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# A BILL FOR AN ACT

RELATING TO BUSINESS.

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

1 SECTION 1. Section 436B-27, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Any person, who engages in an activity requiring a  
4 license issued by the licensing authority and who fails to  
5 obtain the required license, or who uses any word, title, or  
6 representation to induce the false belief that the person is  
7 licensed to engage in the activity, other than a [~~circumstance~~  
8 ~~of first instance involving the inadvertent failure to renew a~~  
9 ~~previously existing license,~~] licensee who inadvertently fails  
10 to maintain licensing requirements under the appropriate  
11 licensing statute and who subsequently corrects the failure so  
12 that there was no lapse in licensure, shall be guilty of a  
13 misdemeanor and each day of unlicensed activity shall be deemed  
14 a separate offense."

15 SECTION 2. Section 708-8300, Hawaii Revised Statutes, is  
16 amended by amending subsection (1) to read as follows:

17 "(1) A person commits the offense of unlicensed  
18 contracting activity if the person:



- 1 (a) Engages in any activity that requires a contractor's  
2 license under chapter 444 and is not a licensed  
3 contractor [~~when~~] engaging in the activity, other than  
4 [~~an offense involving the inadvertent failure to renew~~  
5 ~~a previously existing license;~~] a contractor who  
6 inadvertently fails to maintain licensing requirements  
7 under chapter 444 and who subsequently corrects the  
8 failure so that there was a lapse of no more than  
9 sixty days in licensure; or
- 10 (b) Uses any word, title, or representation to induce the  
11 false belief that the person is licensed under chapter  
12 444 to engage in contracting activity."

13 SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2013.

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**Report Title:**

Licensees; Contractors; Unlicensed Contracting Offenses;  
Unlicensed Activity

**Description:**

Clarifies that a professional or vocational licensee who inadvertently fails to maintain licensing requirements but who subsequently corrects the failure so that there was no lapse in licensure shall not be guilty of unlicensed activity. Clarifies that a contractor who inadvertently fails to maintain licensing requirements and who subsequently corrects the failure so that there was a lapse of no more than sixty days in licensure shall not be guilty of unlicensed contracting activity. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

