



GOV. MSG. NO. 791

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 6, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on July 6, 2009, the following bill was signed into law:

SB55 SD1 HD1 CD1

A BILL FOR AN ACT
RELATING TO PUBLIC ACCOUNTANCY.
ACT 172 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on JUL 6 2009

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 172
S.B. NO. 55
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO PUBLIC ACCOUNTANCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that current laws require
2 both individuals and firms to obtain licenses or permits to
3 practice public accountancy. However, permits for firms to
4 practice have never been issued under section 466-7(d), Hawaii
5 Revised Statutes, because the state board of public accountancy
6 has never enacted administrative rules to establish the criteria
7 and process for obtaining a firm permit. This has been
8 problematic for local accountancy firms seeking to certify their
9 full compliance with Hawaii's public accountancy law for
10 purposes of obtaining federal or out-of-state contracts.

11 The purpose of this Act is to suspend the requirement that
12 accounting firms must obtain a permit to actively engage in the
13 practice of accountancy, by repealing the requirement until one
14 hundred eighty days after the effective date of administrative
15 rules establishing the methods and requirements for obtaining a
16 firm permit. This Act thus enables accountancy firms that



1 otherwise comply with the State's accountancy law to certify
2 their full compliance.

3 SECTION 2. Section 466-7, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§466-7 Permits to practice. (a) A license and permit
6 are required to actively engage in the practice of public
7 accountancy. The board may grant or renew a permit to actively
8 engage in the practice of public accountancy. Permits shall be
9 initially issued and renewed for periods of two years but in any
10 event shall expire on December 31 of every odd-numbered year.
11 The board shall prescribe the methods and requirements for
12 application.

13 (b) An applicant for the initial issuance or renewal of a
14 permit shall have:

- 15 (1) A valid license;
- 16 (2) Completed continuing professional education hours, the
17 content of which shall be specified by the board which
18 may provide for special consideration by the board to
19 applicants for permit renewal when, in the judgment of
20 the board, full compliance with all requirements of
21 continuing education cannot reasonably be met;

22 (3) Completed an application; and



1 (4) Paid appropriate fees and assessments.

2 (c) The board may grant a temporary permit to actively
3 engage in the practice of public accountancy to any person who:

4 (1) Has attained eighteen years of age;

5 (2) Possesses a history of competence, trustworthiness,
6 and fair dealing;

7 (3) Holds a valid license of certified public accountant
8 or of public accountant issued under the laws of
9 another state, or who holds a valid comparable
10 certificate, registration, or license or degree from a
11 foreign country determined by the board to be a
12 recognized qualification for the practice of public
13 accountancy in such other country;

14 (4) Incidental to the person's practice in such other
15 state or country, desires to practice public
16 accountancy in this State on a temporary basis; and

17 (5) Has completed an application.

18 Such permit shall be effective for a period not exceeding three
19 months, and shall specify the nature and extent of the practice
20 so permitted.

21 ~~[(d) All firms shall obtain a permit to practice. The~~
22 ~~board may issue or renew a permit to actively engage in the~~



1 ~~practice of public accountancy to any firm which submits a~~
2 ~~completed application and demonstrates qualifications as~~
3 ~~prescribed by the board.~~

4 ~~(e)]~~ (d) Failure to submit the required fees, continuing
5 education hours, or other requirements for renewal as specified
6 in this section by December 31 of every odd-numbered year, shall
7 constitute forfeiture of the permit. Continued performance in
8 the practice of public accountancy without a permit shall
9 constitute unlicensed activity and the individual [~~or firm~~]
10 shall be subject to sections 466-9, 466-11, 487-13, and 26-9.

11 [~~(f)]~~ (e) The board may restore forfeited permits to the
12 individual [~~or firm which~~] who satisfies the following:

- 13 (1) The requirements of subsection (a), (b), or (c) [~~or~~
14 ~~(d) of this section~~]; and
15 (2) Payment of required fees."

16 SECTION 3. Section 466-8, Hawaii Revised Statutes, is
17 amended by amending subsection (d) to read as follows:

18 "(d) An application for the issuance of a biennial permit
19 to practice for an individual [~~or firm~~] under section 466-7(a)
20 [~~and (d)~~] shall be accompanied by the application and permit to
21 practice fees."



1 SECTION 4. This Act shall terminate any rights and duties
2 that matured, penalties that were incurred, and proceedings
3 based on acts or omissions arising under section 466-7(d),
4 Hawaii Revised Statutes, before its reenactment as provided in
5 section 9 of this Act.

6 SECTION 5. The state board of public accountancy shall
7 adopt rules, pursuant to chapter 91, Hawaii Revised Statutes,
8 prescribing the methods and requirements for a firm to apply for
9 and obtain a permit to engage in the practice of public
10 accountancy pursuant to section 466-7, Hawaii Revised Statutes,
11 as that section read on the day before the effective date of
12 this Act.

13 SECTION 6. The director of commerce and consumer affairs
14 shall report the progress and status of the adoption of rules as
15 required by this Act to the legislature no later than twenty
16 days prior to the convening of the regular session of 2010.

17 SECTION 7. The director of commerce and consumer affairs
18 shall promptly notify the legislature in writing upon the
19 adoption of administrative rules prescribing the methods and
20 requirements for a firm to apply for and obtain a permit to
21 engage in the practice of public accountancy and shall provide



1 statewide public notice of the adoption of rules pursuant to
2 chapter 1-28.5, Hawaii Revised Statutes.

3 SECTION 8. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect upon its approval;
6 provided that sections 466-7 and 466-8, Hawaii Revised Statutes,
7 shall be reenacted in the form in which they read on the day
8 before the effective date of this Act, one hundred eighty days
9 after the effective date, as determined by section 91-4(b),
10 Hawaii Revised Statutes, of the rules prescribing the methods
11 and requirements for application by a firm to engage in the
12 practice of public accountancy pursuant to section 466-7, Hawaii
13 Revised Statutes, as that section read on the day before the
14 effective date of this Act.

APPROVED this 6 day of JUL, 2009


GOVERNOR OF THE STATE OF HAWAII