

STAND. COM. REP. NO. 2489

Honolulu, Hawaii

FEB 27 2014

RE: S.B. No. 2475

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Commerce and Consumer Protection and
Judiciary and Labor, to which was referred S.B. No. 2475 entitled:

"A BILL FOR AN ACT RELATING TO ASSISTING UNLICENSED
CONTRACTORS, "

beg leave to report as follows:

The purpose and intent of this measure is to clarify that a
contractor licensee who aids and abets an unlicensed contractor
may be subject to additional discipline by the Contractors License
Board.

Your Committees received testimony in support of this measure
from the Regulated Industries Complaints Office of the Department
of Commerce and Consumer Affairs, Contractors License Board,
Subcontractors Association of Hawaii, Building Industry
Association of Hawaii, Hawaii Island Contractors' Association, and
Hawaii Laborers' Union.

Your Committees find that the Contractors License Board has
determined that aiding and abetting an unlicensed contractor under
section 444-9.3, Hawaii Revised Statutes, only applies to criminal
conduct and penalties and is outside the scope of administrative
proceedings. Since aiding and abetting conduct often occurs
outside of a contract, the Regulated Industries Complaints Office
is unable to administratively prosecute violations of section
444-9.3, Hawaii Revised Statutes, as written.

Your Committees further find that this measure enables the
Regulated Industries Complaints Office to pursue, and authorizes

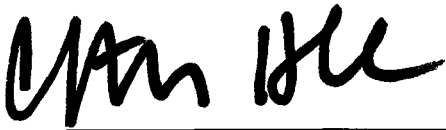
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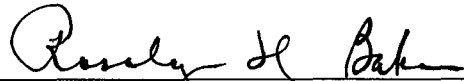
the Contractors License Board to take, disciplinary action against contractor licensees who aid and abet unlicensed contractors. This measure will also enhance enforcement and consumer protection efforts by dissuading licensed contractors from recommending unlicensed contractors to unwitting consumers.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2475 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Judiciary and Labor,



CLAYTON HEE, Chair




ROSALYN H. BAKER, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 2475	Committee Referral: CPN / JDL	Date: 2/11/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)				✓
NISHIHARA, Clarence K.	✓			
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <i>SB 2475</i>	Committee Referral: <i>CPN/JDL</i>	Date: <i>2/11/14</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended <input type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit 2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	<i>7</i>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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