

ACT 149

S.B. NO. 1062

A Bill for an Act Relating to the Conversion of Professional and Vocational Licenses.

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

SECTION 1. Chapter 436B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§436B- Conversion of license. (a) Notwithstanding any other provision of law to the contrary, a licensee who has converted its form of business entity in accordance with sections 415-77.5, 415A-16.5, 415B-87, 425-192, 425D-1110, and 428-902.5, and desires to continue engaging in a profession or vocation subject to this chapter in its new form of business entity shall:

- (1) File an application for conversion of a license and pay the initial application fee specified in the statutes or rules of the profession or vocation, within thirty calendar days after the effective date of the conversion; and
- (2) Continue to meet the other licensing requirements of that profession or vocation.

(b) Failure to comply with the requirements of this section shall cause the license to be automatically forfeited. A licensee whose license is forfeited shall not engage in the profession or vocation until the license is restored or the licensee obtains a new license.”

SECTION 2. Section 436B-7, Hawaii Revised Statutes, is amended to read as follows:

“§436B-7 Powers and duties of licensing authority. In addition to any other powers and duties authorized by law, each licensing authority may:

- (1) Adopt, amend, or repeal rules, issue declaratory rulings or informal nonbinding interpretations, and conduct contested case proceedings pursuant to chapter 91;
- (2) Grant, deny, convert, forfeit, renew, reinstate, or restore licenses, including the issuance of conditional licenses;

- (3) Revoke, suspend, or otherwise limit the license of any licensee for any violation of the provisions in this chapter, the licensing laws, or any rule or order of the licensing authority;
- (4) Develop requirements for licensure through the applicable licensing law or rules;
- (5) Investigate and conduct hearings regarding any violation of this chapter, the licensing laws, and any rule or order of the licensing authority;
- (6) Monitor the scope of practice of the profession or vocation regulated by the licensing authority;
- (7) Prepare, administer, and grade examinations^[5]; provided that the licensing authority may contract with a testing agency to provide those services, and the licensing authority may also reserve the right to modify, amend, change, or regrade the examination;
- (8) Create fact-finding committees which may make recommendations to the licensing authority for its deliberations;
- (9) Contract with qualified persons^[5] including investigators^[5] who may be exempt from chapters 76 and 77 and who shall assist the licensing authority in exercising its powers and duties; and
- (10) Subpoena witnesses and documents, administer oaths, and receive affidavits and oral testimony, including telephonic communications, and do any and all things necessary or incidental to the exercise of the licensing authority's power and duties, including the authority to conduct contested case proceedings under chapter 91."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved May 24, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.