

A Bill for an Act Relating to Licenses Issued by the Department of Commerce and Consumer Affairs or Any Board or Commission Thereunder.

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

SECTION 1. Section 487-13, Hawaii Revised Statutes, is amended to read as follows:

“§487-13 Penalties for unlicensed acts. (a) Any person who furnishes commodities or services for which a license, registration, or certificate is required from the department of commerce and consumer affairs or any board or commission thereunder without having such license, registration, or certificate is engaged in an unlawful act or practice and shall be subject to the penalty provided in subsection (b).

(b) Any person who engages in an unlawful act or practice as provided in subsection (a) shall be fined by a sum not less than \$500 nor more than \$2,500 for each unlawful act or practice, which sum shall be collected in a civil suit brought by the office of consumer protection or the department of commerce and consumer affairs.

(c) Any contract for the furnishing of commodities or services by an unlicensed, unregistered, or uncertified person shall be void and shall prevent such person from recovering the contract price or the reasonable value thereof.”

SECTION 2. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) The director may appoint a complaints and enforcement officer not subject to chapters 76 and 77 who shall facilitate the receipt, arbitration, investigation, prosecution, and hearing of complaints regarding any person who furnishes commodities or services for which a license, registration, or certificate is required from the department or any board or commission thereunder. In representing the State in bringing any action to enjoin unlicensed, unregistered, or uncertified activities, the department of commerce and consumer affairs’ attorneys shall be empowered to exercise all authority granted to the attorney general and to the director of the office of consumer protection under sections 487-12, 487-14, 480-3.1, 480-15, 480-15.1, 480-20(c), and 480-22, as such sections now exist and as they may be subsequently amended. The attorneys shall also be empowered to exercise all authority granted to the attorney general and to the responsible attorneys of the various counties under section 92-51 in all cases involving documents and records within the custody or control of the regulated industries complaints office.”

SECTION 3. New statutory material is underscored.

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

(Approved May 24, 1988.)