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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO  
ESTABLISH A TASK FORCE TO WORK COLLABORATIVELY TO FIND WAYS  
TO MORE EFFECTIVELY ENFORCE THE STATE'S CIVIL AND CRIMINAL  
LAWS THAT MAY APPLY TO UNLICENSED CONTRACTORS.

1 WHEREAS, unlicensed contractors often do not possess the  
2 necessary training and experience to obtain a license and rarely  
3 maintain workers' compensation and liability insurance; and  
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5 WHEREAS, many unlicensed contractors receive or pay wages  
6 in cash, thereby avoiding unemployment, payroll, and personal  
7 tax obligations; and  
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9 WHEREAS, unlicensed contractors often operate without  
10 regard to worker and workplace safety requirements; and  
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12 WHEREAS, violations of current licensing, employment, and  
13 tax laws by an unlicensed contractor may subject the unlicensed  
14 contractor to civil and criminal penalties; and  
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16 WHEREAS, unlicensed contractors continue to engage in  
17 illegal contracting despite prior judgments, consumer  
18 restitution orders, and injunctions that prohibit continued  
19 unlicensed activity; and  
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21 WHEREAS, criminal prosecutions and forfeiture actions are  
22 underutilized as a means of enforcing laws against unlicensed  
23 activity and deterring unlicensed activity; and  
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25 WHEREAS, unlicensed contractors place consumers at serious  
26 risk of faulty construction and financial harm and adversely  
27 impact the legitimate and licensed business operations within  
28 the contracting industry; and



1 WHEREAS, the Regulated Industries Complaints Office of the  
2 Department of Commerce and Consumer Affairs is charged with the  
3 enforcement of the contractor licensing laws; and  
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5 WHEREAS, the Department of Labor and Industrial Relations  
6 enforces the employment laws, including the workers'  
7 compensation insurance laws, the unemployment insurance laws,  
8 and workplace safety laws; and  
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10 WHEREAS, the Department of Taxation enforces state tax  
11 laws; and  
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13 WHEREAS, the Department of the Attorney General is the  
14 chief law enforcement agency of the State and, among other  
15 things, enforces laws; and  
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17 WHEREAS, the Department or Office of the Prosecuting  
18 Attorneys for each county is authorized to enforce the  
19 respective county's laws; and  
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21 WHEREAS, effective and collaborative civil and criminal  
22 enforcement of licensing, employment, and tax laws that may  
23 apply to unlicensed contractors promotes consumer protection and  
24 a healthy state economy; now, therefore,  
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26 BE IT RESOLVED by the House of Representatives of the  
27 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
28 of 2011, the Senate concurring, that the Director of Commerce  
29 and Consumer Affairs is requested to establish a task force  
30 consisting of two representatives from the following state and  
31 county agencies:  
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- 33 (1) Regulated Industries Complaint Office of the  
34 Department of Commerce and Consumer Affairs;
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- 36 (2) Department of Labor and Industrial Relations;
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- 38 (3) Department of Taxation;
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- 40 (4) Department of the Attorney General; and
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- 42 (5) Department or Office of the Prosecuting Attorney of  
43 each of the counties,



1 to work collaboratively to more effectively enforce the State's  
2 civil and criminal laws that may apply to unlicensed  
3 contractors; and  
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5 BE IT FURTHER RESOLVED that the task force is specifically  
6 requested to:  
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8 (1) Develop a cohesive and collaborative enforcement  
9 strategy among the various civil, administrative, and  
10 criminal enforcement agencies; and  
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12 (2) Evaluate existing laws and, where appropriate, propose  
13 new laws or revisions to existing laws that would  
14 facilitate more effective enforcement;  
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16 and  
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18 BE IT FURTHER RESOLVED that the Director of Commerce and  
19 Consumer Affairs is requested to report the task force's  
20 findings and recommendations, together with any proposed  
21 legislation, to the Legislature no later than twenty days prior  
22 to the convening of the Regular Session of 2012; and  
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24 BE IT FURTHER RESOLVED that certified copies of this  
25 Concurrent Resolution be transmitted to the Director of Commerce  
26 and Consumer Affairs, Director of Labor and Industrial  
27 Relations, Director of Taxation, the Attorney General, and the  
28 Prosecuting Attorney of each respective county.

