

A Bill for an Act Relating to the Licensing of Real Estate Brokers and Salesmen.

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

SECTION 1. Section 467-8, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 467-8 Prerequisites for licensing.** No license hereunder shall be issued to:

- (1) Any person unless he has demonstrated by passing with a grade satisfactory to the real estate commission a written examination given by it and appropriate to the license sought that he has a reasonable knowledge of (A) estates, interests, and rights in real property, (B) the documents or acts or occurrences by which such property is transferred or otherwise affected, (C) the rights and duties of an agent, (D) the laws of the State relating to real estate brokers and salesmen, and (E) such other subjects as the commission determines to be essential for the protection of the general public in its real estate transactions;
- (2) 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 crime involving moral turpitude unless the person has received a full and free pardon or presents satisfactory proof to the commission that for the five years next preceding the date of his application he has lived an upright and moral life;
- (3) Any copartnership unless every member of the copartnership who actively participates in the real estate brokerage business thereof holds a real estate broker’s license;
- (4) Any corporation unless the real estate brokerage business thereof is under the direct management of an officer or employee thereof and unless the officer or employee holds a real estate broker’s license.”

SECTION 2. Section 467-9, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 467-9 License; applications and fees.** Every applicant for issuance of a real estate license under this chapter shall file an application with the real

estate commission in such form and setting forth such information as may be prescribed or required by the commission, and shall furnish such additional information bearing upon the issuance of the license as it requires. Every applicant shall be sworn to before an officer authorized to administer oaths. In the case of a copartnership or corporation, any member or officer thereof may sign the application and verify the same on behalf of the applicant.

Every application, in the case of an individual, shall be accompanied by sworn certificates of not less than two persons who have known the applicant for a period of not less than six months, certifying that the applicant bears a good reputation for honesty, truthfulness, and fair dealing.

Every application for issuance of a real estate license hereunder shall be accompanied by an issuance fee of \$25 and other applicable fees authorized by this chapter. The application fee for issuance of license is nonrefundable."

SECTION 3. Chapter 467, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**"Sec. 467- Prerequisites for written examination.** No person hereunder shall be eligible for the commission's written examination unless:

- (1) The person is a legal resident of the State and is of the age of majority;
- (2) The person applying for the real estate salesman examination has satisfactorily completed a course on real estate principles or its equivalent, approved or accredited by the real estate commission;
- (3) The person applying for the real estate broker examination has satisfactorily completed a course for real estate brokers, or its equivalent, approved or accredited by the real estate commission;
- (4) The person applying for the real estate broker examination (A) has previously been licensed as a Hawaii real estate business as a licensed Hawaii real estate salesman for a period of two years on a full-time basis, or has had other experience and/or education in the selling or management of real estate which, in the opinion of the commission, is equivalent to two years' experience to be established by detailed explanatory affidavit or in such other manner as may be determined by the commission.

**Sec. 467- Examination; application and fees.** Every applicant for real estate examination shall file an application with the real estate commission in such form and setting forth such information as may be prescribed or required by the commission. Every application for real estate examination shall be accompanied by an application fee of \$10 and examination fee of \$15. The \$10 application fee is not refundable."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 18, 1973.)

\*Edited accordingly.