

ACT 129

S.B. NO. 1145

A Bill for an Act Relating to the Department of Commerce and Consumer Affairs.

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

SECTION 1. Section 26-9, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (i) to read:

“(i) The functions and authority previously exercised by the treasurer (except funds custody, cash management, debt management, and administering of veterans loans transferred to the department of budget and finance) as constituted are transferred to the department of commerce and consumer affairs established by this chapter. [The director of commerce and consumer affairs also shall be the commissioner of securities.]”

2. By amending subsection (l) to read:

“(l) Any law to the contrary notwithstanding, the director of commerce and consumer affairs may:

- (1) Establish, increase, decrease, or repeal fees relating to any aspect of the registration, certification, licensure, or any other administrative process for all laws within the jurisdiction of the department. [The fee assessed shall bear a reasonable relationship between the revenue derived from the fee and the cost or value of services rendered.] Amendments to fee assessments shall be made pursuant to chapter 91;
- (2) Assess fees for copies in any form of media of the computerized records of the business registration division or for electronic access to the computerized information on a one-time or on¹ going basis. The fees charged for the copies or access may include billing service fees, network usage fees, and computer consultant fees. In adopting these fees, the director shall take into account the intent to make the division self-supporting. To this end, the fees may reflect the commercial value of the service or information provided. In the case of requests for records by a nonprofit organization, the director may reduce or waive the fees. This paragraph shall control in any instance where there is a conflict between this paragraph and any other statute; and
- (3) Assess fees for copies of consumer and business educational publications prepared or issued by the department. Fees collected under this paragraph shall be deposited into the compliance resolution fund under subsection (o). [The fees assessed shall bear a reasonable relationship between the revenue derived from the fee and the cost of producing the materials issued.] In the case of requests for copies by a nonprofit organization, the director may reduce or waive the fees. For purposes of this paragraph, “consumer and business educational publications” does not include copies of statutes or administrative rules.

The fees collected by the professional and vocational licensing division and the business registration division shall be deposited into the compliance resolution fund under subsection (o) [and shall be used to defray administrative costs, including personnel costs associated with these two programs and costs incurred by supporting offices and divisions].

The director may appoint program specialists, not subject to chapters 76 and 77, to assist with the activities of the professional and vocational licensing division.”

3. By amending subsection (o) to read:

“(o) Every person licensed under any chapter within the jurisdiction of the department of commerce and consumer affairs and every person licensed subject to chapter 485 or registered under chapter 467B shall pay upon issuance of a license, permit, certificate, or registration a fee and a subsequent annual fee to be determined by the director and adjusted from time to time to ensure that the proceeds, together with all other fines, income, and penalties collected under this section, do not surpass the annual operating costs of conducting compliance resolution activities required under this section. The fees may be collected biennially or pursuant to rules adopted under chapter 91, and shall be deposited into the special fund established under this subsection. Every filing pursuant to chapter 514E or section 485-6(15) shall be assessed, upon initial filing and at each renewal period in which a renewal is required, a fee that shall be prescribed by rules adopted under chapter 91, and that shall be deposited into the special fund established under this subsection. Any unpaid fee shall be paid by the licensed person, upon application for renewal, restoration, reactivation, or reinstatement of a license, and by the person responsible for the renewal, restoration, reactivation, or reinstatement of a license, upon the application for renewal, restoration, or reinstatement of the license. If the fees are not paid, the director may deny renewal, restoration, reactivation, or reinstatement of the license. The director may establish, increase, decrease, or repeal the fees when necessary pursuant to rules adopted under chapter 91.

There is created in the state treasury a special fund to be known as the compliance resolution fund to be expended by the director’s designated representatives as provided by this subsection. Notwithstanding any law to the contrary, [the moneys in the fund shall consist of annual fees collected under this subsection, section 514A-95, penalties or fines assessed as a result of action brought by department personnel, and penalties, fines, or reimbursement of costs or attorneys’ fees assessed as a result of actions brought for violations of chapters 480 and 487.] all revenues, fees, and fines collected by the department shall be deposited into the compliance resolution fund. Unencumbered balances existing on June 30, 1999, in the cable television fund under chapter 440G, the division of consumer advocacy fund under chapter 269, the financial institution examiners’ revolving fund, section 412:2-109, and the special handling fund, section 415-128, shall be deposited into the compliance resolution fund. This provision shall not apply to the drivers education fund underwriters fee, section 431:10C-115, insurance premium taxes and revenues, revenues of the workers’ compensation special compensation fund, section 386-151, the captive insurance administrative fund, section 431:19-101.8, the insurance commissioner’s education and training fund, section 431:2-214, the medical malpractice patients’ compensation fund as administered under section 5 of Act 232, Session Laws of Hawaii 1984, the insurance examiners’ revolving fund, section 431:2-307, the motor vehicle insurance administration revolving fund, section 431:10C-115.5, and fees collected for deposit in the office of consumer protection restitution fund, section 487-14, the real estate appraisers fund, section 466K-1, the real estate recovery fund, section 467-16, the real estate education fund, section 467-19, the contractors recovery fund, section 444-26, the contractors education fund, section 444-29, the condominium management education fund, section 444-29, and

the public broadcasting revolving fund, section 314-13. Any law to the contrary notwithstanding, the director may use the moneys in the fund to employ, without regard to chapters 76 and 77, hearings officers, investigators, attorneys, accountants, and other necessary personnel to implement this subsection. [In addition,] Any law to the contrary notwithstanding, the moneys in the fund shall [defray all other administrative costs, including personnel costs of operating the regulated industries complaints office and costs incurred by supporting offices and divisions.] be used to fund the operations of the department with the exception of costs related to the Hawaii public broadcasting authority. The moneys in the fund may be used to train personnel as the director deems necessary and for any other activity related to compliance resolution.

As used in this subsection, unless otherwise required by the context, “compliance resolution” means a determination of whether:

- (1) Any licensee or applicant under any chapter subject to the jurisdiction of the department of commerce and consumer affairs has complied with that chapter;
- (2) Any person subject to chapter 485 has complied with that chapter;
- (3) Any person submitting any filing required by chapter 514E or section 485-6(15) has complied with chapter 514E or section 485-6(15);
- (4) Any person has complied with the prohibitions against unfair and deceptive acts or practices in trade or commerce; or
- (5) Any person subject to chapter 467B has complied with that chapter[.]; and includes work involved in or supporting the above functions, licensing, or registration of individuals or companies regulated by the department, consumer protection, and other activities of the department.

The director shall prepare and submit an annual report to the governor and the legislature on the use of the compliance resolution fund. The report shall describe expenditures made from the fund including non-payroll operating expenses.”

SECTION 2. Section 36-27, Hawaii Revised Statutes, is amended to read:

“§36-27 Transfers from special funds for central service expenses. Except as provided in this section, and notwithstanding any other law to the contrary, from time to time the director of finance, for the purpose of defraying the prorated estimate of central service expenses of government in relation to all special funds, except the:

- (1) Special summer school and intersession fund under section 302A-1310;
- (2) School cafeteria special funds of the department of education;
- (3) Special funds of the University of Hawaii;
- (4) State educational facilities improvement special fund;
- (5) Convention center capital special fund under section 206X-10.5 and the convention center operations special fund under section 206X-10.6;
- (6) Special funds established by section 206E-6;
- (7) Housing loan program revenue bond special fund;
- (8) Housing project bond special fund;
- (9) Aloha Tower fund created by section 206J-17;
- (10) Domestic violence prevention special fund under section 321-1.3;
- (11) Spouse and child abuse special account under section 346-7.5;
- (12) Spouse and child abuse special account under section 601-3.6;
- (13) Funds of the employees’ retirement system created by section 88-109;
- (14) Unemployment compensation fund established under section 383-121;
- (15) Hawaii hurricane relief fund established under chapter 431P;
- (16) Hawaii health systems corporation special funds;

- (17) Boiler and elevator safety revolving fund established under section 397-5.5;
- (18) Tourism special fund established under section ~~[[201B-11[]]~~; [and]
- (19) Department of commerce and consumer affairs' special funds; and
- (20) Compliance resolution fund established under section 26-9;

shall deduct five per cent of all receipts of all other special funds, which deduction shall be transferred to the general fund of the State and become general realizations of the State. All officers of the State and other persons having power to allocate or disburse any special funds shall cooperate with the director in effecting these transfers. To determine the proper revenue base upon which the central service assessment is to be calculated, the director shall adopt rules pursuant to chapter 91 for the purpose of suspending or limiting the application of the central service assessment of any fund. No later than twenty days prior to the convening of each regular session of the legislature, the director shall report all central service assessments made during the preceding fiscal year."

SECTION 3. Section 36-30, Hawaii Revised Statutes is amended by amending subsection (a) to read:

- "(a) Each special fund, except the:
- (1) Transportation use special fund established by section 261D-1;
 - (2) Special summer school and intersession fund under section 302A-1310;
 - (3) School cafeteria special funds of the department of education;
 - (4) Special funds of the University of Hawaii;
 - (5) State educational facilities improvement special fund;
 - (6) Special funds established by section 206E-6;
 - (7) Aloha Tower fund created by section 206J-17;
 - (8) Domestic violence prevention special fund under section 321-1.3;
 - (9) Spouse and child abuse special account under section 346-7.5;
 - (10) Spouse and child abuse special account under section 601-3.6;
 - (11) Funds of the employees' retirement system created by section 88-109;
 - (12) Unemployment compensation fund established under section 383-121;
 - (13) Hawaii hurricane relief fund established under chapter 431P;
 - (14) Convention center capital special fund established under section 206X-10.5 and the convention center operations special fund established under section 206X10.6;
 - (15) Hawaii health systems corporation special funds; [and]
 - (16) Tourism special fund established under section ~~[[201B-11[]]~~; and
 - (17) Compliance resolution fund established under section 26-9;

shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned."

SECTION 4. Section 92-24, Hawaii Revised Statutes, is amended to read as follows:

"§92-24 Directors of finance and commerce and consumer affairs; fees. The director of finance and the director of commerce and consumer affairs each shall charge the following fees:

- (1) For administering any oath, \$1;
- (2) For preparing every photostat copy of any document on record in the director's office, 50 cents per page or portion thereof;
- (3) For preparing every typewritten copy of any document on record in the director's office, 50 cents per page or portion thereof;

- (4) For preparing a certificate of compliance, \$5 for the original certificate, and \$1 for each additional copy thereof, of which \$4 from each certificate and 75 cents of each additional copy shall be deposited in the [special fund referred to in section 415-128, and the balance deposited to the general fund of the State;] compliance resolution fund established pursuant to section 26-9(o);
- (5) For comparing any document submitted for certification, 15 cents per page or portion thereof;
- (6) For certifying any document on record in the director's office, 25 cents for each certification;
- (7) For all other acts and duties, the fees of which are not otherwise provided for, such charges as each may from time to time prescribe."

SECTION 5. Section 207-14, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The statement filed pursuant to this section shall be accompanied by a registration fee of \$30. The registration fee shall be nonrefundable even in the event of a denial. In addition, foreign lenders who are currently registered pursuant to this chapter shall pay an annual renewal fee of \$30 in order to maintain the immunities and privileges granted in this section. The annual renewal fee shall be due on or before June 30, of each calendar year. The failure to submit the annual renewal fee as required shall result in the automatic cancellation of any statements filed pursuant to this section but shall not retroactively affect or impair any of the immunities provided by this part. In the commissioner's discretion, the time period for filing of a renewal fee may be extended for an additional thirty days beyond June 30 of each calendar year if good cause exists for such an extension. The registration fee, annual renewal fee, and any other charge or fee assessed under this part shall be deposited into the [financial institution examiners' revolving] compliance resolution fund established under section [412:2-109.] 26-9(o)."

SECTION 6. Section 269-33, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established in the state treasury a public utilities commission special fund to be administered by the public utilities commission. The proceeds of the fund shall be used by the public utilities commission and the division of consumer advocacy of the department of commerce and consumer affairs for all expenses incurred in the administration of chapters 269, 271, 271G, and 486J; provided that the expenditures of the public utilities commission shall be in accordance with legislative appropriations. On a quarterly basis, an amount not exceeding thirty per cent of the proceeds remaining in the fund after the deduction for central service expenses, pursuant to section 36-27, shall be allocated by the public utilities commission to the division of consumer advocacy[;] and deposited in the compliance resolution fund established pursuant to section 26-9(o); provided that all moneys allocated by the public utilities commission from the fund to the division of consumer advocacy shall be in accordance with legislative appropriations."

SECTION 7. Section 412:2-105, Hawaii Revised Statutes, is amended by amending subsections (c), (d), and (e) to read as follows:

"(c) The commissioner shall bill the affected financial institution for examination fees and expenses as soon as feasible after the close of the examination or investigation. The affected financial institution shall pay the division of financial institutions within thirty days following the billing. All such payments shall be deposited to the [financial institution examiners' revolving] compliance resolution fund[.] established pursuant to section 26-9(o). All disputes relating to these billings

between the affected financial institution and the commissioner shall be resolved in accordance with the procedures for contested cases under chapter 91.

(d) The commissioner, by rules adopted in accordance with chapter 91, may set reasonable fee amounts to be collected by the division in connection with its regulatory functions, including, without limitation, any fees for renewals, applications, licenses, and charters. Unless otherwise provided by statute, all such fees shall be deposited into the [financial institution examiners' revolving] compliance resolution fund[.] established pursuant to section 26-9(o).

(e) A Hawaii financial institution that fails to make a payment required by this section shall be subject to an administrative fine of not more than \$250 per day for each day it is in violation of this section, which fine, together with the amount due under this section, may be recovered pursuant to [the provisions of] section 412:2-611 and shall be deposited [to] into the [financial institution examiners' revolving] compliance resolution fund[.] established pursuant to section 26-9(o).”

SECTION 8. Section 412:2-109, Hawaii Revised Statutes, is amended to read as follows:

“§412:2-109 [Financial] Compliance resolution fund; financial institution [examiners' revolving fund and appointment of] examiners. (a) [There is established in the state treasury a separate fund designated as the financial institution examiners' revolving fund.] Any law to the contrary notwithstanding, fees and fines collected by the commissioner of financial institutions shall be deposited into the compliance resolution fund established pursuant to section 26-9(o).

(b) The commissioner may appoint financial institution examiners, not subject to chapters 76 and 77, who shall examine the affairs, transactions, accounts, records, documents, and assets of financial institutions. The commissioner also may appoint administrative support personnel, not subject to chapters 76 and 77, who shall assist and support the examiners. The commissioner may pay the salaries of the financial institution examiners and administrative support personnel from the [financial institution examiners' revolving] compliance resolution fund.

(c) The compliance resolution fund also may be used to reimburse financial institution examiners and administrative support personnel for the following expenses necessarily incurred on account of an examination and the education and training of financial institution examiners and administrative support personnel:

- (1) Actual travel expenses in amounts customary for these expenses and approved by the commissioner;
- (2) A reasonable living expense allowance at a rate customary for these expenses and approved by the commissioner; and
- (3) Any fee or tuition necessary to attend educational and training conferences, workshops, seminars, and any similar events of this nature.

(d) The compliance resolution fund also may be used for other expenses relating to examinations of financial institutions and administrative costs, including personnel costs of the division and costs incurred by supporting offices and divisions.

(e) All persons receiving any reimbursement or compensation from the [financial institution examiners' revolving] compliance resolution fund shall submit to the commissioner for approval a detailed account of all expenses and compensation necessarily incurred. Persons shall not receive or accept any additional compensation on account of an examination. In the case of an examination, any reimbursement or compensation made by the fund and approved by the commissioner shall be charged to the financial institution being examined by the commissioner and all receipts shall be credited to the fund.

(f) Moneys in the [financial institution examiners' revolving] compliance resolution fund shall not revert to the general fund.

[(g) Before August 16, 1995, and thereafter before July 2, 1996, each financial institution subject to examination by the commissioner shall pay a sum of \$250 plus \$50 for each office, agency, and branch office maintained by the financial institution, to the commissioner to be credited to the financial institution examiners' revolving fund.

(h) Before July 2, 1997, and each] (g) Each year [thereafter] before July 2, each financial institution subject to examination by the commissioner shall pay a sum of \$500 plus \$100 for each office, agency, and branch office maintained by the financial institution, to the commissioner to be credited to the [financial institution examiners' revolving] compliance resolution fund. The commissioner may establish, increase, decrease, or repeal this fee when necessary pursuant to rules adopted in accordance with chapter 91.

SECTION 9. Section 412:2-315, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The commissioner may assess and collect from all affected Hawaii financial institutions their ratable share of the administrative costs incurred by the division in its administration of any emergency orders issued under this section. Administrative costs assessed under this section shall be deposited into the [financial institution examiners' revolving] compliance resolution fund established under section [412:2-109.] 26-9(o). The determination of the commissioner of which Hawaii financial institution or institutions are “affected” and the proration method the commissioner chooses to employ in making assessments under this section may be appealed to the circuit court as provided in chapter 91 by any Hawaii financial institution aggrieved thereby.”

SECTION 10. Section 412:2-611, Hawaii Revised Statutes, is amended as follows:

1. By amending the title to read:

“**§412:2-611 Action to recover administrative fines; deposit to [revolving] compliance resolution fund.**”

2. By amending subsection (b) to read:

“(b) All administrative fines collected under authority of this chapter shall be deposited in the [financial institution examiners' revolving] compliance resolution fund established under section [412:2-109.] 26-9(o).”

SECTION 11. Section 415-128, Hawaii Revised Statutes, is amended to read as follows:

“**§415-128 Fees for filing documents and issuing certificates.** The following fees shall be paid to the director upon the filing of corporate documents:

- (1) Articles of incorporation, \$100;
- (2) Articles of amendment, \$50;
- (3) Restated articles of incorporation, \$50;
- (4) Articles of merger or consolidation, \$200;
- (5) Articles of merger (subsidiary corporation), \$100;
- (6) Articles of dissolution, \$50;
- (7) Annual report of domestic and foreign corporations organized for profit, \$25;

- (8) Any other statement, report, certificate, application, or other corporate document, except an annual report, of a domestic or foreign corporation, \$50;
- (9) Application for a certificate of authority, \$100;
- (10) Application for a certificate of withdrawal, \$50;
- (11) Reservation of corporate name, \$20;
- (12) Transfer of reservation of corporate name, \$20;
- (13) Good standing certificate, \$25;
- (14) Special handling fee for review of corporation documents, excluding articles of merger or consolidation, \$50;
- (15) Special handling fee for review of articles of merger or consolidation, \$150;
- (16) Special handling fee for certificates issued by the department, \$20 per certificate; and
- (17) Special handling fee for certification of documents, \$1 per page.

All [special handling fees shall be credited to the special fund established for use by the department in expediting the processing of documents. At least two temporary business registration assistant I positions shall be paid out of the special fund.] fees collected under this section shall be managed in accordance with section 26-9(1).

The director [shall] may adjust the fees assessed under this section, as necessary from time to time, through rules adopted under chapter 91 [to ensure that the proceeds, together with all other receipts of the special fund under this section do not surpass the annual operating costs of the program. All unexpended and unencumbered moneys remaining on balance with the fund at the close of each fiscal year which are deemed, by the director of finance, to be in excess of the moneys necessary to carry out the processing of corporate documents over the next following fiscal year shall lapse to the credit of the state general fund].”

SECTION 12. Section 415B-155, Hawaii Revised Statutes, is amended to read as follows:

“§415B-155 Fees for filing documents and issuing certificates. The following fees shall be paid to the director upon the filing of corporate documents:

- (1) Articles of incorporation, \$50;
- (2) Articles of amendment, \$20;
- (3) Restated articles of incorporation, \$20;
- (4) Articles of merger or consolidation, \$100;
- (5) Articles of dissolution, \$20;
- (6) Annual report of nonprofit domestic and foreign corporations, \$5;
- (7) Any other statement, report, certificate, application, or other corporate document, except an annual report, of a nonprofit domestic or foreign corporation, \$20;
- (8) Application for a certificate of authority, \$50;
- (9) Application for a certificate of withdrawal, \$20;
- (10) Reservation of corporate name, \$20;
- (11) Transfer of reservation of corporate name, \$20;
- (12) Good standing certificate, \$20;
- (13) Special handling fee for review of corporation documents, excluding articles of merger or consolidation, \$50;
- (14) Special handling fee for review of articles of merger or consolidation, \$150;
- (15) Special handling fee for certificates issued by the department, \$20 per certificate; and

(16) Special handling fee for certification of documents, \$1 per page.

All [special handling fees shall be credited to a special fund which may be established for use by the department in expediting the processing of documents. At least two temporary business registration assistant I positions shall be paid out of the special fund.] fees collected under this section shall be managed in accordance with section 26-9(1).”

SECTION 13. Section 425-12, Hawaii Revised Statutes, is amended to read as follows:

“**§425-12 Fee for filing documents and issuing certificates.** The following fees shall be paid to the director upon the filing of general partnership documents:

- (1) Partnership registration statement, \$25;
- (2) Partnership change of name statement, \$25;
- (3) Partnership dissolution statement, \$25;
- (4) Foreign general partnership registration statement, \$25;
- (5) Statement of change, \$25;
- (6) Application for certificate of withdrawal, \$10;
- (7) Statement of correction, \$25;
- (8) Reservation of name, \$20;
- (9) Transfer of reservation of name, \$20;
- (10) Annual statement for domestic or foreign general partnership, \$10;
- (11) Good standing certificate, \$25;
- (12) Any other statement, certificate, or other document for a domestic or foreign general partnership, \$25;
- (13) Special handling fee for review of any general partnership document, \$20;
- (14) Special handling fee for certificates issued by the director, \$20 per certificate; and
- (15) Special handling fee for certification of documents, \$1 per page.

All [special handling fees shall be credited to the special fund authorized by section 415-128.] fees collected under this section shall be managed in accordance with section 26-9(1).”

SECTION 14. Section 425-169, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The following special handling fees shall be assessed by the director for expeditious review of the following documents:

- (1) For limited liability partnerships: certificate of limited liability partnership, \$100; certificate of correction, \$100; change of name statement, \$100; partnership dissolution statement, \$100; annual statement, \$100; certification of limited liability partnership, \$1 a page; certificate of good standing, \$100;
- (2) For foreign limited liability partnerships: registration statement, \$100; certificate of correction, \$100; withdrawal application, \$100; annual statement, \$100; certification of foreign partnership, \$1 a page; certificate of good standing, \$100; and
- (3) For any other certificate or document authorized by this part, \$100.

All [special handling fees shall be credited to the special fund authorized by section 415-128. All other] fees collected under this section shall be managed in accordance with section 26-9(1).”

SECTION 15. Section 425D-1107, Hawaii Revised Statutes, is amended to read as follows:

“**§425D-1107 Fees for filing documents and issuing certificates.** The following fees shall be paid to the director upon the filing of limited partnership documents:

- (1) Certificate of limited partnership, \$50;
- (2) Any certificate of amendment, restatement, or correction, \$20;
- (3) Certificate of cancellation, \$20;
- (4) Annual statement for domestic or foreign limited partnership, \$10;
- (5) Any other certificate or document of domestic or foreign limited partnership, \$20;
- (6) Application for registration as a foreign limited partnership, \$100;
- (7) Any certificate of amendment or agent change for foreign limited partnership, \$20;
- (8) Application for certificate of withdrawal of foreign limited partnership, \$20;
- (9) Reservation of name, \$20;
- (10) Transfer of reservation of name, \$20;
- (11) Good standing certificate, \$20;
- (12) Special handling fee for review of any limited partnership document, \$50;
- (13) Special handling fee for certificates issued by the director, \$20 per certificate; and
- (14) Special handling fee for certification of documents, \$1 per page.

All [special handling fees shall be credited to the special fund authorized by section 415-128.] fees collected under this section shall be managed in accordance with section 26-9(1).”

SECTION 16. Section 428-1301, Hawaii Revised Statutes, is amended to read as follows:

“**§428-1301 Fees.** The following fees shall be paid to the director upon the filing and issuance of records under this chapter:

- (1) Articles of organization, \$100;
- (2) Articles of amendment, \$50;
- (3) Restated articles of organization, \$50;
- (4) Articles of merger, \$200;
- (5) Statement of dissociation, \$50;
- (6) Articles of termination, \$50;
- (7) Application for reinstatement for administratively terminated limited liability company, \$50;
- (8) Annual report, \$25;
- (9) Statement of change of designated office or agent for service of process, or both, for limited liability company or foreign limited liability company, \$50;
- (10) Statement of resignation of agent for service of process, \$50;
- (11) Any other statement or document of a domestic or foreign limited liability company, \$50;
- (12) Application for certificate of authority for foreign limited liability company, \$100;
- (13) Application for cancellation of authority of foreign limited liability company, \$50;
- (14) Reservation of name, \$25;
- (15) Good standing certificate, \$25;
- (16) Any other record not otherwise covered in this part, \$50;

- (17) Certified copy of any record relating to a limited liability company or foreign limited liability company, 25 cents per page, and \$10 for the certificate and affixing the seal thereto;
- (18) Special handling fee for review of any record other than articles of merger, \$80;
- (19) Special handling fee for review of articles of merger, \$200;
- (20) Special handling fee for certificates issued by the director not otherwise covered by this part, \$10 per certificate;
- (21) Special handling fee for certification of record, \$1 per page; and
- (22) Any service of notice, demand, or process upon the director as agent for service of process of a limited liability company or foreign limited liability company, \$50, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

All [special handling fees shall be credited to the special fund authorized by section 415-128.] fees collected under this section shall be managed in accordance with section 26-9(l).”

SECTION 17. Section 440G-15, Hawaii Revised Statutes, is amended to read as follows:

“**§440G-15 Annual fees.** (a) Each cable operator shall pay an annual fee to be determined by the director. The fees so collected under this section shall be [used to offset the costs of administering this chapter.] deposited into the compliance resolution fund established under section 26-9(o).

(b) The director shall adjust the fees assessed under this section, as necessary from time to time, [to ensure that the gross proceeds collected do not surpass the annual operating costs of the program.] pursuant to rules adopted in accordance with chapter 91.”

SECTION 18. Section 449-14, Hawaii Revised Statutes, is amended to read as follows:

“**§449-14 Fees.** The following fees shall be paid by licensed escrow depositories to the commissioner and, together with any administrative penalty or other charge assessed under this chapter, shall be deposited into the [financial institution examiners’ revolving] compliance resolution fund[:] established pursuant to 26-9(o):

- (1) For filing and investigation of an escrow depository’s application for license, \$2,000;
- (2) For initial issuance and annual renewal of an escrow depository’s license, \$100;
- (3) For initial issuance and annual renewal of a branch office license, \$50; and
- (4) For reissuance of a license or endorsement on the license for the change in the business address of its office, \$25.

An escrow depository that fails to make a payment required by this section shall be subject to an administrative penalty of not more than \$200 per day for each day it is in violation of this section.”

SECTION 19. Section 482-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Before any person may receive a certificate of registration of a print, label, or trademark, the person shall file in the office of the director of commerce and

consumer affairs an application for the registration of the print, label, or trademark, with a declaration, certified by the applicant, stating that the applicant is the sole and original proprietor or the assign of the proprietor of this print, label, or trademark, and describing the goods or manufactured articles for which the print, label, or trademark is used, and stating the manner in which the print, label, or trademark is used. Before any person may receive a certificate of registration of a service mark or trade name, the person shall file in the office of the director an application for the registration thereof, with a declaration, certified, as aforesaid, stating that the person is the sole and original proprietor of the service mark or trade name, or the assign of the proprietor and setting forth the nature of the business in which the service mark or trade name is used. The application shall be accompanied by two exact copies of the print, label, trademark, service mark, or trade name. Upon filing the application, the applicant shall pay to the director a fee of \$50. A special handling fee of \$20 for expediting registration of a trade name, print, label, trademark, or service mark shall be assessed by the department. All special handling fees shall be credited to the [special fund authorized by section 415-128.] compliance resolution fund established under section 26-9(a).”

SECTION 20. All acts passed by the legislature during this regular session of 1999, whether enacted before or after the effective date of this Act, shall be amended to conform to this Act unless such acts specifically provide that this Act is being amended.

SECTION 21. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 22. This Act shall take effect on July 1, 1999; provided that:

- (1) The amendments made to sections 36-27 and 36-30, Hawaii Revised Statutes, by this Act shall not be repealed when those sections are reenacted on July 1, 2000, pursuant to section 13 of Act 216; Session Laws of Hawaii 1997; and
- (2) The amendments made to section 36-27, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on July 31, 2003, pursuant to section 9 of Act 142, Session Laws of Hawaii 1998; and
- (3) The amendments made to sections 36-27 and 36-30, Hawaii Revised Statutes, by this Act, shall not be repealed by acts subsequent to those contained in the 1998 Session Laws of Hawaii, unless:
 - (A) Either section 36-27 or 36-30, Hawaii Revised Statutes, or both, are repealed in their entirety and are not in the same act reenacted in their entirety; or
 - (B) The provisions added to sections 36-27 and 36-30, Hawaii Revised Statutes, by this Act are included within brackets, signifying pursuant to standard drafting conventions that the provisions are intended to be repealed.

(Approved June 25, 1999.)

Note

1. Prior to amendment hyphen appeared here.