed under this part.

Admission under this section shall be subject to such reasonable conditions and regulations as may be established by the director and any person or persons legally liable for the support of the minor may be required to pay to the Waimano training school and hospital such reasonable sums as may be

## ACT 2

determined by the director as contributions towards the support, maintenance and treatment of the minor therein.”

SECTION 13. Section 351-2, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 351-2 Definitions.** As used in this chapter, unless the context otherwise requires:

“Child” means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child;

“Commission” means the criminal injuries compensation commission established by this chapter;

“Dependents” means such relatives of a deceased victim who were wholly or partially dependent upon his income at the time of his death or would have been so dependent but for the incapacity due to the injury from which the death resulted and includes the child of the victim born after his death;

“Injury” means actual bodily harm and, in respect of a victim, includes pregnancy and mental or nervous shock; and “Injured” has a corresponding meaning;

“Private citizen” means any natural person other than a peace officer of the State;

“Relative” means a victim’s spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister, or spouse’s parents;

“Victim” means a person who is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State which is within the description of any of the crimes specified in section 351-32 of this chapter.”

SECTION 14. Chapter 359G, Hawaii Revised Statutes, is amended in the following respects:

1. By amending subsection 359G-4(a) to read as follows:

“(a) Develop fee simple or leasehold property, construct dwelling units thereon, including condominiums and planned units, and sell, lease or rent or cause to be leased or rented the land and the completed units at the lowest possible price to qualified residents of the State, and the authority shall perform such functions in partnership with a qualified partner or partners as hereinafter defined, or shall act in its own behalf.

A qualified resident means a person who:

- (1) Is a citizen of the United States or a declarant alien who has resided in the State for a period of five years or more;
- (2) Is at least eighteen years of age;
- (3) Is a bona fide resident of the State and has a bona fide intent to reside in the dwelling unit purchased or rented under this chapter; and
- (4) In the case of purchase of a dwelling unit in fee simple or leasehold, has a gross income sufficient to qualify for the loan to finance the purchase.

Any person whom the authority finds to be within one of the following classes, shall not be eligible to become a purchaser of a dwelling unit, to wit:

- (1) A person who himself or whose husband or wife or both (when husband and wife are living together) owns or own in fee simple or leasehold lands suitable for dwelling purposes within the county and in or reasonably near the place of residence or place of business of the person; and
- (2) A person who himself or whose husband or wife (when husband and wife are living together) has pending an unrefused application to purchase a dwelling unit under this chapter from the authority.

The authority shall require all applicants for the purchase of dwelling units to make application therefor under oath, and may require additional testimony or evidence under oath in connection with any application. The determination of any applicant's eligibility under this chapter by the authority shall be conclusive as to all persons thereafter dealing with the property; but the making of any false statement knowingly by the applicant or other person to the authority in connection with any application shall constitute perjury and be punishable as such. The authority shall establish a system to determine preferences by lot in the event that it receives more qualified applications than it has units available."

2. By amending subsection 359G-17(a) to read as follows:

"(a) No person shall be qualified for a downpayment loan, unless he:

- (1) Is a citizen of the United States or a declarant alien who has resided in the State for a period of five years or more;
- (2) Is at least eighteen years of age;
- (3) Is a bona fide resident of the State of one year or more;
- (4) Has a bona fide intent to reside in the residential property to be purchased;
- (5) Is accepted by a private lender as a person to whom it is willing to lend money for the purchase of the residential property provided the required downpayment is made; and
- (6) Has the financial capacity to repay the downpayment loan."

3. By amending subsection 359G-23(a) to read as follows:

"(a) The authority shall not participate in any loan, unless the borrower to whom the private lender is willing to make the loan:

- (1) Is a citizen of the United States or a declarant alien who has resided in the State for a period of five years or more;
- (2) Is at least eighteen years of age;
- (3) Is a bona fide resident of the State of one year or more;
- (4) Has a bona fide intent to reside in the residential property to be purchased;
- (5) Has the ability to repay the loan; and
- (6) Has a gross income of not more than \$20,000 per annum (the gross income of the borrower's spouse, if the borrower is married, shall be counted, except where the borrower is living separate and apart from

his spouse under a decree of a court of competent jurisdiction) or is fifty-five years of age or more, or is a person displaced by government action other than eviction due to his fault.”

SECTION 15. Chapter 431, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 431-367 to read as follows:

“**Sec. 431-367 General qualifications for license.** For the protection of the people of this State the insurance commissioner shall not issue or extend any such license except in compliance with sections 431-361 to 431-407, and shall not issue or extend any such license to any individual less than eighteen years of age.”

2. By amending subsections 431-412(c) and (d) to read as follows:

“(c) Where any form of life or disability insurance is issued at any time upon the life or body of a minor, unless the policy shall otherwise provide, or unless all of the premiums on the policy shall be paid by the minor, then until such minor shall have reached the age of eighteen years, the father of the minor, or in the event of the death of the father or the divorce of the parents and the custody of the minor being awarded to the mother, then the mother of the minor shall be authorized to surrender, make loans upon or assign such insurance and to give a valid discharge for any benefit accruing or for money payable under the contract, and to exercise any of the rights or privileges reserved to the insured in and by any such policy of insurance without the order or intervention of any court, or the appointment of a legal guardian, and no insurer shall have any responsibility for or be required to see to the application of the proceeds paid in accordance herewith.

(d) Unless at the time of issuance, the policy of insurance shall provide otherwise, the ownership of, or property interest of the insured in, any policy of life insurance issued on the life of any minor shall be deemed to be in the minor and shall continue in the minor unless and until the same shall have lapsed or shall have been surrendered, assigned, or otherwise acted upon in accordance with the provisions hereof while the minor is under the age of eighteen years, or unless and until after the insured shall have reached the age of eighteen years the same shall have lapsed or shall have been surrendered, assigned, or otherwise acted upon by the insured.”

SECTION 16. Section 441-26, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 441-26 No cemetery or pre-need funeral salesman license issued when.** No cemetery or pre-need funeral salesman license shall be issued:

- (1) To any person unless he has filed an application therefor;
- (2) To any person who does not possess a good character and reputation for honesty, truthfulness, and fair dealing; or any person who has been convicted of a felony or misdemeanor involving moral turpitude, unless the person has received a full and free pardon or presents satisfactory proof to the cemetery board that for the five years next

preceding the date of his application he has lived an upright and moral life;

- (3) To any person unless the person is of the age of eighteen years or more;
- (4) To any person unless he files with the board a bond as required by section 441-27."

SECTION 17. Section 443-7, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 443-7 No license issued when.** No license hereunder shall be issued to a person unless:

- (1) He is of the age of eighteen years or more;
- (2) He is a citizen of the United States or has declared his intention to so become;
- (3) He has been a resident of the State for more than one year prior to the date of application;
- (4) He is a high school graduate or proves to the satisfaction of the collection agency advisory board that he possesses the equivalent of a high school education, or is found to be otherwise qualified to operate a collection agency;
- (5) The applicant for a collection agency license, or the renewal thereof, shall apply therefor in writing, under oath, upon blanks furnished by the board, and shall state the full name and residence address of the applicant and the business name and address where he will conduct his collection agency, and in case of a partnership, the full name and residence address of each partner, and in case of a corporation, the full name and residence address of each of its officers and directors with at least one of whom has been a resident of the State for more than one year prior to the date of application.
- (6) The individual applicant, or if the applicant is a partnership, then its partners, or if the applicant is a corporation or an association, then its managing officers and directors, has never been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or other similar offenses, or has never been disbarred from the practice of law;
- (7) The applicant obtains a tax clearance from the State and from the county in which the applicant plans to have his principal place of business as a collector."

SECTION 18. Section 444-11, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 444-11 No license issued when.** No license hereunder shall be issued to:

- (1) Any person unless he has filed an application therefor;
- (2) Any person who does not possess a good reputation for honesty, truthfulness, financial integrity, and fair dealing;
- (3) Any individual unless he is of the age of eighteen years or more;

- (4) Any individual qualifying as a contractor unless he has been a resident of the State for at least one year;
- (5) Any copartnership or joint venture which is not exempt under section 444-2(8) unless the contracting business thereof is under the direct management of a partner or employee thereof, unless such partner has been a resident of the State for at least one year or such employee has been a resident of the State for at least two years, and unless such partner or employee holds an appropriate license;
- (6) Any individual who is unable to qualify as a contractor or any corporation, unless the contracting business of such individual or corporation is under the direct management of an officer or employee thereof, unless such officer or employee has been a resident of the State for at least two years, and unless such officer or employee holds an appropriate license;
- (7) Any person unless he submits satisfactory proof to the contractors license board that he has obtained workmen's compensation insurance or has been authorized to act as a self-insurer as required by chapter 386.
- (8) The provisions of this section shall not apply when it is determined by the contractors license board that less than ten persons are qualified to perform the work in question. The provisions also shall not apply with respect to projects which require additional qualifications beyond those established by the licensing law, and which are deemed necessary and in the public interest by the contracting agency."

SECTION 19. Section 448-9, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 448-9 Application for examination; fee.** Any person of the age of eighteen years or more, who is a citizen of the United States, and has been a resident of the State for at least one year, and who is of good moral character, shall be eligible to take an examination before the board of dental examiners upon complying with the following requirements:

Applications for examination shall be made out and filed in writing with the secretary of the board and each such application shall be accompanied by a fee of \$50 which shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.

Each applicant shall file, in writing with the secretary at least thirty days prior to the date selected by the board for the examination the following credentials:

- (1) A diploma or certificate of graduation from an American dental college recognized and approved by the board;
- (2) A certificate that the applicant is of good moral character. Certificates of good moral character for applicants who are licensed in some other state of the United States shall bear the signatures and seals of the secretary of the board of dental examiners, and the secretary of the state dental association of that state;

(3) A recent unmounted photograph of the applicant.”

SECTION 20. Section 448E-5, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 448E-5 Minimum requirements.** An applicant shall possess the following minimum qualifications:

- (1) Journeyman electrician. Every applicant to be eligible for the journeyman electrician examination shall be at least eighteen years of age and must have had at least four years’ experience in the trade.
- (2) Journeyman specialty electrician. Every applicant to be eligible for the journeyman specialty electrician examination shall be at least eighteen years of age and must have had at least four years’ experience in the trade.
- (3) Supervising electrician. Every applicant to be eligible for the supervising electrician examination shall have been registered with the board as a journeyman electrician for at least a period of two years in the trade or shall have had equivalent experience in the trade.
- (4) Supervising specialty electrician. Every applicant to be eligible for the supervising specialty electrician examination shall have been registered with the board as a journeyman specialty electrician for at least a period of two years in the trade or shall have had equivalent experience in the trade.
- (5) Motion picture operator. Every applicant to be eligible for the motion picture operator examination shall be not less than eighteen years of age and shall have had not less than one year of experience under supervision of a registered motion picture operator in the operation of machines for the projection of motion pictures for commercial purposes in the trade.
- (6) Journeyman plumber. Every applicant to be eligible for the journeyman plumber examination shall have had experience of at least five years’ full-time or its equivalent but not less than 10,000 hours as a journeyman’s or master plumber’s helper, and is able to furnish satisfactory evidence of such fact.
- (7) Master plumber. Every applicant to be eligible for the master plumber examination shall have been registered with the board as a journeyman plumber for at least two years or shall have had equivalent experience in the trade.”

SECTION 21. Section 454-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) No mortgage broker or mortgage solicitor license shall be granted to any person who is not a citizen of the United States, or who is not eighteen years of age or older.”

SECTION 22. Section 456-2, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 456-2 Qualifications; oath.** Every person appointed a notary public shall, at the time of his appointment, be a resident of the State for one



year, possess the other qualifications required of public officers and be at least eighteen years of age; provided, that the attorney general may, for public convenience and necessity, commission a notary for any number of judicial circuits, and the notary shall keep a separate record for each circuit. Every person appointed to that office shall, before entering thereon, take and subscribe an oath for the faithful discharge of his duties, which oath shall be filed in the department of the attorney general.”

SECTION 23. Section 459-7, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 459-7 Examination; certificate of registration.** Except as otherwise provided in this chapter, every person desiring to begin or to continue the practice of optometry shall, before beginning or continuing such practice, upon presentation of satisfactory evidence, verified by oath, that he is at least eighteen years of age, is a citizen of the United States, has been a resident in the State for at least one year, is a graduate of a high school, is a graduate of an American optometric college, school, or university recognized and approved by the board of examiners in optometry and the American Optometric Association, take an examination before the board upon complying with the following requirements:

Applications for examination shall be made out and filed in writing with the secretary of the board and each application shall be accompanied by a fee of \$20 [30], which shall be retained by the board.

Each applicant shall file, in writing, with the secretary at least thirty days prior to the date selected by the board for such examination, the following credentials:

- (1) A diploma or certificate of graduation from an American optometric college or school recognized and approved by the board;
- (2) A certificate that the applicant is of good moral character. Certificates of good moral character for applicants who are licensed in some other state of the United States shall bear the signatures and seals of the secretary of the board of optometric examiners, and the secretary of the state optometric association of that state;
- (3) An unretouched unmounted recent photograph of the applicant.

The applicants shall be given due notice of the date and place of examination. No applicant who fails to obtain an average of seventy per cent in every subject upon which he is examined shall be passed by the board. If an applicant, because of his failure to pass an examination is refused a license, he shall, within one year, be permitted to take a second examination without additional fee. If an applicant fails the second time, he shall be required to file a new application and to pay an additional fee of \$20 [30]. If an applicant fails the third time or any subsequent time, he shall be required to file a new application and to pay an additional fee of \$20 [30] and to take a complete examination.

An appeal to the circuit court, of the circuit within which the applicant resides, may be taken from any decision of the board by any applicant who is refused or denied a certificate.

Every candidate who passes an examination, satisfactorily to the board, shall be registered as possessing the qualifications required by this chapter, and shall receive from the board a proper certificate of registration. Before any certificate is issued it shall be numbered and recorded in a book kept by the secretary of the board of examiners in optometry.

Each registered optometrist shall pay an annual license fee of \$5 [7.50] between December 1 and December 31 of each year to the treasurer of the board for a renewal of his registration certificate for the year next following. The failure of any regular licensed optometrist to pay his annual license fee in advance on or before December 31 of each year, during the time his license remains in force, shall, ipso facto, work a revocation and forfeiture of his license. Any person whose license is so revoked and forfeited shall pay a penalty of \$25 for the restoration of his license, and, in addition, all delinquent annual license fees. When an application for restoration of a license is made and all delinquent license fees and penalties are paid within three years after the forfeiture no examination shall be required. If this is not done within three years, the license shall not be restored unless the regular examination for applicants is passed by such person."

SECTION 24. Section 460-6, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 460-6 Application for license.** Each applicant for a license provided for in this chapter shall comply with the following requirements:

- (1) Make application on blank forms prepared and furnished by the board of osteopathic examiners;
- (2) Submit evidence verified on oath and satisfactory to the board that the applicant is eighteen years of age, or over, is of good moral character, and is a graduate of a school or college of osteopathy which is approved by the American Osteopathic Association;
- (3) Designate on his application whether he desires to practice as an osteopathic physician or as an osteopathic physician and surgeon."

SECTION 25. Section 461-5, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 461-5 Qualifications for license.** Any applicant for a license as a pharmacist shall be at least eighteen years of age, of good moral character and temperate habits, and a graduate of a school or college of pharmacy or department of a university, which school or college or department is recognized and approved by the American Council of Pharmaceutical Education. He shall file proof satisfactory to the board of pharmacy of a minimum of one year of practical experience in any state of the United States in a pharmacy under the supervision of a registered pharmacist, and he shall pass an examination to be given by the board. Service and experience in a pharmacy under the supervision of a registered pharmacist as required in this section shall be predominantly related to the selling of drugs, compounding prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

## ACT 2

Any registered pharmacist of any state or territory of the United States who has practiced pharmacy there for two years or more shall be eligible to take the examination if he is of good moral character and temperate habits.

Every applicant must have been a resident of the State for at least one year immediately preceding the granting of a permanent license.

In the event an applicant has no practical experience as required, he may take the examination and upon passing the same, he shall not receive his license until after the fulfillment of the practical experience required."

SECTION 26. Section 462-9, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 462-9 Licensing.** The board of photography shall receive applications from any person desiring to engage in business within the State as a professional photographer who is over the age of eighteen years and is a bona fide resident of the State. Upon proof that the applicant has had experience of a year or more in commercial or noncommercial photography of a kind which would enable him to engage in professional photography, or upon proof that the applicant has received a diploma from a recognized school of photography, the board shall issue a license to the applicant, who shall thereupon pay the annual fee required by section 462-10; provided, that no license shall be granted to a person who is not of good moral character. A license may be issued for one or both of the following two classifications; namely, portrait or commercial. Each license granted by the board shall be extended from year to year upon payment of the annual fee, unless revoked for cause by the board.

The board shall also accept an application from, and issue a license to any firm, company, partnership, or corporation engaged in professional photography, hereinafter referred to as a "firm", whose owner, supervising head, or principal operator is in possession of a valid individual license. Except as required in the preceding sentence, employees of the firm need not be licensed under this chapter, but the firm shall be responsible for their failure to maintain the high degree of integrity required by the rules and regulations for licensed professional photographers."

SECTION 27. Section 466-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

**"Sec. 466-8 Qualifications of C.P.A.** (a) An applicant for admission to the examination for a certified public accountant certificate shall:

- (1) Be a citizen of the United States or have declared his intention of becoming a citizen;
- (2) Have been a bona fide resident of the State for at least one year immediately preceding the time his application is filed;
- (3) Be over the age of eighteen years;
- (4) Be of good moral character; and
- (5) Comply with any of the following:
  - (A) He shall present satisfactory evidence that he is a graduate of a four year college or university included in the list of Accredited Higher Institutions issued by the Department of Health, Educa-

tion, and Welfare, or in the absence of such list, any comparable list recognized by the regents of the University of Hawaii.

- (B) He shall be a public accountant registered under this chapter and shall present satisfactory evidence that he has completed a four year high school course or the equivalent hours of courses of study in an evening high school which included three years of English and two years of mathematics.”

SECTION 28. Section 469-1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 469-1 License.** The department of health, may, upon payment to it of an examination fee of \$25, examine, or cause to be examined by not less than two practicing embalmers, undertakers, or funeral directors, any person over eighteen years of age, of good moral character, resident at least one year in the State, and with qualifications specified in one of the following categories:

- (1) A minimum of five years practical experience under the supervision of a registered embalmer or undertaker in the State.
- (2) A minimum of two years practical experience under the supervision of a registered embalmer or undertaker in the State and completion of a four-year high school course or equivalent educational training.
- (3) Not less than one year of practical experience and graduation from a recognized school of embalming.
- (4) Holder of a state license for embalming.

All examinations shall be conducted in writing and supplemented by practical demonstrations and shall be upon such subjects as the department may by regulation prescribe. Every person who passes the examination shall be given a license as an embalmer.”

SECTION 29. Section 471-8, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 471-8 Examinations; qualifications of applicants.** No person shall be licensed to practice veterinary medicine unless he has passed an examination of his qualifications and fitness to engage in such practice given by the board of veterinary examiners. Before any applicant shall be eligible for examination under this chapter he shall, at least thirty days before the date set for examination, file an application in such form as shall be prescribed by the board, pay to the treasurer of the board an examination fee of \$35, and furnish proof satisfactory to the board that:

- (1) He is eighteen or more years of age, of good moral character, and has been a resident of the State for at least one year;
- (2) He is a graduate of a veterinary college meeting all the standards established by the American Veterinary Medical Association, or, in lieu thereof, has actively practiced for ten out of the twelve years immediately preceding the date of application in a state having standards for licensing comparable to those in the State.

## ACT 2

Examinations shall be given by the board in April and September of each year except when there are no applications pending. They shall be composed of written and oral questions and practical demonstrations. The same questions shall be given to each person being examined during a particular examination. The subject matter of the examinations shall embrace the subjects and demonstrations of practical ability normally covered in the curricula of American Veterinary colleges.

The requirements imposed by this section shall not be a bar to renewal, reissuance, or restoration of any license issued prior to May 13, 1949.

The governor, upon the recommendation of the board and where in the opinion of the board a public emergency precludes obtaining an adequate number of veterinarians who have the residence qualifications required by this section, may waive the residential requirements in each instance during the period of emergency."

SECTION 30. Section 516-33, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 516-33 Qualification for lease or purchase.** Except in the case of a sale to the lessee of the leased fee interest to any residential lot under lease, no lease or sale of any residential houselot within a development tract shall be made to any person:

- (1) Unless he is a citizen of the United States or a declarant alien who has resided in the State for a period of five years or more; is at least eighteen years of age; is a bona fide resident of the State and has a bona fide intent to reside in the development tract if successful in purchasing or leasing the lot; and has sufficient financial capabilities to meet the sales price or lease rentals;
- (2) Who owns in fee simple lands suitable for residential purposes within the county and in or reasonably near the place of business of such person or has or have pending before the Hawaii housing authority an unrefused application to lease or purchase a lot in a development tract. A person is deemed to own lands herein if he, his spouse, or both he and his spouse (unless separated and living apart under a decree of a court of competent jurisdiction) owns lands.

The authority may require additional testimony or evidence under oath in connection with any application. The determination by the authority of any applicant's eligibility under this part shall be conclusive as to all persons thereafter dealing with the property; provided that the making of any false statement knowingly by applicants or other person in connection with any application shall constitute perjury and be punishable as such."

SECTION 31. Section 536-1, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 536-1 Age; sound mind; disposal of testator's body.** Every person of the age of eighteen years of sound mind may dispose of his estate both real and personal by will, and in addition, may by will make a gift of the whole or any part of his body as provided in part I of chapter 327."

SECTION 32. Section 551-12, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 551-12 Powers and duties.** Every guardian appointed as provided in section 551-11 shall have the custody and tuition of the minor, and the care and management of his estate, and shall continue in office until the minor arrives at the age of eighteen years, or until the guardian is discharged according to law; provided that the natural guardian of the minor, if competent, shall be entitled to the custody of the person of the minor, and to the care of his education.”

SECTION 33. Chapter 571, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 571-2 to read as follows:

**“Sec. 571-2 Definitions.** When used in this chapter, unless the context otherwise requires:

- (1) “Court” means one of the family courts as herein established.
- (2) “Judge” means judge of the family court.
- (3) “Senior judge” means the judge so designated, as provided in this chapter.
- (4) “Board” means the board of family court judges.
- (5) “Child” or “minor” means a person less than eighteen years of age.
- (7) “Adult” means a person eighteen years of age or older.
- (8) “Detention” means the temporary care of children who require secure custody for their own or the community’s protection in physically restricting facilities pending court disposition.
- (9) “Shelter” means the temporary care of children in physically unrestricting facilities pending court disposition.
- (10) “Guardianship of the person of a minor” means the duty and authority to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned about his general welfare. It includes but shall not necessarily be limited in either number or kind to:
  - (A) The authority to consent to marriage, to enlistment in the armed forces of the United States, or to major medical, psychiatric, and surgical treatment; to represent the minor in legal actions; to make other decisions concerning the minor or substantial legal significance;
  - (B) The authority and duty of reasonable visitation, except to the extent that the right of visitation has been limited by court order;
  - (C) The rights and responsibilities of legal custody when guardianship of the person is exercised by the natural or adoptive parent, except where legal custody has been vested in another individual, agency, or institution;
  - (D) The authority to consent to the adoption of the minor and to make any other decision concerning him which his parents could make, when the rights of his parents, only living parent, have

been judicially terminated as provided in the statutes governing termination of parental rights to facilitate legal adoption, or when both of his legal parents are deceased.

- (11) "Legal custody" means the relationship created by the court's decree which imposes on the custodian the responsibility of physical possession of the minor and the duty to protect, train, and discipline him and to provide him with food, shelter, education, and ordinary medical care, all subject to residual parental rights and responsibilities and the rights and responsibilities of any legally appointed guardian of the person.
- (12) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation, consent to adoption or marriage, and the responsibility for support.
- (13) "Commit" means to transfer legal custody.
- (14) "Probation" means a legal status created by court order following adjudication in a case involving a violation of law whereby a minor is permitted to remain in his home subject to supervision by the court or any agency designated by the court and subject to return to the court for violation of probation at any time during the period of probation.
- (15) "Protective supervision" means a legal status created by court order in proceedings not involving violations of law but where the legal custody of the minor is subject to change, whereby the minor is permitted to remain in his home under the supervision of the court or any agency designated by the court and subject to return to the court during the period of protective supervision.
- (16) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of this chapter."

2. By amending section 571-11 to read as follows:

**"Sec. 571-11 Jurisdiction; children, minors.** Except as otherwise provided herein, the court shall have exclusive original jurisdiction in proceedings:

- (1) Concerning any child who is alleged to have violated or attempted to violate any federal, state, or local law or municipal ordinance, regardless of where the violation occurred; or any person alleged to have violated or attempted to violate any federal, state, or local law or municipal ordinance prior to having become eighteen years of age. The minor shall be dealt with under the provisions of this chapter relating to children. Jurisdiction may be taken by the court of the circuit where the minor is living or found, or in which the offense is alleged to have occurred.
- (2) Concerning any child living or found within the circuit
  - (A) who is neglected as to proper or necessary support, or education as required by law, or as to medical or other care necessary for

- his well-being, or who is abandoned by his parent or other custodian; or
- (B) whose environment is injurious to his welfare, or whose behavior is injurious to his own or others' welfare; or
  - (C) who is beyond the control of his parent or other custodian.
- (3) To determine the custody of any minor or appoint a guardian of the person of any minor.
  - (4) For the adoption of a person under chapter 578.
  - (5) For the termination of parental rights under sections 571-61 to 571-63.
  - (6) For judicial consent to the marriage, employment, or enlistment of a minor, when such consent is required by law.
  - (7) For the treatment or commitment of a mentally defective, mentally retarded, or mentally ill minor.
  - (8) Under the Interstate Compact on Juveniles under chapter 582.”
3. By amending section 571-13 to read as follows:

“**Sec. 571-13 Retention of jurisdiction.** Jurisdiction obtained by the court in the case of a child may be retained by it, for the purposes of this chapter, until he becomes eighteen years of age, unless judicially terminated prior thereto.

4. By amending subsection 571-22(a) to read as follows:

“(a) The court may waive jurisdiction and order a minor held for criminal proceedings after the full investigation and hearing when a child sixteen years of age or over is alleged to have committed an act which would constitute a felony if committed by an adult, and the court finds there is no evidence the child or minor is committable to an institution for the mentally defective or retarded or the mentally ill, is not treatable in any available institution or facility within the State designed for the care and treatment of children, or that the safety of the community requires that the child or minor continue under restraint for a period extending beyond his minority.”

5. By amending section 571-31 to read as follows:

“**Sec. 571-31 Taking children into custody; release; notice.** A child may be taken into custody by any police officer without order of the judge (1) when in the presence of the officer the child has violated a state or federal law or a county or municipal ordinance; (2) when there are reasonable grounds to believe that he has committed an act which if committed by an adult would be a felony; (3) when he is seriously endangered in his surroundings and immediate removal appears to be necessary for his protection; (4) when there are reasonable grounds to believe that he has run away from his parents, guardian, or legal custodian.

When an officer or other person takes a child into custody the parents, guardian, or legal custodian shall be notified immediately. The child shall be released to the care of his parent or other responsible adult unless his immediate welfare or the protection of the community requires that he be detained. If the person taking the child into custody believes it desirable, he may request the parent, guardian, or legal custodian to sign a written promise to bring the child to the court at the time directed by the court.



## ACT 2

If a parent or other responsible custodian fails to produce the child in court as required by an authorized notice, or when notified by the court, a summons or warrant may be issued for the apprehension of that person or the child or both. The court may assess the cost of the issuance and execution of the summons or warrant against the person.

This section shall apply to any adult who comes within section 571-11(1) or (2).”

SECTION 34. Chapter 572, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 572-2 to read as follows:

“**Sec. 572-2 Consent of parent or guardian.** Whenever any person who is under the age of eighteen is to be married, the written consent of his or her parents, or guardian or other person in whose care and custody he or she may be, shall accompany the application for a license to marry. No license shall be issued to any minor who is under the jurisdiction of the family court without the written consent of a judge of such court.”

2. By amending section 572-9 to read as follows:

“**Sec. 572-9 Persons under age.** Whenever any person who is under the age of eighteen, whose parents are dead, or who is a ward of a family court, applies for a license to marry, he or she shall set forth in the statement accompanying the application, the name of his or her guardian or of any other person in whose care and custody he or she may be.”

SECTION 35. Section 577A-1, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 577A-1 Definition.** For the purpose of this chapter, the following terms shall be defined as follows:

“Minor” shall be any person from the age of fourteen to seventeen inclusive.

“Medical care and services” means the diagnosis, examination and administration of medication in the treatment of venereal diseases and pregnancy. It shall not include surgery or any treatment to induce abortion except as permitted under section 768-7.”

SECTION 36. Section 579-4, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 579-4 Trial; judgment.** If the defendant fails to appear, any bond for his appearance shall be forfeited; but the trial of, or other proceedings in, the cause shall, nevertheless, proceed as though he were present; and the court shall upon the findings of the judge make such orders as it deems proper as though the defendant were in court.

If the defendant acknowledges in writing or orally before the court the paternity of the child, or if at the trial the finding of the court or jury be against the defendant, the court, in rendering judgment thereon, may make an order for the payment of or reimbursement for all expenses resulting from or incident to the mother’s pregnancy and the birth of the child in such amount

or amounts as may be deemed reasonable by the court. It shall also make an order that the defendant pay for the support, maintenance, and education of the child, until the child reaches eighteen years of age, unless the child, prior thereto, is adopted, emancipated, or becomes self-supporting, such sums of money, in such installments, and in such manner, as the court deems just, taking into consideration the financial standing of the defendant, his income, earning capacity, and those of his family who are dependent upon him for their support, maintenance, and education.

If the child dies before reaching eighteen years of age, the judgment may include, or may be amended to include, reasonable funeral expenses. The judgment may also include a reasonable fee for any guardian ad litem appointed under section 579-3.

In case of forfeiture of any appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the defendant.”

SECTION 37. Chapter 657, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 657-13 to read as follows:

“**Sec. 657-13 Infancy, insanity, imprisonment.** If any person entitled to bring any action specified in this part (excepting actions against the sheriff, chief of police, or other officers) is, at the time the cause of action accrued, either:

- (1) Within the age of eighteen years; or,
- (2) Insane; or,
- (3) Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than his natural life;

such persons shall be at liberty to bring such actions within the respective times limited in this part, after the disability is removed or at any time while the disability exists.”

2. By amending section 657-34 to read as follows:

“**Sec. 657-34 Disabilities.** If, when right of entry or of action first accrues as aforesaid, the person entitled to the entry or action, is within the age of eighteen years, or insane or imprisoned, such person, or anyone claiming from, by, or under him, may make the entry or bring the action at any time within five years after the disability is removed, notwithstanding the ten years before limited in that behalf, have expired.”

SECTION 38. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 39. Except for the bracketed dollar amounts in section 23 of this Act, statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the

## ACT2

brackets (except for the bracketed dollar amounts in section 23), the bracketed material, or the underscoring.\*

SECTION 40. This Act shall take effect upon its approval.

(Approved March 28, 1972.)

---

\*Edited accordingly.