April 23, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

SB2475  RELATING TO ASSISTING UNLICENSED CONTRACTORS  
ACT 029 (14)

Signed

NEIL ABERCROMBIE  
Governor, State of Hawaii
A BILL FOR AN ACT

RELATING TO ASSISTING UNLICENSED CONTRACTORS.

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

SECTION 1. The legislature finds that under section 444-9.3, Hawaii Revised Statutes, it is a misdemeanor for a licensed contractor to aid and abet an unlicensed person. However, the contractors license board has determined that section 444-9.3, Hawaii Revised Statutes, as written, only applies to criminal conduct and penalties and is outside the scope of administrative proceedings. Although the regulated industries complaints office has relied upon section 444-17(17), Hawaii Revised Statutes, to administratively prosecute aiding and abetting conduct, that provision applies only in situations where a licensee enters into a contract with an unlicensed contractor.

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.

Accordingly, the purpose of this Act is to clarify that a contractor licensee who aids and abets an unlicensed contractor

2014-0810 SB SMA.doc
may be subject to additional discipline by the contractors
license board.

SECTION 2. Section 444-9.3, Hawaii Revised Statutes, is
amended to read as follows:

"[§444-9.3] Aiding or abetting. Aiding or abetting an
unlicensed person to evade this chapter or knowingly combining
or conspiring with an unlicensed person, or allowing one's
license to be used by an unlicensed person, or acting as agent
or partner or associate, or otherwise, of an unlicensed person,
with the intent to evade this chapter, shall be a misdemeanor and may subject the licensee to additional discipline by the
board."

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 Statutory material to be repealed is bracketed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

SECTION 4. This Act shall take effect on July 1, 2014.

APPROVED this 23 day of APR , 2014

GOVERNOR OF THE STATE OF HAWAII