



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

**GOV. MSG. NO. 1399**

July 10, 2019

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

Re: SB385 SD1 HD2 CD1

Pursuant to Section 16 of Article III of the State Constitution, SB385 SD1 HD2 CD1, entitled "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING" became law as ACT 279 on July 10, 2019.

This bill repeals defaults on student loans, student loan repayment contracts, and scholarship contracts as grounds for sanctioning professional and vocational licensees. In doing so, this bill would align Hawaii with the majority of states that repeal student loan defaults as grounds for a license denial, suspension, or revocation.

However, section 4 of this bill deletes Hawaii Revised Statutes (HRS) section 431:9-235(e), which provides for the right to a hearing and an appeal from an order suspending, revoking, or not renewing any license application by the Insurance Commissioner. The right to a hearing is not limited to defaults of student loans, student loan repayments contracts, and scholarship contracts; rather, this right also applies to violations of HRS chapter 431, article 9 (Licensing of Adjusters and Bill Reviewers). Deleting the right to a hearing under HRS section 431:9-235(e) will make the legislative intent unclear and hinder the Insurance Commissioner's ability to enforce violations of the licensing laws of public adjusters and bill reviewers.

The Honorable Ronald D. Kouchi  
The Honorable Scott K. Saiki  
July 10, 2019  
Page Two

For the foregoing reasons, I allowed SB385 SD1 HD2 CD1 to become law without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

DAVID Y. IGE  
Governor, State of Hawaii

Governor's signature JUL 10 2019

THE SENATE  
THIRTIETH LEGISLATURE, 2019  
STATE OF HAWAII

**ACT 279**  
**S.B. NO.**

385  
S.D. 1  
H.D. 2  
C.D. 1

**A BILL FOR AN ACT**

RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

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

1           SECTION 1. Section 189-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§189-2 Commercial marine license. (a) No person shall  
4 take marine life for commercial purposes whether the marine life  
5 is caught or taken within or outside of the State, without first  
6 obtaining a commercial marine license as provided in this  
7 section.

8           (b) Additionally, any person providing vessel charter  
9 services in the State for the taking of marine life in or  
10 outside of the State shall obtain a commercial marine license.

11           (c) The department may adopt rules pursuant to chapter 91  
12 necessary for the purpose of this section and to set fees for  
13 commercial marine licensing.

14           (d) The fees for commercial marine licenses and duplicate  
15 commercial marine licenses shall be established by the  
16 department by rules adopted in accordance with chapter 91.

17           (e) The department shall suspend, shall refuse to renew,  
18 reinstate, or restore, or shall deny any license issued under



1 this section if the department has received certification from  
2 the child support enforcement agency pursuant to section 576D-13  
3 that the licensee or applicant is not in compliance with an  
4 order of support or has failed to comply with a subpoena or  
5 warrant relating to a paternity or child support proceeding.

6 The department shall issue, renew, reinstate, or restore [such  
7 a] an affected license only upon receipt of authorization from  
8 the child support enforcement agency, the office of child  
9 support hearings, or the family court.

10 ~~[(f) The department shall not renew or reinstate, or shall~~  
11 ~~deny or suspend any license or application, if the department~~  
12 ~~has received certification from an administering entity pursuant~~  
13 ~~to chapter 436C that the licensee or applicant is in default or~~  
14 ~~breach of any obligation under any student loan, student loan~~  
15 ~~repayment contract, or scholarship contract that financed the~~  
16 ~~licensee's or applicant's education, or has failed to comply~~  
17 ~~with a repayment plan.~~

18 ~~The department in receipt of a certification pursuant to~~  
19 ~~chapter 436C shall, as applicable, and without further review or~~  
20 ~~hearing.~~

21 ~~(1) Suspend the license;~~



1       ~~(2) Deny the application or request for renewal of the~~  
2           ~~license, or~~

3       ~~(3) Deny the request for reinstatement of the license,~~  
4       ~~and unless otherwise provided by law, shall renew, reinstate, or~~  
5       ~~grant the license only upon receipt of an authorization from the~~  
6       ~~administering entity.]".~~

7           SECTION 2. Section 302A-807, Hawaii Revised Statutes, is  
8       amended to read as follows:

9           "**§302A-807 Refusal, suspension, revocation, and**  
10       **reinstatement of licenses.** (a) The board shall serve as the  
11       final adjudicator for appeals relating to licensing, including  
12       the issuance or nonissuance of licenses, and the condition,  
13       suspension, nonrenewal, and revocation of licenses.

14           (b) The board shall establish procedures for the conduct  
15       of proceedings for the consideration of requests filed with the  
16       board. In every case to condition, revoke, or suspend a  
17       license, the board shall give the person concerned written  
18       notice that a request has been filed with the board. The board  
19       shall conduct a hearing in conformity with chapter 91, and shall  
20       provide for confidentiality of the proceedings to protect the  
21       parties. In all proceedings before it, the board may administer



1 oaths, compel the attendance of, witnesses and production of  
2 documentary evidence, and examine witnesses. In case of  
3 disobedience by any person to any order of the board or to any  
4 subpoena issued by the board, or the refusal of any witness to  
5 testify to any matter that the person may be questioned  
6 lawfully, any circuit judge, on application of the board or a  
7 member thereof, shall compel obedience in the case of  
8 disobedience of the requirements of a subpoena issued by a  
9 circuit court or a refusal to testify.

10 (c) Any applicant who has been refused a license, or any  
11 licensee whose license has been conditioned, suspended, or  
12 revoked, shall have the right to appeal the board's decision to  
13 the circuit court of the circuit in which the applicant or  
14 licensee resides in the manner provided in chapter 91; provided  
15 that out-of-state resident applicants shall file their appeals  
16 in the first circuit court.

17 (d) Upon revocation of a license, the board may disclose  
18 the name, birthdate, social security number, and any other  
19 pertinent information about the former holder of the license:

20 (1) To the department;

21 (2) To the commission; and



1           (3) For the purpose of exchanging information under  
2           chapter 315 with other national or state teacher  
3           certification agencies about school personnel who have  
4           had licenses revoked.

5           ~~[(e) The board shall not renew or reinstate, or shall deny~~  
6           ~~or suspend any license or application, if the board has received~~  
7           ~~certification from an administering entity pursuant to chapter~~  
8           ~~436C that the licensee or applicant is in default or breach of~~  
9           ~~any obligation under any student loan, student loan repayment~~  
10           ~~contract, or scholarship contract that financed the licensee's~~  
11           ~~or applicant's education, or has failed to comply with a~~  
12           ~~repayment plan.~~

13           ~~The board in receipt of a certification pursuant to chapter~~  
14           ~~436C shall, as applicable, and without further review or~~  
15           ~~hearing:~~

- 16           ~~(1) Suspend the license;~~  
17           ~~(2) Deny the application or request for renewal of the~~  
18           ~~license; or~~  
19           ~~(3) Deny the request for reinstatement of the license;~~



1 ~~and unless otherwise provided by law, shall renew, reinstate, or~~  
2 ~~grant the license only upon receipt of an authorization from the~~  
3 ~~administering entity.] "~~

4 SECTION 3. Section 321-15, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§321-15 Biennial registration; fees, failure to register;  
7 denial, suspension, or revocation of a license. (a) Every  
8 person holding a license to practice any occupation specified in  
9 section 321-13(a)(1) shall reregister with the department of  
10 health every other year in accordance with the rules of the  
11 department, before February 1 except where superseded by federal  
12 law, and shall pay a reregistration fee. The failure, neglect,  
13 or refusal of any person holding a license to reregister or pay  
14 the reregistration fee, after thirty days of delinquency, shall  
15 constitute a forfeiture of the person's license; provided that  
16 the license shall be restored upon written application therefor  
17 together with a payment of all delinquent fees and an additional  
18 late reregistration fee that may be established by the director  
19 of health. All fees collected pursuant to this section shall be  
20 deposited into the sanitation and environmental health special  
21 fund established under section 321-27.





1 (b) The department shall suspend, refuse to renew,  
2 reinstate, or restore, or deny any license or application if the  
3 department has received certification from the child support  
4 enforcement agency pursuant to the terms of section 576D-13 that  
5 the licensee or applicant is not in compliance with an order of  
6 support as defined in section 576D-1 or has failed to comply  
7 with a subpoena or warrant relating to a paternity or child  
8 support proceeding. Unless otherwise provided by law, the  
9 department shall grant, renew, restore, or reinstate a license  
10 only upon receipt of an authorization from the child support  
11 enforcement agency, office of child support hearings, or family  
12 court.

13 ~~[(c) The department shall not renew or reinstate, or shall~~  
14 ~~deny or suspend any license or application, if the department has~~  
15 ~~received certification from an administering entity pursuant to~~  
16 ~~chapter 436C that the licensee or applicant is in default or~~  
17 ~~breach of any obligation under any student loan, student loan~~  
18 ~~repayment contract, or scholarship contract that financed the~~  
19 ~~licensee's or applicant's education, or has failed to comply with~~  
20 ~~a repayment plan.~~



1       ~~The department in receipt of a certification pursuant to~~  
2 ~~chapter 436C shall, as applicable, and without further review or~~  
3 ~~hearing.~~

4       ~~(1) Suspend the license;~~

5       ~~(2) Deny the application or request for renewal of the~~  
6       ~~license; or~~

7       ~~(3) Deny the request for reinstatement of the license,~~  
8 ~~and unless otherwise provided by law, shall grant, renew, or~~  
9 ~~reinstate the license only upon receipt of an authorization from~~  
10 ~~the administering entity.] "~~

11       SECTION 4. Section 431:9-235, Hawaii Revised Statutes, is  
12 amended to read as follows:

13       "**§431:9-235 Denial, suspension, revocation of licenses.**

14       (a) The commissioner may suspend, revoke, or refuse to extend  
15 any license issued under this article for any cause specified in  
16 any other provision of this article, or for any of the following  
17 causes:

18       (1) For any cause for which issuance of the license could  
19       have been refused had it then existed and been known  
20       to the commissioner;



- 1 (2) If the licensee wilfully violates or knowingly  
2 participates in the violation of any provision of this  
3 code;
- 4 (3) If the licensee has obtained or attempted to obtain  
5 any license issued under this article through wilful  
6 misrepresentation or fraud, or has failed to pass any  
7 examination required by section 431:9-206;
- 8 (4) If the licensee has misappropriated, converted to the  
9 licensee's own use, or illegally withheld moneys  
10 required to be held in a fiduciary capacity;
- 11 (5) If the licensee, with intent to deceive, has  
12 materially misrepresented the terms or effect of any  
13 insurance contract; or has engaged or is about to  
14 engage in any fraudulent transaction;
- 15 (6) If the licensee has been guilty of any unfair practice  
16 or fraud as defined in article 13;
- 17 (7) If in the conduct of the licensee's affairs under the  
18 license, the licensee has shown oneself to be a source  
19 of injury and loss to the public; or
- 20 (8) If the licensee has dealt with, or attempted to deal  
21 with, insurance or to exercise powers relative to



1 insurance outside the scope of the licensee's  
2 licenses.

3 (b) The license of any partnership or corporation may be  
4 so suspended, revoked, or refused for any of the causes that  
5 relate to any individual designated in the license to exercise  
6 its powers.

7 (c) The holder of any license, which has been revoked or  
8 suspended, shall surrender the license certificate to the  
9 commissioner at the commissioner's request.

10 ~~[(d) The commissioner shall not renew or reinstate, or~~  
11 ~~shall deny, suspend, or revoke any license or application, if~~  
12 ~~the commissioner has received certification from an~~  
13 ~~administering entity pursuant to chapter 436C that the licensee~~  
14 ~~or applicant is in default or breach of any obligation under any~~  
15 ~~student loan, student loan repayment contract, or scholarship~~  
16 ~~contract that financed the licensee's or applicant's education,~~  
17 ~~or has failed to comply with a repayment plan.~~

18 ~~The commissioner in receipt of a certification pursuant to~~  
19 ~~chapter 436C shall, as applicable, and without further review or~~  
20 ~~hearing:~~

21 ~~(1) Suspend the license;~~



1       ~~(2) Deny the application or request for renewal of the~~  
2           ~~license, or~~

3       ~~(3) Deny the request for reinstatement of the license,~~  
4       ~~and unless otherwise provided by law, shall renew, reinstate, or~~  
5       ~~grant the license only upon receipt of an authorization from the~~  
6       ~~administering entity.~~

7       ~~(e) The commissioner may suspend, revoke, or refuse to~~  
8       ~~extend any license for any cause specified in this article by an~~  
9       ~~order:~~

10       ~~(1) Given to the licensee not fewer than fifteen days~~  
11           ~~prior to the effective date thereof, subject to the~~  
12           ~~right of the licensee to have a hearing as provided in~~  
13           ~~section 431:2-308, and pending that hearing, the~~  
14           ~~license shall be suspended; or~~

15       ~~(2) Made after a hearing, conducted as provided in section~~  
16           ~~431:2-308, effective ten days after the date the order~~  
17           ~~is given to the licensee, subject to the right of the~~  
18           ~~licensee to appeal to the circuit court of the first~~  
19           ~~judicial circuit of this State as provided in chapter~~  
20           ~~91.] "~~



1 SECTION 5. Section 431:9A-112, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§431:9A-112 License denial, nonrenewal, suspension, or  
4 revocation. (a) The commissioner may deny, place on probation,  
5 suspend, revoke, or refuse to issue or renew an insurance  
6 producer's license and may levy a civil penalty in accordance  
7 with articles 2 and 3, or any combination of these actions, for  
8 any of the following causes:

- 9 (1) Providing incorrect, misleading, incomplete, or  
10 materially untrue information in the license  
11 application;
- 12 (2) Violating any law, or violating any rule, subpoena, or  
13 order of the commissioner or of another state's  
14 commissioner;
- 15 (3) Obtaining or attempting to obtain a license through  
16 misrepresentation or fraud;
- 17 (4) Improperly withholding, misappropriating, or  
18 converting any moneys or properties received in the  
19 course of doing business;



- 1 (5) Intentionally misrepresenting the terms of an actual  
2 or proposed insurance contract or application for  
3 insurance;
- 4 (6) Having been convicted of a felony;
- 5 (7) Having admitted to or been found to have committed any  
6 insurance unfair trade practice or fraud;
- 7 (8) Using fraudulent, coercive, or dishonest practice or  
8 demonstrating incompetence, untrustworthiness, or  
9 financial irresponsibility in the conduct of business  
10 in this State or elsewhere;
- 11 (9) Having an insurance producer license or its equivalent  
12 denied, placed on probation, suspended, or revoked in  
13 any other state, province, district, or territory;
- 14 (10) Forging another's name on an application or on any  
15 document related to a transaction;
- 16 (11) Improperly using notes or any other reference material  
17 while taking an examination for an insurance license;
- 18 (12) Accepting insurance business from a person who is not  
19 licensed;
- 20 (13) Failing to comply with an administrative or court  
21 order imposing a child support obligation; or



1 (14) Failing to pay federal or state income taxes or  
2 failing to comply with any administrative or court  
3 order directing payment of federal or state income  
4 taxes [~~or~~  
5 ~~(15) Receiving certification from an administering entity~~  
6 ~~pursuant to chapter 436C that the licensee or~~  
7 ~~applicant is in default or breach of any obligation~~  
8 ~~under any student loan, student loan repayment~~  
9 ~~contract, or scholarship contract that financed the~~  
10 ~~licensee's or applicant's education, or has failed to~~  
11 ~~comply with a repayment plan].~~

12 (b) If the commissioner takes action pursuant to  
13 subsection (a), the commissioner shall notify the applicant or  
14 licensee in writing of the reason for that action. The  
15 applicant or licensee may make written demand upon the  
16 commissioner within ten days of the date of receipt of the  
17 notice for a hearing before the commissioner to determine the  
18 reasonableness of the commissioner's action. The hearing shall  
19 be held within thirty days of receipt of the written demand and  
20 shall be held pursuant to chapter 91 [~~provided that this~~  
21 ~~subsection shall not apply to an action taken pursuant to~~





1 ~~subsection (a)(15)]~~, and following that action, unless otherwise  
2 provided by law, the commissioner shall without further review  
3 or hearing renew, reinstate, or grant the license only upon  
4 receipt of an authorization from the administering entity.

5 ~~[(e) The commissioner shall not renew or reinstate any~~  
6 ~~license and shall deny, suspend, or revoke any license or~~  
7 ~~application if the commissioner has received certification from~~  
8 ~~an administering entity pursuant to chapter 436C that the~~  
9 ~~licensee or applicant is in default or is in breach of any~~  
10 ~~obligation under any student loan, student loan repayment~~  
11 ~~contract, or scholarship contract, or has failed to comply with~~  
12 ~~a repayment plan. Unless otherwise provided by law, if the~~  
13 ~~commissioner has received such certification, the commissioner~~  
14 ~~shall renew, reinstate, or grant a license only upon receipt of~~  
15 ~~authorization from the administering entity.~~

16 ~~(d)]~~ (c) The license of a business entity may be  
17 sanctioned pursuant to subsection (a) if the commissioner finds,  
18 after hearing, that any other licensee of the business entity  
19 has engaged in misconduct under subsection (a) that was known or  
20 should have been known by one or more of the entity's partners,  
21 officers, or managers acting on behalf of the entity and the



1 violation was neither reported to the commissioner by the entity  
2 nor corrective action taken by the entity.

3 ~~[(e)]~~ (d) In addition to or in lieu of any applicable  
4 sanction under subsection (a), a licensee may, after hearing, be  
5 subject to a civil fine according to article 2.

6 ~~[(f)]~~ (e) The commissioner shall retain the authority to  
7 enforce the provisions of and impose any penalty or remedy  
8 authorized by this article, chapter 431, 432, or 432D, against  
9 any person who is under investigation for or charged with a  
10 violation of this article, chapter 431, 432, or 432D, even if  
11 that person's license or registration has been surrendered or  
12 has lapsed by operation of law."

13 SECTION 6. Section 457-9, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§457-9 Renewal of license; ~~[denial, suspension, or~~  
16 ~~revocation of license for default of student loan, student loan~~  
17 ~~repayment contract, or scholarship contract,]~~ inactivation and  
18 reactivation of license; restoration of forfeited license. (a)  
19 The license of every person licensed or granted prescriptive  
20 authority shall expire on June 30 of every odd-numbered year and  
21 shall be renewed biennially, except as provided in this section.



1 Biennially in each odd-numbered year, the board shall make  
2 available an application for renewal of license before the  
3 deadline set forth by the board to every person to whom a  
4 license was issued or renewed during the biennium. The  
5 applicant shall complete the application and submit it to the  
6 board with a renewal fee, and shall also submit, beginning with  
7 the July 1, 2019, licensing biennium, a full set of electronic  
8 fingerprints for the purpose of obtaining federal and state  
9 criminal history record checks in accordance with section  
10 846-2.7 directly to the Hawaii criminal justice data center for  
11 processing with the Federal Bureau of Investigation. The  
12 applicant shall bear the cost of the fingerprint processing and  
13 the application shall not be considered complete until the  
14 results of the criminal history record check has been received  
15 by the board; and all required documents on or before the  
16 deadline set by the board. The applicant shall provide  
17 documents from proper agencies or parties of any criminal  
18 conviction or any disciplinary action taken or pending in this  
19 State or any other state in the United States or any territory  
20 or possession under the jurisdiction of the United States within  
21 the two years prior to application for renewal of license. Upon



1 receipt of the application and fee, the board shall verify the  
2 accuracy of the application and issue to the applicant a  
3 certificate of renewal for the biennium expiring two years hence  
4 on the deadline set by the board. The renewal shall render the  
5 holder thereof a legal practitioner of nursing for the period  
6 stated on the renewal form.

7 (b) Any licensee who fails to renew a license as provided  
8 in subsection (a) but continues to practice shall be considered  
9 an illegal practitioner and shall be subject to the penalties  
10 provided for violations of this chapter. The failure to timely  
11 renew a license, the failure to pay all applicable fees, the  
12 dishonoring of any check upon first deposit, or the failure to  
13 comply with any other requirement provided by law shall cause  
14 the license to be automatically forfeited; provided that the  
15 person's license may be restored by the board within two years  
16 after the date of forfeiture upon compliance with the licensing  
17 renewal fees, penalty fees, and compliance resolution fund fees.

18 A nurse who does not intend to practice nursing in the  
19 State and elects to be placed on inactive status shall so  
20 indicate in writing during the license renewal period or by so  
21 indicating on the license renewal application, and paying



1 inactivation and all appropriate fees. Should the nurse wish to  
2 resume nursing at some future time, the nurse shall notify the  
3 board in writing and remit the reactivation and renewal fees;  
4 submit an application form as provided in subsection (a); and  
5 beginning with the July 1, 2019, licensing biennium, submit a  
6 full set of electronic fingerprints for the purpose of obtaining  
7 federal and state criminal history record checks in accordance  
8 with section 846-2.7 directly to the Hawaii criminal justice  
9 data center for processing with the Federal Bureau of  
10 Investigation. The applicant shall bear the cost of the  
11 fingerprint processing and the application shall not be  
12 considered complete until the results of the criminal history  
13 record check has been received by the board. A nurse who has  
14 not actively practiced in this State or any other state in the  
15 United States or any territory or possession under the  
16 jurisdiction of the United States for more than five years may  
17 be required by the board to submit proof of continued competency  
18 by retaking and passing the licensing examination or  
19 successfully completing appropriate continuing education  
20 recognized by the board.



1       ~~[(c) Notwithstanding any provision in this chapter to the~~  
2 ~~contrary, the board shall not renew or reinstate, or shall deny,~~  
3 ~~suspend, or revoke, any license or application if the board has~~  
4 ~~received certification from an administering entity pursuant to~~  
5 ~~chapter 436C that the licensee or applicant is in default or~~  
6 ~~breach of any obligation under any student loan, student loan~~  
7 ~~repayment contract, or scholarship contract that financed the~~  
8 ~~licensee's or applicant's education, or has failed to comply~~  
9 ~~with a repayment plan.~~

10       ~~The board, in receipt of a certification pursuant to~~  
11 ~~chapter 436C, as applicable, and without further review or~~  
12 ~~hearing, shall:~~

13       ~~(1) Suspend the license;~~

14       ~~(2) Deny the application or request for renewal of the~~  
15       ~~license; or~~

16       ~~(3) Deny the request for reinstatement of the license,~~

17 ~~and unless otherwise provided by law, shall renew, reinstate, or~~  
18 ~~grant the license only upon receipt of an authorization from the~~  
19 ~~administering entity.] "~~

20       SECTION 7. Section 466J-8, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§466J-8 Denial, revocation, or suspension of license.

2       (a) The board shall have the power to deny, revoke, or suspend  
3 any license issued or applied for in accordance with this  
4 chapter, upon proof that the person:

5           (1) Is guilty of fraud or deceit in procuring or  
6           attempting to procure a license to practice as a  
7           radiographer or as a radiation therapy technologist;

8           (2) Is mentally incompetent;

9           (3) Is guilty of unprofessional conduct; or

10          (4) Has knowingly or repeatedly violated this chapter.

11          (b) Before denying, suspending, or revoking any license  
12 pursuant to subsection (a), the board shall furnish the licensee  
13 a notice in writing as prescribed by section 91-9 and shall  
14 afford the licensee an opportunity to be heard in person and by  
15 or with counsel. Any order denying a license, or suspending or  
16 revoking a license shall be rendered not later than fifteen days  
17 after the hearing, and any aggrieved person may appeal the order  
18 as provided in chapter 91.

19          (c) The board shall suspend, refuse to renew, reinstate,  
20 or restore, or deny any license or application if the board has  
21 received certification from the child support enforcement agency



1 pursuant to the terms of section 576D-13 that the licensee or  
2 applicant is not in compliance with an order of support or has  
3 failed to comply with a subpoena or warrant relating to a  
4 paternity or child support proceeding. Unless otherwise  
5 provided by law, the board shall issue, renew, restore, or  
6 reinstate the license only upon receipt of an authorization from  
7 the child support enforcement agency, office of child support  
8 hearings, or family court. Subsection (b) shall not apply to a  
9 license suspension pursuant to this subsection.

10 ~~[(d) The board shall not renew or reinstate, or shall deny~~  
11 ~~or suspend, any license or application if the board has received~~  
12 ~~certification from an administering entity pursuant to chapter~~  
13 ~~436C that the licensee or applicant either: is in default or~~  
14 ~~breach of any obligation under any student loan, student loan~~  
15 ~~repayment contract, or scholarship contract that financed the~~  
16 ~~licensee's or applicant's education; or has failed to comply~~  
17 ~~with a repayment plan.~~

18 ~~Upon receipt of a certification pursuant to chapter 436C,~~  
19 ~~the board, without further review or hearing shall, as~~  
20 ~~applicable:~~

21 ~~(1) Suspend the license;~~





1       ~~(2) Deny the application or request for renewal of the~~  
2           ~~license, or~~

3       ~~(3) Deny the request for reinstatement of the license.~~

4       ~~Unless otherwise provided by law, the board shall renew,~~  
5       ~~reinstate, or grant the license only upon receipt of an~~  
6       ~~authorization from the administering entity.] "~~

7       SECTION 8. Section 605-1, Hawaii Revised Statutes, is  
8       amended to read as follows:

9       "§605-1 Attorneys, qualifications. (a) The supreme court  
10       may examine, admit, and reinstate as practitioners in the courts  
11       of the State, such persons as it may find qualified for that  
12       purpose, who have taken the prescribed oath of office. The  
13       supreme court shall have the sole power to revoke or suspend the  
14       license of any such practitioner.

15       (b) In order to be licensed by the supreme court, a person  
16       shall be of good moral character, and shall satisfy such  
17       residence and other requirements as the supreme court may  
18       prescribe.

19       (c) In addition to other qualifications for licensure and  
20       conditions for continuing eligibility to hold a license,  
21       applicants for licensure, licensees renewing their licenses, and



1 existing licensees shall be in compliance with an order of  
2 support as defined in section 576D-1 and has not failed to  
3 comply with a subpoena or warrant relating to a paternity or  
4 child support hearing.

5 ~~[(d) In addition to other qualifications for licensure and~~  
6 ~~conditions for continuing eligibility to hold a license,~~  
7 ~~applicants for licensure, licensees renewing their licenses, and~~  
8 ~~existing licensees shall be in compliance with any obligation~~  
9 ~~under any student loan, student loan repayment contract, or~~  
10 ~~scholarship contract that financed the licensee's or applicant's~~  
11 ~~education or shall be in compliance with a repayment plan as~~  
12 ~~provided in chapter 436C.~~

13 ~~The licensing authority shall not renew or reinstate, or~~  
14 ~~shall deny or suspend any license or application, if the~~  
15 ~~licensing authority has received certification from an~~  
16 ~~administering entity pursuant to chapter 436C that the licensee~~  
17 ~~or applicant is in default or breach of any obligation under any~~  
18 ~~student loan, student loan repayment contract, or scholarship~~  
19 ~~contract that financed the licensee's or applicant's education~~  
20 ~~or has failed to comply with a repayment plan.~~



1       ~~The licensing authority in receipt of a certification~~  
2 ~~pursuant to chapter 436C shall, as applicable, and without~~  
3 ~~further review or hearing:~~

4       ~~(1) Suspend the license;~~

5       ~~(2) Deny the application or request for renewal of the~~  
6       ~~license; or~~

7       ~~(3) Deny the request for reinstatement of the license,~~  
8 ~~and unless otherwise provided by law, shall renew, reinstate, or~~  
9 ~~grant the license only upon receipt of an authorization from the~~  
10 ~~administering entity.] "~~

11       SECTION 9. Section 436B-19.6, Hawaii Revised Statutes, is  
12 repealed.

13       ~~["§436B-19.6 Denial or suspension of license for default~~  
14 ~~of student loan, student loan repayment contract, or scholarship~~  
15 ~~contract. (a) In addition to any other acts or conditions~~  
16 ~~provided by law, the licensing authority shall not renew or~~  
17 ~~reinstate, or shall deny or suspend any license or application,~~  
18 ~~if the department has received certification from an~~  
19 ~~administering entity pursuant to chapter 436C that the licensee~~  
20 ~~or applicant is in default or breach of any obligation under any~~  
21 ~~student loan, student loan repayment contract, or scholarship~~



1 ~~contract that financed the licensee's or applicant's education,~~  
2 ~~or has failed to comply with a repayment plan.~~

3 ~~(b) The licensing authority in receipt of a certification~~  
4 ~~pursuant to chapter 436C shall, as applicable, and without~~  
5 ~~further review or hearing:~~

6 ~~(1) Suspend the license;~~

7 ~~(2) Deny the application or request for renewal of the~~  
8 ~~license; or~~

9 ~~(3) Deny the request for reinstatement of the license,~~  
10 ~~and unless otherwise provided by law, shall renew, reinstate, or~~  
11 ~~grant the license only upon receipt of an authorization from the~~  
12 ~~administering entity. Chapter 91 and sections 92 17, 436B 18,~~  
13 ~~436B 20, 436B 21, 436B 24, and 436B 25 shall not apply to a~~  
14 ~~license suspension or denial under this section." ]~~

15 SECTION 10. Chapter 436C, Hawaii Revised Statutes, is  
16 repealed.

17 SECTION 11. This Act does not affect rights and duties  
18 that matured, penalties that were incurred, and proceedings that  
19 were begun before its effective date.

20 SECTION 12. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 13. This Act shall take effect upon its approval.

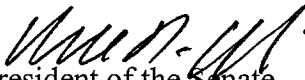
APPROVED this                      day of                      , 2019


GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 30, 2019  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.

  
President of the Senate

  
Clerk of the Senate

SB No. 385, SD 1, HD 2, CD 1

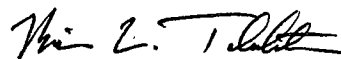
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives