

JAN 20 2023

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# 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 436B-9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§436B-9 Action on applications; abandoned applications.**

4           (a) Unless otherwise provided by law, each licensing authority  
5 shall take the following actions within one year after the  
6 filing of a complete application for licensure:

7           (1) If it deems appropriate, conduct an investigation of  
8           the applicant; and

9           (2) Notify the applicant in writing by mail of the  
10           decision regarding the application for licensure[-]  
11           addressed to the applicant's last address on file with  
12           the licensing authority. If the application has been  
13           denied, written notice of the decision shall state  
14           specifically the reason for denying the application  
15           and shall inform the applicant of the right to a  
16           hearing under chapter 91.



1           (b) An ~~[application]~~ applicant whose application for  
2 license is incomplete shall be considered to ~~[be]~~ have abandoned  
3 the application if ~~[an applicant fails to provide evidence of~~  
4 ~~continued efforts to complete the licensing process for two~~  
5 ~~consecutive years, provided that the failure to provide evidence~~  
6 ~~of continued efforts includes but is not limited to:~~

7           ~~(1) Failure to submit the required documents and other~~  
8 ~~information requested by the licensing authority~~  
9 ~~within two consecutive years from the last date the~~  
10 ~~documents or other information were requested; or~~

11           ~~(2) Failure to provide the licensing authority with any~~  
12 ~~written communication during two consecutive years~~  
13 ~~indicating that the applicant is attempting to~~  
14 ~~complete the licensing process, including but not~~  
15 ~~limited to attempting to complete the examination~~  
16 ~~requirement; and~~

17 ~~provided further that the licensing authority may extend the~~  
18 ~~above time periods by rule. The licensing authority shall not~~  
19 ~~be required to act on any abandoned application, and the~~  
20 ~~application may be destroyed by the licensing authority or its~~  
21 ~~delegate. If the application is deemed abandoned by the~~

1 ~~licensing authority, the applicant shall be required to reapply~~  
2 ~~for licensure and comply with the licensing requirements in~~  
3 ~~effect at the time of reapplication.]:~~

4 (1) The licensing authority mails a written notice to the  
5 applicant, addressed to the applicant's last address  
6 on file with the licensing authority, notifying the  
7 applicant that the application is incomplete; and

8 (2) The applicant fails to submit all required documents,  
9 data, and information to the licensing authority  
10 within one year from the date of the licensing  
11 authority's written notice to the applicant.

12 (c) An applicant whose application for examination has  
13 been approved shall be considered to have abandoned the  
14 application if:

15 (1) The licensing authority mails a written notice to the  
16 applicant, addressed to the applicant's last address  
17 on file with the licensing authority, notifying the  
18 applicant that the applicant's application for  
19 examination has been approved; and



1       (2) The applicant fails to take the examination within one  
2       year from the date of the licensing authority's  
3       written notice to the applicant.

4       (d) If the licensing authority rejects an applicant's  
5       application for examination on the basis that the application is  
6       deficient, the licensing authority shall mail a written notice  
7       to the applicant, addressed to the applicant's last address on  
8       file with the licensing authority, notifying the applicant of  
9       the rejection. An applicant whose application for examination  
10      has been rejected shall be considered to have abandoned the  
11      application if the applicant fails to:

12      (1) Within one year from the date of the licensing  
13      authority's written notice of rejection, submit  
14      evidence that all deficiencies specified in the  
15      licensing authority's written notice have been  
16      corrected; and

17      (2) Take the examination within a one-year period from the  
18      date of the licensing authority's written notice to  
19      the applicant that the applicant is eligible to take  
20      the examination.




1        (e) Submission of additional data, requests for  
2 reconsideration or re-evaluation, or other inquiries or  
3 statements involving an application shall not extend the  
4 respective time periods specified in subsections (b), (c), and  
5 (d).

6        (f) The licensing authority shall not be required to act  
7 on any abandoned application, and the abandoned application may  
8 be destroyed by the licensing authority or its delegate. An  
9 application submitted subsequent to an abandoned application  
10 shall be treated as a new application. The applicant shall  
11 comply with all applicable licensing requirements in effect at  
12 the time the new application is submitted."

13        SECTION 2. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15        SECTION 3. This Act shall take effect upon its approval.

16  
INTRODUCED BY:  \_\_\_\_\_



# S.B. NO. 438

**Report Title:**

Professional and Vocational Licensing; Application for Licensure; Application for Examination; Abandonment

**Description:**

Reduces the period for which an application shall be considered abandoned from two years to one year. Specifies the conditions under which applications for licenses and examinations will be deemed abandoned. Provides that the one-year period after which an application is considered abandoned cannot be extended. Provides that a licensing authority shall not be required to act on any abandoned application and that the licensing authority may destroy abandoned applications. Clarifies that an application submitted after an abandoned application shall be treated as a new application and that the applicant shall comply with any new licensing requirements in effect at the time of the new application.

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

