

## ACT 49

H.B. NO. 2331

A Bill for an Act Relating to an Inactive Status for 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- Inactive license; reactivation of inactive license.** (a) Unless otherwise provided by law, each licensing authority may allow a licensee to place its license on inactive status and provide conditions for the reactivation of the license.

(b) If a licensing authority desires to authorize an inactive license status, the licensing authority may decide to accept in total the provisions in subsection (c) to immediately effectuate an inactive license status. If a licensing authority desires to establish provisions for an inactive license status that differ from the provisions in subsection (c), the licensing authority may establish those alternative provisions by rules adopted pursuant to chapter 91.

(c) The following general provisions shall be applied by the licensing authority:

- (1) Upon written request by a licensee during the licensure period or at renewal, and upon payment of an inactive license fee, the licensing authority shall place that licensee's active license on an inactive status;
- (2) A licensee may continue on inactive status for the biennial or triennial period, whichever is applicable;
- (3) A licensee on inactive status shall be considered as unlicensed and shall not engage in the practice of the licensed profession or vocation. Any person who violates this prohibition shall be subject to discipline under this chapter and the laws and rules of the licensing authority for that license;
- (4) It shall be the responsibility of each licensee on inactive status to maintain knowledge of current licensing and renewal requirements; and
- (5) A licensee may request to reactivate the license at any time during the licensure period or at renewal by completing an application for reactivation and fulfilling all requirements in effect at the time of application to return the license to active status, including the payment of an activation fee and other fees that may be required. The licensing authority may require information from the applicant to ensure the applicant is fit to engage in the profession, including but not limited to reporting license sanctions, pending disciplinary actions, or conviction of a crime in which the conviction has not been annulled or expunged.

(d) The licensing authority may deny an application for reactivation if the applicant does not fulfill all requirements or for the bases set forth in section 436B-19 or in the laws and rules of the licensing authority for that license. If the licensing authority denies the application, written notice of the denial shall state specifically the reason for denying the reactivation and shall inform the applicant of the right to a hearing under chapter 91. The applicant shall be required to reapply for licensure and comply with the licensing requirements in effect at the time of reapplication.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect on January 1, 2007.

(Approved April 27, 2006.)

**Note**

1. Edited pursuant to HRS §23G-16.5.