

ACT 48

H.B. NO. 2356

A Bill for an Act Relating to Commercial Employment Agencies.

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

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

“§26H-4 Repeal dates. (a) The following chapters are hereby repealed effective December 31, 1988:

- (1) Chapter 465 (Board of Psychology)
- (2) Chapter 468E (Board of Speech Pathology and Audiology)
- (3) Chapter 468K (Travel Agencies)
- [(4) Chapter 373 (Commercial Employment Agencies)
- (5)] (4) Chapter 442 (Board of Chiropractic Examiners)
- [(6)] (5) Chapter 448 (Board of Dental Examiners)
- [(7)] (6) Chapter 436E (Board of Acupuncture)

(b) The following chapters are hereby repealed effective December 31, 1989:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448E (Board of Electricians and Plumbers)
- (3) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (4) Chapter 466 (Board of Public Accountancy)
- (5) Chapter 467 (Real Estate Commission)
- (6) Chapter 439 (Board of Cosmetology)
- (7) Chapter 454 (Mortgage Brokers and Solicitors)
- (8) Chapter 454D (Mortgage and Collection Servicing Agents)
- (c) The following chapters are hereby repealed effective December 31, 1990:
 - (1) Chapter 447 (Dental Hygienists)
 - (2) Chapter 453 (Board of Medical Examiners)
 - (3) Chapter 457 (Board of Nursing)
 - (4) Chapter 458 (Board of Dispensing Opticians)
 - (5) Chapter 460J (Pest Control Board)
 - (6) Chapter 462A (Pilotage)
 - (7) Chapter 438 (Board of Barbers)
- (d) The following chapters are hereby repealed effective December 31, 1991:
 - (1) Chapter 448H (Elevator Mechanics Licensing Board)
 - (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
 - (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
 - (4) Chapter 460 (Board of Osteopathic Examiners)
 - (5) Chapter 461 (Board of Pharmacy)
 - (6) Chapter 461J (Board of Physical Therapy)
 - (7) Chapter 463E (Podiatry)
- (e) The following chapters are hereby repealed effective December 31, 1992:
 - (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
 - (2) Chapter 437B (Motor Vehicle Repair Industry Board)
 - (3) Chapter 440 (Boxing Commission)
- (f) The following chapters are hereby repealed effective December 31, 1993:
 - (1) Chapter 441 (Cemetery and Funeral Trusts)
 - (2) Chapter 443B (Collection Agencies)
 - (3) Chapter 452 (Board of Massage)
 - (4) Chapter 455 (Board of Examiners in Naturopathy)
 - (5) Chapter 459 (Board of Examiners in Optometry)
- (g) The following chapter is hereby repealed effective December 31, 1994:

(1) Chapter 373 (Commercial Employment Agencies)

1997: [(g)] (h) The following chapters are hereby repealed effective December 31,

- (1) Chapter 463 (Board of Private Detectives and Guards)
- (2) Chapter 471 (Board of Veterinary Examiners)."

SECTION 2. Section 373-10, Hawaii Revised Statutes, is amended to read as follows:

"§373-10 Fees. (a) Each employment agency shall file at least once a year with the director a schedule[, which may not be changed more than once during each calendar year,] of its placement fees to be charged to applicants[.] at such time and in the manner and form as prescribed by the director. The director shall annually compile a listing of the fees charged by all commercial employment agencies licensed under this chapter and make such list available to the general public at the department.

(b) The schedule, or change of schedule shall become effective upon approval

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of the director; provided that the director shall approve or disapprove within sixty days after the schedule[, or change of schedule,] is filed.

(c) Any contract between an applicant and the employment agency shall be in writing and shall contain [in]:

- (1) In bold print enclosed within a conspicuous border, the gross amount of the estimated fee charged and the time period on which the fee is based[.];
- (2) A statement indicating that the fees charged are in accordance with the fees filed with the department and that a listing of the fees charged to applicants by all commercial employment agencies licensed in the State is available for public inspection;
- (3) A prominently displayed statement that no fee shall be paid until the job applicant obtains employment and receives the first paycheck, provided that this shall not apply to employer fee paid placements;
- (4) The name and license number of the commercial employment agency;
and
- (5) A statement that the applicant has the right to have the agency produce for review a copy of the law and rules regulating the practices of commercial employment agencies.

A copy of the contract shall be provided to the applicant. The director may adopt rules pursuant to chapter 91 to prescribe the form and content of the contract.

(d) No employment agency shall charge to or collect from any applicant a registration fee or advance payment for services to be rendered in finding employment.

(e) It shall be a violation of this chapter for an employment agency to charge, demand, or collect any registration fee or advance payment for services from an applicant, or any fee which is greater than the applicable fee listed in the schedule which it has filed with the director.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 10, 1988.)