

JAN 22 2016

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS.

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

1 SECTION 1. Chapter 231, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§231- Notification of good standing. Upon request by
5 the department of commerce and consumer affairs regarding the
6 registration, license, or certification of an individual or
7 entity within the jurisdiction of the department of commerce and
8 consumer affairs, the director of taxation shall inform the
9 department of commerce and consumer affairs whether the
10 individual or entity in question is in good standing with the
11 department of taxation. The department of taxation shall notify
12 the department of commerce and consumer affairs that the
13 individual or entity is in good standing after the individual or
14 entity enters into and complies with an agreement with the
15 department of taxation for the payment of any delinquent taxes."

16 SECTION 2. Section 26-9, Hawaii Revised Statutes, is
17 amended by amending subsection (1) to read as follows:



1 "(1) Any law to the contrary notwithstanding, the director
2 of commerce and consumer affairs may:

3 (1) Establish, increase, decrease, or repeal fees relating
4 to any aspect of the registration, certification,
5 licensure, or any other administrative process for all
6 laws within the jurisdiction of the department.

7 Amendments to fee assessments shall be made pursuant
8 to chapter 91;

9 (2) Assess fees for copies in any form of media of the
10 computerized records of the business registration
11 division or for electronic access to the computerized
12 information on a one-time or on-going basis. The fees
13 charged for the copies or access may include billing
14 service fees, network usage fees, and computer
15 consultant fees. In adopting these fees, the director
16 shall take into account the intent to make the
17 division self-supporting. To this end, the fees may
18 reflect the commercial value of the service or
19 information provided. In the case of requests for
20 records by a nonprofit organization, the director may
21 reduce or waive the fees. This paragraph shall



1 control in any instance where there is a conflict
2 between this paragraph and any other statute; and
3 (3) Assess fees for copies of consumer and business
4 educational publications prepared or issued by the
5 department. Fees collected under this paragraph shall
6 be deposited into the compliance resolution fund under
7 subsection (o). In the case of requests for copies by
8 a nonprofit organization, the director may reduce or
9 waive the fees. For purposes of this paragraph,
10 "consumer and business educational publications" does
11 not include copies of statutes or administrative
12 rules.

13 The fees collected by the professional and vocational
14 licensing division and the business registration division shall
15 be deposited into the compliance resolution fund under
16 subsection (o).

17 The director may appoint program specialists, not subject
18 to chapter 76, to assist with the activities of the professional
19 and vocational licensing division.

20 If the director requests and receives a certification from
21 a state agency that the licensee or applicant is not in good



1 standing with that state agency, then the director shall revoke
 2 or refuse to grant or renew any registration, license, or
 3 certification within the jurisdiction of the department. The
 4 director may deny the application, or revoke or refuse to grant
 5 or renew any registration, license, or certification without
 6 further review or hearing. Unless otherwise provided by law,
 7 the director shall reinstate, grant, or renew the registration,
 8 license, or certification upon notification from the applicable
 9 state agency that the licensee or applicant is in good standing
 10 with the relevant state agency."

11 SECTION 3. Section 149A-17, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "§149A-17 Sales, permit, and record[-]; good standing.

14 (a) In addition to licensing requirements applicable to
 15 pesticides, every person who sells or distributes restricted use
 16 pesticides shall obtain an annual permit from the department.
 17 Conditions, procedures, and fees for the permit shall conform to
 18 the rules adopted under this section.

19 All persons permitted to sell restricted use pesticides
 20 shall keep records of the individual sales of these pesticides.
 21 Records shall be kept at the principal place of business of the



1 permittee for a period specified by the rules and shall be
2 available to the department on request.

3 (b) Upon request by the department of commerce and
4 consumer affairs regarding the registration, license, or
5 certification of an individual within the jurisdiction of the
6 department of commerce and consumer affairs, the department
7 shall inform the department of commerce and consumer affairs
8 whether the individual in question is in good standing with the
9 department and has not had a permit or certificate denied,
10 suspended, or revoked pursuant to section 149A-18 or 149A-34."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2016.
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S.B. NO. 2508

Report Title:

Department of Commerce and Consumer Affairs; Registration; Renewal; License; Permit; Certification; Good Standing; State Agencies

Description:

Permits the director of commerce and consumer affairs to revoke or refuse to grant or renew any registration, license, or certification within the jurisdiction of the department of commerce and consumer affairs, if the department requests and receives certification that the licensee or applicant is not in good standing with any other agency of the State, including the department of agriculture pursuant to chapter 149A, Hawaii Revised Statutes, and the department of taxation.

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