

## ACT 84

H.B. NO. 284

A Bill for an Act Relating to the Commercial Employment Agencies.

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

SECTION 1. Chapter 373, Hawaii Revised Statutes, is amended as follows:

1. By adding two new sections to be appropriately designated and to read as follows:

“**§373- Hearings.** In every case where it is proposed to refuse to grant a license or to revoke or suspend a license, the person concerned shall be given notice and hearing in conformity with chapter 91. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen days before the hearing.

In all proceedings, the director or hearings officer duly appointed by the director shall have the same powers respecting administering oaths, compelling the attendance of witnesses, producing documentary evidence, and examining witnesses as are possessed by circuit courts. In case of disobedience by any person of any order or subpoena issued by the director or hearings officer, or the refusal of any witness to testify to any matter regarding which such witness may be questioned lawfully, any circuit judge, on application by the director or hearings officer, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

**§373- Appeal to circuit court.** An applicant who has been refused a license and every licensee whose license has been suspended, revoked, or not renewed may appeal the decision to the circuit court in the manner provided by in chapter 91.”

2. By amending section 373-1 to read:

“**§373-1 Definitions.** As used in this chapter:

- (1) “Director” means the director of [regulatory agencies.] commerce and consumer affairs.
- (2) “Appeal board” means the labor and industrial relations appeal board.
- (3) (2) “Employment agency” means any individual, agent, partnership, corporation, or association, engaged in the business of providing employment information, procuring employment for applicants, or procuring employees for placement with employers upon request, for a fee or other valuable thing, exacted, charged, or received, but shall not include the United States or the State of Hawaii or instrumentalities thereof.
- (4) (3) “Employer” includes any individual, agent, partnership, corporation, or association, employing or seeking to employ any person for hire.

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[(5)] (4) "Applicant" means any person who uses the services of an employment agency to secure employment for himself.

[(6)] (5) "Gross wages, salaries, or commissions" means the gross amount of the applicant's actual earnings from employment."

3. By amending section 373-3 to read:

"**§373-3 License fee.** Every employment agency shall pay an annual license fee of [~~\$25.~~] \$37.50.

(1) The fee shall be paid to the director on or before July 1 of each year.

(2) Failure to pay the annual license fee shall constitute a forfeiture of license.

(3) Fees collected by the director shall be deposited in the general fund of the State."

4. By amending section 373-9 to read:

"**§373-9 Records and reports.** Every employment agency shall keep records and make such reports with respect to the operation of the business as the director by rule [or regulation] may prescribe. Such records as required by [regulation] rule shall be preserved by the agency and kept in the office of the employment agency for a period of at least two years."

5. By amending section 373-19 to read:

"**§373-19 Rules [and regulations].** The director may make, amend, or repeal such rules [and regulations] as [he] the director may deem proper to fully effectuate this chapter."

6. By repealing sections 373-15 through 373-18.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect upon its approval.

(Approved May 20, 1983.)

**Note**

1. Edited pursuant to HRS §23G-16.5.