

MILITARY CONSUMER FRAUD GUIDE

Department of Commerce and Consumer Affairs



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The State of Hawaii Department of Commerce and Consumer Affairs (DCCA) is a regulatory agency that promotes a strong and healthy business environment by upholding fairness and public confidence in the marketplace. The department also strives to increase knowledge and opportunity for businesses and individuals, and to protect consumers against unfair and deceptive business practices.

This military consumer guide was created to equip Hawaii's service members and their families with information as the first line of defense against fraud. The guide will also enable our military community to make better and informed decisions when managing their money.

Hawaii is home to 47,000 active duty service members and 5,500 National Guard personnel—many of whom face unique challenges due to redeployments and permanent change of stations. With such a large population of transient consumers, there is the unfortunate likelihood of targeted fraud or unfamiliarity with state laws for these service members and their families.

This booklet seeks to offer comprehensive guidelines to protect oneself from fraudulent activities and provide the necessary information to live and work in the State of Hawaii. Information about various issues and consumer topics that often affect our military community are highlighted within. Some topics that will be covered are those about housing, buying a car, payday lending, identity theft and more. We also cover the laws created for our military families involving a professional license in Hawaii and give you the steps required to start your own business.

The information contained in this guide is intended to supplement the Servicemembers Civil Relief Act ("SCRA") 50 U.S.C. App. §§501-597b1, available at <https://www.justice.gov/sites/default/files/crt/legacy/2011/03/23/scratext.pdf>

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1 HOUSING

Renting a home in Hawaii can be confusing. There is a handbook that can help you understand what's expected of both the landlord and the tenant.

The Landlord-Tenant handbook contains information from the Hawaii Residential Landlord-Tenant Code, Chapter 521, of the Hawaii Revised Statutes (HRS) that explains Hawaii's landlord-tenant laws and addresses the questions and concerns most frequently expressed by Hawaii landlords and tenants. The recurrent intent of the Code is equal justice for both landlords and tenants.

Much of the confusion and difficulty so common in landlord-tenant disputes would be minimized or eliminated if there were better understanding and communication between landlords and tenants. One way of achieving this is through the use of clearly written agreements and understandings, and insuring that the agreements are signed by the landlord and tenant in duplicate, with copies provided to each. Agreements that are not clearly understood should be discussed, clarified, and put into writing.

HOW TO OBTAIN A COPY OF THE LANDLORD-TENANT HANDBOOK

The Landlord-Tenant Handbook is available for purchase at DCCA or available free online. To purchase a handbook in person, please visit either location below.

DCCA Cashiers Office
335 Merchant Street, #301
Honolulu, HI 96813
Cost: \$2

Office of Consumer Protection
235 S. Beretania Street, #801
Honolulu, HI 96813
Cost: \$2

You may also order a copy by sending your request to:

DCCA Cashier's Office
PO Box 541
Honolulu, HI 96809
Cost: \$2

Please include a check payable to: DCCA
Include: Your name, mailing address, publication requested, payment
or visit http://cca.hawaii.gov/ocp/landlord_tenant to download a free handbook.

LANDLORD OR TENANT INFORMATION

As a landlord or tenant, it is important that you know your rights and responsibilities. If you have questions, investigators are available to answer your landlord-tenant questions by phone 8:00 am to 12:00 noon, Monday through Friday, except state holidays.

On Oahu, call 586-2634
On Hawaii, call 974-4000, then 62634#
On Kauai, call 274-3141, then 62634#
On Maui, call 984-2400, then 62634#
On Molokai & Lanai, call 1-800-468-4644, then 62634#

Or you can talk to an investigator at the Office of Consumer Protection, 235 South Beretania Street, #801, Honolulu, HI 96813, 8:00 am to 12:00 noon, Monday through Friday, except state holidays.

Consumer Dial

If you need answers and are not able to reach the landlord-tenant information line, automated messages on several commonly asked questions are available on Consumer Dial 24-hours a day.

On Oahu call 587-1234 or from the neighbor islands call 1-800-394-1902, press 0, then press 2 for Landlord-Tenant information. Enter the code for the message you would like to hear.

Message 1: How to Obtain a Landlord Tenant Code Handbook
Message 2: Security Deposit
Message 3: Access to a Unit
Message 4: Repairs to a Unit
Message 5: Failure to Pay Rent
Message 6: Lockouts and Turning-off Utilities
Message 7: Termination
Message 8: Abandoned Items Left in the Unit
Message 9: What to do if you have Landlord-Tenant Problems

Information is also available online at http://cca.hawaii.gov/ocp/landlord_tenant.

Mediation

If a landlord and tenant are unable to resolve their disagreement(s), they may require legal assistance. However, many times, parties are able to settle their disputes without the use of attorneys and the added expense of time and resources. Mediation may be an option as an informal process in which an impartial third party assists in resolving disputes.

Visit the Hawaii State Judiciary landlord-tenant claims website http://www.courts.state.hi.us/self-help/landlord/tenant_claims.html for more information on getting legal help and mediation (also known as alternative dispute resolution).

If you have questions on a landlord-tenant matter, contact the Office of Consumer Protection residential landlord-tenant information line at (808) 586-2634 or consult an attorney.

MORTGAGE

Looking for the Best Rates

Ready to buy that new home? As a smart consumer, you should shop around for the best rates when looking for a mortgage. Compare terms from various mortgage companies and negotiate for the best deal. Make sure you check with the Division of Financial Institutions for a list of licensed mortgage services online at <http://cca.hawaii.gov/dfi/learn-about-nondepository-financial-institutions/> or <http://mortgage.nationwidelicencingsystem.org/Pages/default.aspx> or by calling (808) 586-2820.

Fair lending is required by law. You may review the Equal Credit Opportunity Act for your consumer rights. This law prohibits lenders from discriminating based on race, color, religion, national origin, sex, marital status, age, or whether you receive income from a public assistance program. It may be prohibited under the Hawaii Mortgage Disclosure Act (HMDA) to ask for some of the information, depending on the type of mortgage, but they cannot use it as a reason to deny you credit.

Another protection you have is with the Fair Housing Act. This law offers you protection in buying or renting a unit based on your inclusions in any of the protected classes such as race, color or religion.

Falling Behind on Payments

If you are currently having trouble paying your mortgage or expect problems in the future, it's crucial that you get help immediately. If you fall behind and don't act, your lender will take steps to foreclose on your home. If that happens, you may lose your home and the money you have already invested in it. Call your lender, discuss the situation with them, and see what kind of repayment plan you can work out.

You can also contact a consumer credit counselor to receive assistance with your situation. They can help you develop a budget or create a strategy to stay on schedule. For free help dealing with foreclosure you should set up a meeting with a non-profit consumer credit counseling service or housing counselor to help you deal with your lender. See DFI's website for a HUD approved counselor <http://cca.hawaii.gov/dfi/learn-about-your-money/>.

FORECLOSURE RESCUE SCAMS

Many residents, despite their best efforts, are still faced with the possibility of foreclosure. If you can't avoid a foreclosure, you should still be aware of foreclosure rescue scams.

Capitalizing on the economic downturn and housing crisis, "foreclosure rescue" companies often scour foreclosure notices and filings to prey on consumers desperate to save their homes from being foreclosed. Their solicitations may be in person, by mail, telephone or e-mail, or via advertisements, including TV and radio commercials. These companies may claim they can assist you with obtaining a "loan modification" from your lender that will modify your existing mortgage to make it more affordable. Other companies or individuals may offer to arrange a "lease-back" or "repurchase" of your home, claiming they will pay your mortgage and rent your home back to you.

Some loan modification companies violate Hawaii state law and charge customers thousands of dollars in up-front fees, promising that they will negotiate with the consumers' banks to lower their mortgage interest rates, lock in fixed rates, get late fees and past due payments forgiven, and even reduce principal balance. Many of these companies lure consumers through false and misleading tactics, such as using company names and advertisements that give the false impression that they are affiliated with a government agency, falsely claiming to have extraordinarily high success rates – of as much as 100 percent, and falsely claiming to have a special relationship with the homeowner's lender. In some cases, the "modifications" they obtain, require consumers to make higher monthly payments, a result that may be of little help to consumers already struggling to afford their mortgage payments and stay in their homes.

Companies involved in "lease-back" or "repurchase" schemes often require you to sign over the deed to your home with the option to buy it back later. However, the terms of such transactions are so complex or fraudulent that homeowners are rarely, if ever, able to repurchase their homes. Sometimes the property is sold to another party without the homeowner's knowledge.

AVOID SCAMS. BEWARE OF THE FOLLOWING:

- Anyone who offers to arrange to stop or delay foreclosure for an upfront fee.
- Anyone who offers to pay your mortgage or save your home if you transfer the deed to your home.
- Anyone who offers to make your mortgage payments for you.
- Anyone who advises you to stop making your mortgage payments or to ignore calls from your lender or mortgage servicer.
- Direct solicitations sent via mail, e-mail, telephone or in-person solicitations at your home.
- For-profit companies with names suggesting a government affiliation or who claim to be approved by the government.
- For-profit companies that claim they have a relationship with attorneys but do not provide legal services.

If you feel you're a victim of a mortgage scam, contact the Office of Consumer Protection at (808) 586-2630.

HOME/RENTERS INSURANCE

Homeowners or renters insurance is not required by law in Hawaii. Your lender, however, may require insurance on your home for the duration of your mortgage. Homeowners insurance provides protection for your dwelling, personal property, and on-site buildings if damaged by a covered peril. Perils are events (i.e., fire and explosion) which cause damage to property. Aside from property coverage for your home and outbuildings, each policy usually contains four additional coverages: personal property, additional living expenses, personal liability, and medical payments.

Your premium may be based on, but not limited to, the following factors: type of construction, loss prevention devices, public protection class, deductible level, amount of insurance, and policy form.

The key to insurance comparison shopping is identifying your desired deductible levels, coverage limits and provisions before getting premium quotes. Once your ideal policy parameters are selected, the quotes you receive should be on an “apples to apples” comparative basis. After obtaining multiple premium quotes, your personal preference dictates the importance of the following considerations: premium cost, service and financial stability. Generally, financial ratings from reputable sources (i.e., A.M. Best and Moody’s) indicate an insurance company’s financial “health” and ability to pay claims. Note: If your agent only represents one insurance company, you may need to contact an independent agent to obtain competing quotes. Check out the DCCA homeowners, condominium owners and renters premium comparison guides at <http://cca.hawaii.gov/ins/>.

HOME REPAIRS

As your home ages, it may need repairs. You may decide to make the repairs yourself or contact a professional. When hiring a professional contractor, make sure you deal with a contractor that is licensed. A contractor’s license is required to perform work over \$1,000 (or if a building permit is required). Getting three bids or estimates, preferably from licensed contractors, may help you decide if the work is necessary. *It’s best not to pay cash, and never pay all the money for the job in advance.*

Hire a Licensed Contractor

When making any renovations to your home, it’s important to hire a licensed contractor. Hiring a licensed contractor means that there are laws in place to protect you, the homeowner. Here’s why:

Training and experience. To qualify for a contractor’s license, applicants must demonstrate they have the necessary training and experience. The Contractor’s License Board also requires applicants to demonstrate “a good reputation for honesty, truthfulness, financial integrity and fair dealing,” submit tax clearances, proof of insurance, and other required qualifications.

Insurance. Licensed contractors are required to carry liability insurance and are responsible if a worker is injured on a job site. Insurance is important because a lot can happen on a construction project - accidents, falling objects - not to mention fire, vandalism, malicious mischief, and theft of building items. This protects you as a homeowner from putting your property at risk if anything is damaged on your project or if anyone is injured.

Obtain required permits. Licensed contractors are able to apply for and obtain building permits. Beware of a contractor that is asking you to apply for an owner-builder permit, it may be because they aren’t licensed and can’t get a building permit for you. For information about building, electrical, and plumbing permits, contact the planning and permitting department for your county.

Contractors Recovery Fund. The Contractors Recovery Fund helps to compensate homeowners if something goes wrong with their project and is only available to consumers who have hired a licensed general contractor. For information about the Contractor’s Recovery Fund, or if you have questions about what kind of a contractor you may want to hire, call the Contractor’s License Board at (808) 586-2700.

TYPES OF CONTRACTORS



GENERAL ENGINEERING

“TYPE A”

Contractors that have specialized engineering knowledge and skill.



GENERAL BUILDING

“TYPE B”

Contractors that build structures, like houses and buildings.



SPECIALTY

“TYPE C”

Contractors that are licensed in specialty areas like drywall, landscaping, flooring, or roofing.

It's important to hire the right kind of contractor for your particular job. If you're just putting on a new roof, a specialty roofing contractor may be for you. But if your job includes more than two specialties (for example, an extension requiring framing, flooring, drywall, and roofing), you should consider hiring a general contractor. A general contractor will be licensed to do most of the work and will hire licensed subcontractors to take care of any specialty work for which he/she isn't licensed to do.

HIRING ELECTRICIANS AND PLUMBERS

Electrician

According to the U.S. Consumer Products Safety Commission (CPSC), about 200 people die from electrocution each year. Deaths from residential fires run close to 700 annually. What can you do to limit the risk of injury or fire in your home? Hire a licensed electrician to handle any electrical jobs you may have.

Licensed electricians have the training and experience. In order to even apply for a license, an applicant must have at least 5 years of supervised experience in the trade (over 10,000 hours), and 240 hours of academic coursework. All applicants must also pass a written examination that includes information on the National Electric Code.

There's a difference between an electrical contractor and an electrician. "Licensed electrical contractors" are companies that employ electricians. "Licensed electricians" are individual tradesmen with the training and experience to do the actual work. So, you may hire a licensed electrical contractor to rewire your house, but you should see licensed electricians doing the work.

Licensed electrical contractors and electricians are able to apply for and obtain electrical permits. Permits are required for any electrical work that is greater than \$500 in a 12-month period. The permit requirement is waived for work less than \$500 in a 12-month period if you hire a licensed electrician. For information about building or electrical permits, contact the planning and permitting department for your county.

A license is required for any person who performs electrical work. Electrical work includes the installation, alteration, reconstruction, or repair of electrical wiring. If you have questions about whether you need to hire an electrical contractor or an electrician, call the Contractor's License Board at (808) 586-2700 or the Board of Electricians and Plumbers at (808) 586-2698.

Plumber

Licensed plumbers have the training and experience necessary to complete the job. In order to apply for a license, an applicant must have at least 5 years of supervised experience in the trade (over 10,000 hours). The Board also requires all applicants pass a written examination that includes information about the Uniform Plumbing Code.

Licensed plumbing contractors and plumbers are also able to apply for and obtain plumbing permits. Permits are required for any plumbing work that is greater than \$500 in a 12-month period. The permit requirement is waived for work less than \$500 in a 12-month period if you hire a licensed plumber. Contact the planning and permitting department for your county for more information.

There's a difference between a plumbing contractor and a plumber. "Licensed plumbing contractors" are companies that employ plumbers. "Licensed plumbers" are individual tradesmen with the training and experience to do the actual work.

A plumber's license is required for any person who performs plumbing work. Plumbing work includes the installation, maintenance, extension, or alteration of piping, fixtures, appliances, and appurtenances. If you have questions about whether you need to hire a plumbing contractor or a plumber, call the Contractor's License Board at (808) 586-2700 or the Board of Electricians and Plumbers at (808) 586-2698.

Handyman

If your project is small and the total cost of your project, including labor and materials is not more than \$1,000, and does not require a building permit, you can hire a handyman. "Handymen" usually perform minor repairs and projects that are typically described as "odd jobs" or "fix-up tasks." Without a contractor's license, handymen may not work on projects that (1) are over \$1,000, or (2) require a building, electrical, or plumbing permit, (3) require electrical work, or (4) require plumbing work. If they perform work in these areas and do not have a license, they are engaged in unlicensed contracting. The penalties for unlicensed activity include fines, imprisonment, and injunctive relief. Regardless of the cost of your project, you may still want to consider hiring a licensed person.

Unlicensed Contractors

Each year, the Regulated Industries Complaints Office (RICO) receives hundreds of tips and complaints about unlicensed contractors. The complaints range from construction that has been poorly done, to money being taken and no work being done at all.

Unlicensed contractors may go door-to-door claiming they "just finished a job down the street," or "have materials left over from another job." They may try to pressure you, offering a discounted price, but only if you act today. Remember, a great deal today, will probably be just as good a deal tomorrow, so take the time you need to consider the situation carefully.

Unlicensed contractors may even use a fake license number or a license number that belongs to someone else. So remember to check license information with DCCA. You may also want to ask to see a picture I.D. so you know exactly who you're dealing with.

And, most importantly, remember to never pay all of the money up front. Unlicensed contractors may ask for cash payments, substantial down payments, or for all of the money to be paid in advance. After they get the money, they may move a little dirt, or worse, demolish a wall or driveway, and not come back the next day.

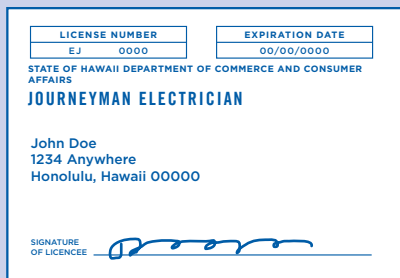
Your home is the single biggest investment you'll probably ever make, so take your time, do your homework, and consider hiring a licensed contractor.

Unlicensed contracting and violations of Hawaii's licensing laws are investigated by RICO. To file a complaint, call (808) 587-4272.

WHY IT'S IMPORTANT TO HIRE A LICENSED CONTRACTOR

If you hire an unlicensed electrical or plumbing contractor, and work doesn't meet local building codes, or if the person doesn't pull the necessary permits (which an unlicensed contractor cannot do), as the homeowner, you'll be responsible if the project doesn't meet code.

Additionally, allowing work to be done by an unlicensed person could affect your homeowner's insurance policy, should a claim arise as a result of that work. Your home is the single biggest investment you'll probably ever make, so take your time, do your homework, and consider hiring licensed contractors, electricians, and plumbers.



On job sites, look for licensed electricians and plumbers. These licensed professionals should be easily identifiable as they are required by law to wear their license while on the job.

Check out an individual or business before you hire them. First, you want to find out if the contractor is licensed in the appropriate specialty to complete your project. Then you want to check out any prior complaints they have and whether they resolved the issues.

Regulated Industries Complaints Office Complaint History Search

Search for information about licensed contractors, electricians, and plumbers, including license status, license classifications, proof of insurance, complaints filed against licensees and for information about unlicensed contracting investigations at <http://www.businesscheck.hawaii.gov> or by calling (808) 587-4272.

Checking out a licensee or business on this site isn't a guarantee, but it's a good step to take that can help you to determine if the licensee or business is qualified to handle your particular job. It's also one of several steps you can take to protect yourself against unscrupulous or unqualified people.

2 TRANSPORTATION

Service members arriving in Hawaii are often faced with making a quick decision about transportation. Here are some things to keep in mind when shopping for a new or used car.

BUYING A NEW CAR

Before you buy:

- Decide what kind of car and what features you are looking for.
- Educate yourself about the car and its options.
- Check with your insurance company on the cost of insurance for the car you have in mind.
- Get pre-qualified for an auto loan from your lending institution so you know what you can afford.
- Compare your options by shopping around.

Before you sign any documents:

- Be sure you have an entire copy of the contract.
- Review the contract and make sure you understand all its terms.
- If you do not understand any contract items, ask the salesperson to explain it to your satisfaction.
- Don't sign the contract if you do not agree to all the terms listed.
- Make sure all promises are in writing in your contract. Oral promises may not be enforceable.
- Generally, there is NO 3-day cancellation period once you sign the contract, so be sure that you want to purchase the car.
- There may be a written reference to a 3-day rescission period noted in your contract, but this applies only to door-to-door sales and not to the average car sale transaction.
- However, if you were sent a flyer offering you a free prize for going to the dealership to test drive a car, this may be considered a door-to-door sale even if you sign the contract at the dealership.
- As purchaser of the car, you are responsible for providing the insurance. The dealer is not obligated to cancel a contract because you cannot afford to pay for insurance.
- When you see an advertisement in the newspaper for a car, be aware there may be charges in addition to the stated price for tax, license and documentation fees. Always read the fine print.
- You should receive a written notice from the dealership setting forth the provisions of the new car "lemon law" when you purchase the car.

How will you pay for the vehicle?

- Deals may be subject to financing approval. If they are, it means you may have to consider the dealership's financing program as well as those offered by other financing entities.
- You have the option to obtain financing through the dealership or from your own financial institution.
- If you apply for financing through the dealership, you will have to sign a financing agreement. If you do not plan to obtain financing through the dealership, you do not have to sign the dealer's financing agreement as a "back-up."
- Do not sign the financing agreement until you receive an entire copy of the contract. Review it and make sure you understand all its terms.
- The dealer may allow you to take the car off the lot even though you have not yet qualified for financing. Be aware that you may be responsible for the vehicle when you take it off the lot.
- If the deal is subject to financing approval, and you do not qualify for financing either through the dealership or your financial institution, the contract may be void and you may have to return the car to the dealership.

ADDITIONAL FEES

The car purchase contract may list other fees in addition to the price of the car, such as

- extended warranties,
- guaranteed auto protection (GAP) fees,
- and vehicle theft registration (VTR) fees.

These fees are normally always optional and you may not want to purchase the services charged from those fees. If you do not know what the fee is or what it entails, ask the salesperson to explain it to you. If they tell you that a certain fee is required by law, ask them to specify what law they are referring to and check it out.

HAWAII LEMON LAW

The Lemon Law helps consumers resolve car warranty complaints with manufacturers. Under certain conditions, a consumer may be entitled to receive a refund or replacement for a car that has a defect or condition that does not conform to the car's warranty and that substantially impairs the use, market value, or safety of the car. This does not include a defect or condition that results from an accident, abuse, neglect, or modification of the car by persons other than the manufacturer or its authorized dealer.

The phrase "substantially impairs" means to make the car unfit, unreliable, or unsafe for warranted or normal use, or to greatly diminish the value of the car. An annoying rattle or vibration may not be serious enough to make your car a lemon.

If you believe your car is a lemon, make sure you do the following:

- **Get a repair order every time you take your car in for repair** even if the manufacturer's authorized repair dealership can't diagnose or fix the problem. The repair order should show the problem you reported, the odometer reading, the date when the car was brought in for repair, and the date when the car was ready for pickup.
- **Keep your purchase contract, warranties, repair orders, letters, and notes** from conversations with service personnel.
- **Read over the Lemon Law Statement of Rights form** that should have been given to you when you bought the car. Use the address given for the manufacturer's representative when you write to the manufacturer.
- **Write to the manufacturer to describe the defect**, the name and address of the repair dealership, the number of times the car was brought in, the odometer reading, your name, address and phone number. Ask for a refund or replacement. Send the letter by certified mail, with a return receipt requested. Save the return receipt when it comes back.
- **It is reasonable to allow the manufacturer 10-14 days from the date it receives your notification to cure the problem.**
- **Continue to make your monthly payments** on your financed or leased car.
- **File a demand for arbitration with the State Certified Arbitration Program (SCAP)** of the Department of Commerce and Consumer Affairs within one year after the Lemon Law Rights Period has expired, and pay the \$50 filing fee. You do not need a lawyer, but this is a self-help program and you must prepare and present your evidence to the neutral arbitrator to prove your case. The arbitrator will decide if the manufacturer must repurchase or replace the car. If you win the case, you get back your \$50 filing fee.

YOUR CAR MAY BE A LEMON IF ALL THE FOLLOWING ARE TRUE:

- The car was purchased, leased or initially registered in Hawaii;
- The car was purchased, leased or transferred to you while the warranty was still in effect;
- You use your car for personal, family, or household purposes;
- Your car has a warranty-related nonconformity that substantially impairs the use, value, or safety;
- You notified the manufacturer in writing about the nonconformity during the period of the warranty and within two years after original delivery of the car to a consumer or within the first 24,000 miles of operation, whichever occurs first (this is called the Lemon Law Rights Period);
- At least one of the following happened within the Lemon Law Rights Period:
 1. the same nonconformity was subject to exam or repair at least three times and the problem continued; or
 2. the nonconformity was subject to exam or repair at least once but continued to be a nonconformity likely to cause death or serious bodily injury if the car is driven; or
 3. the car was subject to examination or repair for one or more nonconformities for a total of 30 or more business days.

THINGS THAT DON'T QUALIFY FOR LEMON LAW ARBITRATION:

- Mopeds or motor scooters
- Cars over 10,000 lbs., gross vehicle weight rating (GVWR)
- A car owned or leased by a company which has purchased or leased more than one car per year even though the car is used for household use in addition to business use
- Sales disputes between consumers and dealers
- Service contract or extended warranty issues
- After-market parts
- Personal injury or loss of income claims
- Cases in litigation

For more information, contact the Consumer Resource Center at (808) 587-4272.

BUYING A USED CAR

Dealership or Individual?

In Hawaii, both motor vehicle dealerships and salespeople who sell motor vehicles, must be licensed. If you've responded to an advertisement and the seller has several cars for sale, but does not have a car lot or a showroom, he or she may be an unlicensed motor vehicle dealer or salesperson.

A private individual can sell cars that have been used for the person's own personal, family, or business use, but the number of cars a private individual can offer to sell in a year is limited to 3. An unlicensed motor vehicle dealer (sometimes called a "curbstoner") may flip as many as 20 to 50 cars a year, buying them cheap, fixing them up to look decent, and then selling them for a profit. An unlicensed person may pose as the car's owner so he or she can get around state law requirements that limit the number of cars an individual can sell without a license.

Check licensing. If you're buying from a used car business or lot, make sure the lot is licensed and that the person you're dealing with is a licensed motor vehicle salesperson. Check out if the business you're dealing with is licensed and whether they have any prior complaints on the DCCA Business Check website at <http://businesscheck.hawaii.gov>.

Do your homework. If you're buying from an individual, get as much information as you can. Be wary if:

- The vehicles are for sale by the roadside, in vacant lots, or at shopping centers.
- The same phone number is listed for multiple vehicles in the newspaper or on Craigslist.
- The seller insists on a cash payment.
- The seller can't show you the car's title or offers to register the car for you.
- The seller admits he/she is a dealer but says it's a personal vehicle.

Buying from an unlicensed person may increase your risk of being unable to transfer a title. And, what may look like a great deal could actually be a previously totaled vehicle or one with a "rolled back" odometer. While an unlicensed person may not disclose this information, a licensed dealership will provide you with a written disclosure of any material mechanical defects that are known to the dealer. Protect yourself by doing your homework and getting as much information about the car and the seller as possible, and be sure to check complaint history information with RICO, especially if the person you're dealing with is unlicensed.

Before you sign the contract from a dealership, be sure you have an entire copy of the contract and review it. If you don't understand something, ask the salesperson to explain it. A sales contract may include additional fees, like extended warranties, guaranteed auto protection (GAP) fees, and vehicle theft registration (VTR) fees. These fees are optional and you may not want to purchase them. If you don't agree to all of the terms listed, you shouldn't sign the contract.

Start by making a list of what you want in your used car. Because inventory may vary, you don't want to forget you need room for your surfboard before you fall in love with a 2-seater. Consider building a target list of the cars you want to focus on and research them before you start looking. Then, decide how much you can spend. If you're taking out a loan, decide how much you can afford to pay each month. Try to put additional cash down to help reduce the monthly payment. And, if possible, arrange for financing before you start shopping. Interest rates tend to be lower if you're financing through a bank or credit union and higher if you finance through a dealership.

TYPES OF WARRANTIES

Some used cars may still be under factory warranty from the vehicle's manufacturer. Most new cars will have at least a 3-year/36,000-mile bumper-to-bumper warranty. So if you buy a car that is a year old with only 15,000 miles on it, you'll still have, at a minimum, 2 years and 21,000 miles remaining on the warranty. Make sure you understand what may be covered by warranty, the length of coverage, if there are deductible amounts, and what will be required to transfer the warranty (especially an extended warranty or a long-term power train warranty) to you.

It's always a good idea to do a test drive. There are some great used car checklists available on the internet. Make a list so you have an idea of what to look for before you hit the road. And, consider the following:

- Make sure the seller has the title for the car.
- Try to arrange the test drive so you have an opportunity to start the car while it's cold.
- Get in and sit. How does it feel? Check headroom, legroom, and make sure you can reach everything. If you're petite, make sure you can sit at a safe distance from the airbag.
- Test as much as you can with the car in idle (wipers, turn signals, electric door locks and windows). Don't feel rushed.
- Turn off the radio. During the test drive, make a point to listen to the engine and to concentrate on the driving experience.
- Try to simulate your normal driving pattern. Do things like go on the highway and take the car up to the speed limit, idle in heavy traffic, and test the car on a steep slope.
- On the test drive, do things like accelerate from a stop, check for blind spots (visibility), pass another car (the car should accelerate and downshift quickly and smoothly), test the brakes, see how it corners, note the suspension (how's the ride?) and the alignment, and listen for rattles or squeaks.
- After the test drive, be sure to check the exterior of the car, including the cargo room. Check the undercarriage for rust and inspect the tires for even wear.
- Ask the owner to see maintenance records. Did the car have scheduled maintenance? Be cautious of a car that has been in a serious accident or has had a major repair, like an engine overhaul.
- Ask about the history – consider carefully if the car has been “salvaged,” “rebuilt,” or bought back through the State's Lemon Law program. Do not rely on a “clean” vehicle history report. Accidents, lemon law buybacks, or title branding may not show up for months or years, if at all. Consider taking the car to a mechanic for a thorough inspection.
- Once you decide on a car, don't leave the dealership until the financing has gone through, especially if you're leaving a trade in.



A car sold as is is not covered by any warranty, and you will be responsible for any repairs that may be needed. Make sure you get any promises that are made to you in writing. Verbal promises may not be enforceable.



Factory certified pre-owned cars are inspected by the manufacturer and come with a warranty from the manufacturer.



Dealer certified pre-owned cars are certified by car dealerships and may not come with a warranty from a manufacturer.

HAWAII'S USED CAR SALES AND WARRANTY LAW

When purchasing a used car from a dealership, the dealership must provide customers with:

- 1 A written disclosure of all material mechanical defects** known to the dealer and whether any inspections have been conducted to determine if there are any; and
- 2 A written warranty on covered major mechanical parts** of the vehicle if they fail during the specified warranty period.

Generally, warranty on the car will be required if your car:

- Is less than 5 years old
- Costs more than \$1,500
- Has between 12,000 and 75,000 miles
- Is not custom built or modified for show purposes or racing
- Is not inoperable or deemed a “total loss”

If the dealer fails to correct a defect or malfunction as required by the warranty after a reasonable period of time, the dealer must either refund your money or replace the car.

Warranty periods for used cars are dependent on the mileage of the car sold.

- Less than 25,000 miles – 90 days or 5,000 miles
- Between 25,000 and 49,000 – 60 days or 3,000 miles
- Between 50,000 and 74,999 – 30 days or 1,000 miles

Only specified major mechanical parts are covered by this warranty. Parts that are of a cosmetic nature are not included. Covered parts are:

- Engine, including all lubricated parts, water pump, fuel pump, manifolds, engine block, cylinder head, rotary engine housings, flywheel gaskets, and seals;
- Transmission, including the transmission case, internal parts, torque converter, gaskets, and seals, except four-wheel drive vehicles are excluded from coverage as provided for in this paragraph;
- Drive axle, including front and rear drive axle housings and internal parts, axle shafts, propeller shafts, and universal joints, except four-wheel drive vehicles are excluded from coverage as provided in this paragraph;
- Brakes, including master cylinder, vacuum assist booster, wheel cylinders, hydraulic lines and fittings, and disc brake calipers;
- Radiator;
- Steering, including the steering gear housing and all internal parts, power steering pump, valve body, piston, and rack; and
- Alternator, generator, starter, and ignition system, excluding the battery.

To get your car repaired under the warranty, you must take the car back to the dealer before the warranty expires and provide written notice of the defect to the dealer.

LEASING A CAR

Leasing a car involves a commitment for the length of the lease. However, if you are on active duty, you might be able to get out of a lease if:

- You entered it prior to joining the military
- You are being deployed
- You are undergoing a Permanent Change of Station (PCS)

Most leases do not allow you to register the car out of state, so basically you can't take it with you. For more information, please read the Servicemembers Civil Relief Act (SCRA) 50 U.S.C. App. §§501-597b1. <https://www.justice.gov/sites/default/files/crt/legacy/2011/03/23/scratext.pdf>

MOTOR VEHICLE INSURANCE

Having motor vehicle insurance is essential to owning a motor vehicle in Hawaii. Hawaii State law requires that your vehicle, whether new or used, be insured throughout the motor vehicle registration period and that you have a valid Hawaii motor vehicle insurance identification card in your vehicle at all times. You can be ticketed and fined if you operate a vehicle without the required motor vehicle identification card.

Your minimum motor vehicle insurance policy must have protection for you and your passengers of \$10,000 per person personal injury protection (PIP) benefits. This is for paying medical and rehabilitative costs.

Your mandatory coverages also include a \$20,000 per person/\$40,000 per accident bodily injury liability and a \$10,000 per occurrence property damage liability. These cover damages for the injured party when you are at-fault in an accident.

Optional coverages and options you may purchase include: collision and comprehensive, uninsured (UM) and underinsured (UIM) coverages, wage loss, alternative care, death benefits, funeral benefits, PIP deductible and PIP managed care.

Your insurance agent or company must advise you about your uninsured and underinsured motorist coverage options including your right to decline coverage in writing. You may purchase at a minimum \$20,000 per person uninsured motorist coverage to pay for serious injury or death if the driver at fault does not have insurance or in case of a hit and run accident. You may also purchase at a minimum \$20,000 per person underinsured motorist coverage to pay if the driver at fault does not have enough insurance. Your insurance company or insurance agent should help you decide on the best coverages for your individual situation and needs.

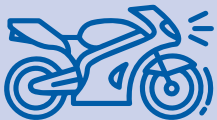


HAWAII IS A “NO-FAULT STATE”

Your motor vehicle insurance company will pay the bills for your injuries and your passengers' injuries up to the personal injury protection benefits (PIP) limit. You cannot sue or be sued unless there are serious injuries. Because “no-fault” applies to injuries, not to vehicles or property, the driver-at-fault in an accident is responsible for damages to vehicle and property.

MOTORCYCLE

Hawaii law requires all motorcycle and motor scooter operators to purchase liability insurance for their vehicles. A valid I.D. card must be kept with the motorcycle or scooter or carried by the operator at all times.



Be aware that insurance premiums are costly and may be difficult to get for a high-performance motorcycle or if you have a poor driving record. Check with an insurance agent before buying a motorcycle or a motor scooter. You don't want to find out after purchasing your motorcycle or scooter that you can't ride the motorbike because you can't afford the insurance or you don't qualify for it.

The motorcycle liability policy must include a \$20,000 per person / \$40,000 per accident bodily injury liability, which pays claims to those whom you cause death or injury. It must also include \$10,000 per occurrence property damage liability which pays for vehicles of property that you have caused damage to.

The insurance company must also offer you optional coverages which include personal injury medical payments coverage up to \$10,000; an income disability plan; and higher liability coverages.

The insurance company may also offer to sell you damage coverage for your motorcycle. To purchase a liability policy, you must have a valid motorcycle or motor scooter license. Those with a learner's permit, in order to obtain insurance, will need to have enrolled and successfully completed a motorcycle education course which has been approved by the state Department of Transportation and administered by the University of Hawaii.

For more information on the classes, please call:

Oahu: (Leeward Community College)
(808) 455-0479 or (808) 455-0477
Maui: (808) 984-3231
Hawaii: (808) 974-7531
Kauai: (808) 245-8318

There are seven sites where classes are held:

Oahu: USCG Sand Island and
Leeward Community College
Hawaii: Hawaii Community College
Maui: Wailuku War Memorial Stadium and
Maui Community College
Kauai: Vidinha Stadium and Kauai Community College

AUTOMOBILE REPAIR

Getting your car properly repaired can be a nightmare! But it doesn't have to be, if you know your rights. You do not have to be an expert auto mechanic to protect yourself. Automobile repair dealers and mechanics are required to have licenses to perform any repair which involves maintenance, modifications and repairs of a motor vehicle. Be wary if someone knocks on your door or approaches you in a parking lot offering to fix your car. When it comes to repairs, look for an established shop with a licensed mechanic.

A motor vehicle includes any passenger car, truck, truck tractor, motorcycle, or motor scooter. Mopeds are not considered a motor vehicle.

Motor vehicle repairs DO NOT include “tire repairs, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor accessories, cleaning, adjusting, and replacing spark plugs, replacing oil and air filters, and other minor services...” (Section 437B-1, Hawaii Revised Statutes).

Before you authorize any repair of your car, be sure to obtain a written estimate of the work to be done. You may be charged a “reasonable fee” for this estimate. The final charge for repairs cannot exceed 15% of the estimated price if the estimate is less than \$100, or 10% of the estimated price if the estimate is more than \$100.

All work done by the repair dealer, including warranty work, must be noted on an invoice or repair work order, including any parts supplied for the repairs. If crash, used, rebuilt or reconditioned parts are used, this must be stated on the invoice. You will receive a copy of the invoice or work order. The repair dealer will keep a record of all work orders for at least two (2) years.

If you want replaced parts to be returned to you by the repair dealer or mechanic, you must make the request AT THE TIME THE WORK ORDER IS TAKEN. Certain parts may be exempt from this requirement due to size, weight, or other similar factors, and may include such parts as the repair dealer, mechanic, or apprentice is required to return to the manufacturer or distributor under a warranty agreement.

A motor vehicle repair dealer does not have to return the following parts:

- 1 Transmission
- 2 Differential
- 3 Engine Block

Auto body shops, auto painting shops, auto glass shops, auto machine shops, radiator shops or other specialty shops perform work which is NOT considered an automobile repair. However, if any of these shops perform work on a motor vehicle involving the removal, replacement, and repairing or modification, or both, of any component of the car’s engine, automatic transmission, brakes, electrical systems, front and rear suspensions, air conditioner, and standard transmission and rear axle, they must obtain a motor vehicle repair dealer license.

A motor vehicle repair dealer may have a mobile repair facility, but it must be registered with the Motor Vehicle Repair Industry Board. At least 50% of the mechanics employed by a dealer on a full-time basis must be registered-certified mechanics. This may mean that the person who does the actual work on your car may not be required to be licensed. The work this person performs must be supervised by the licensed mechanic(s) on the premises.

The license number of the repair dealer must be included in any advertising by the repair dealer. An advertisement includes, but is not limited to, any card, sign, device, marking on or in any building or structure, newspaper or magazine, or directory under the listing of motor vehicle repair dealer, or broadcasting by airwave transmission which relates to the motor vehicle repair business.

If you have a complaint about the repair of your car, you may file a written complaint with the Consumer Resource Center, 235 S. Beretania Street, 9th Floor, Honolulu, HI 96813. For more information, call (808) 587-4272. When filing your complaint, enclose COPIES of the work order for the repair(s), proof of payment, or any other documentation pertinent to your complaint.

3 LIFE INSURANCE

Life insurance is purchased for a number of reasons, but the most important is that life insurance provides financial protection to the person receiving your insurance proceeds, following your death. The amount of life insurance you buy will depend upon your financial resources and situation.

When buying life insurance, it is important that you understand what your life insurance needs are in order to provide your family with the amount of funds necessary to adjust to the change in the family's financial circumstances.

Types of Life Insurance

- **Term insurance**, which provides coverage for a specified period of time and pays your beneficiary only if you should die during the term of the policy.
- **Whole life insurance**, which provides insurance coverage for your entire life. Whole life policies also may have a savings element in the cash value account. If you find that there is no longer a critical need for the insurance, the policy may be surrendered or canceled and the amount in the cash value account may be returned to you to use for other purposes.
- **Endowment insurance**, which pays you, the insured, a designated amount of money if you are still living after a specified number of years. If you should die before that time, your beneficiary will receive the proceeds of the endowment policy.
- **Universal life insurance**, which provides coverages for your lifetime. Premiums and death benefits are flexible according to the terms of the policy. There is also a provision for cash value accumulation on the policy.
- **Variable life insurance**, which also provides lifetime coverage. Premiums may be fixed or flexible according to the terms of the policy. There is an element of investment in the cash value account of the policy and separate accounts under stocks, bonds, money markets or other funds may be established. Death benefits and cash value accounts may differ according to the performance of the invested funds.

Here are some tips on buying life insurance

- 1 Buy your life insurance from a company that is licensed in Hawaii.** Shop around and compare different policies and their costs.
- 2 Don't be talked into buying more insurance than you need or can realistically afford.**
- 3 Read your policy carefully after you receive it.** If there are any points you do not understand, ask the insurance agent to explain. If you change your mind after purchasing a life insurance policy, you may return the policy within ten days of receiving it, for a full refund of the premium paid.
- 4 Let your beneficiaries know what kinds of insurance you own** and the amount in the policies, as well as where the policies are kept.
- 5 Re-evaluate your insurance needs from time to time** to determine whether your life insurance coverage is adequate.

PREMIUM COMPARISONS

Premium comparison guides are available to help you compare the different rates for the same coverage from various insurance carriers.



HOME



AUTO



HEALTH

To find comparison guides for home, auto, and health insurance visit <http://cca.hawaii.gov/ins/resources>.

4 PAYDAY LOANS

Payday loans are often times called cash advances. These are short-term unsecured loans that are issued to consumers with repayment of the loan due by the next payday.

These types of loans may seem quick and easy but they are very expensive. A payday loan can have a high annual percentage rate of 300-800 percent. It may seem like your only option but it could get you caught up in a vicious cycle if you can't repay the loan on time.

The federal Truth in Lending Act treats payday loans like other types of credit so the lenders must disclose the cost of the loan. This includes the finance charge (a dollar amount) and the annual percentage rate (APR – the cost of the credit on a yearly basis) in writing before you sign for the loan. The APR is based on several things including the amount borrowed, the interest rate and credit costs, and the length of your loan.

Before you take out a payday loan, look for alternate ways of getting the funds you need

- 1 Contact your creditors right away if you are having difficulty paying your accounts.** They may be able to work out a repayment plan with you.
- 2 Contact a consumer credit counseling service.** They may be able to help you create a workable budget or get you on a repayment schedule.
- 3 Contact your financial institution for a short-term loan with better terms.** And don't forget to shop around for the best rates.
- 4 Most importantly, ask yourself if you really need a loan and if you have a realistic budget.** It might be a matter of saving for the things you need or want. Start a savings account for a rainy day.

5 INVESTMENTS

Before you invest, check that your broker-dealer and their sales agents, or investment adviser and their representatives are registered with the DCCA Business Registration Division (BREG) Office of the Securities Commissioner, by calling (808) 586-2722.

Always get everything in writing and keep copies of what you signed. If you think you are a victim of investment fraud or other securities violations, call the Securities Enforcement Branch at (808) 586-2740 to file a complaint.



If you'd like to learn more about investing, BREG's Investor Education Program provides the public with general information about:

- How to make wise choices when investing;
- How to detect and protect against investment fraud, such as Ponzi schemes and Affinity fraud; and
- Investment products, such as mutual funds, variable annuities, stocks, and bonds.

Call (808) 587-7400 for free investor education materials or to schedule a presentation. For current activities connect with us on Facebook, Twitter and Instagram by searching "HISecurities".



TOP THREATS TO BE AWARE OF WHEN INVESTING

- Ponzi Schemes
- Unregistered Individuals Selling Securities
- Variable Annuities
- Affinity Fraud
- Unregistered Investment Products

6 DEBT COLLECTION

COLLECTION AGENCIES

All collection agencies that collect debts from any person who resides or does business in this state must be registered with DCCA and must comply with the state's laws and rules. Collection agencies are those which collect debts for others for compensation, as well as those which collect their own debts but create the impression that a third-party collector is involved, those which regularly repossess merchandise for others, and those which regularly accept assignments of claims.

There are some companies that are exempt from registering in Hawaii

- Collection agencies licensed in other states are exempt from registration, although they must apply to DCCA for the exemption and are subject to portions of the state's collection agency law.
- Licensed real estate brokers and salespersons residing in this state.
- Licensed attorneys, when acting within the scope of their profession.
- Certain financial institutions and escrow companies.
- Individuals employed as credit persons for a single employer which is not a collection agency.
- Any public officer or any person acting under an order of the court.

Please note that even if a person or company is exempt from state registration, other laws, such as the federal Fair Debt Collection Practices Act (FDCPA) or the state's Collection Practices Act (HRS 480D) may apply.

The first time a collection agency contacts you, it must clearly indicate that it is attempting to collect a debt and that any information obtained will be used for purposes of collection. It must also clearly disclose the name and full business address of the business or person that you owe money to, and the amount of the debt. You must also be informed of your rights to dispute the information.

Never ignore a letter from a collection agency

If you don't owe the debt or are unsure if the debt is valid, send a letter by certified mail within 30 days to dispute the debt or to request more information about the debt. Upon receipt of your letter, the collection agency must stop collection attempts until it provides you with verification of the debt.

A collection agency should not call you between 9:00 p.m. and 8:00 a.m. If you send a written statement requesting a collection agency to stop, it cannot continue to call or write to you to demand payment.

If you have an attorney, a collection agency cannot contact anyone other than your attorney. If you do not have an attorney, the agency can contact other people only to find out where you live or work. The agency cannot tell these people that you owe money.

Registered collection agencies must follow the federal Fair Debt Collection Practices Act or the state's Collection Practices Act (HRS 480D) and cannot:

- Collect any debt through threats or coercion, including threats of arrest
- Oppress, harass, or abuse any person, including the use of profane or obscene language
- Unreasonably disclose information about a debt, such as disclosing the debt to any employer or family member
- Use any fraudulent, deceptive, or misleading information or means to collect a debt or obtain information about you
- Use unfair or unconscionable means to collect a debt such as collecting or attempting to collect any of the collection agency's fees or charges for services rendered
- Threaten to add charges that aren't legal, for example, an interest rate higher than the rate in the original contract

Some helpful tips on how to handle your debt

- 1 Get all payment agreements in writing signed by you and the collection agency.** Pay as agreed. Keep copies of all letters and notices you send to a collection agency. Send important communications by certified mail or other method to verify that the agency received the letter. Keep a record of the dates and times of all telephone discussions with the agency. Get a receipt for all payments.
- 2 The laws on collection of student loans, child support, bad check enforcement, and taxes may limit some of the rights in this brochure.**
- 3 The debt collection laws do not protect you from paying the debts that you owe.** You are legally responsible for the payment of these debts.

Please note that a violation of the state's collection agency law is also a violation of the state's consumer protection law (HRS 480-2). As such, you may be able to take legal action on your own behalf for a violation of the collection agency law. Contact a private attorney for more information.

The State's collection agency law, HRS Chapter 443B, is available at <http://cca.hawaii.gov/hawaii-revised-statutes/>.

Information about the FDCPA and other debt-related issues is available online through the Federal Trade Commission (FTC) at <http://www.consumer.ftc.gov>.

7 IDENTITY THEFT

Identity theft is a serious crime. It's happening more and more frequently around the world, across the nation, and here in Hawaii. It's not a mere inconvenience.

People whose identities have been stolen can spend months or years – and their hard-earned money – cleaning up the mess thieves have made of their good name and credit record. In the meantime, victims may lose job opportunities, refused loans, education, housing or cars, or even get arrested for crimes they didn't commit.

Identity theft occurs when someone uses your personal information such as your name, Social Security number, credit card number or other identifying information, without your permission, to commit fraud or other crimes.

Your personal information can be stolen or obtained from businesses or government entities you have patronized, if a business or government entity suffers a security breach. Security breaches can occur for a variety of reasons:

- Hackers, or unauthorized access to personal information
- Accidental release or display of information
- Theft of personal information by a business's employee or contractor
- Stolen laptops, computers, or other equipment

In the event of a security breach, if your personal information has been lost or stolen, you may be notified directly by the breached business or government entity, or, in the case of large security breaches, the notification may be via press releases and news media.

WARNING SIGNS

- Unauthorized charges on your credit card
- Receiving credit cards that you did not seek or apply for
- Missing credit card bills
- Calls or letters from debt collectors or businesses about merchandise you did not buy or services you did not authorize
- Being denied credit or offered credit at less favorable terms for no apparent reason
- Unauthorized credit cards or charges on your credit report

TIPS ON PROTECTING YOURSELF FOLLOWING A SECURITY BREACH

- Contact your creditors to determine whether there is any suspicious or unauthorized activity that has occurred on your accounts.
- Contact any of the three credit reporting agencies to place a Fraud Alert on your credit report. A Fraud Alert does not block potential new credit, but places a notice for creditors to contact you prior to opening a new account. Once you have contacted any one of the three credit reporting agencies the other two will be notified that you have placed a Fraud Alert on your credit report. (See credit reporting agency contact information below.)
- Once you have placed a Fraud Alert on your credit report, you will be entitled to a free copy of your credit report. The credit reporting agencies will send you a letter telling you how to order your free credit report. Review your credit reports carefully for suspicious activity or charges.
- Be alert! The first year following a security breach is when your stolen personal information is most likely to be used by ID thieves.

ACTIVE DUTY ALERTS

When you're called to active duty, you may want to place an active duty alert on your credit report. This will be in place for one year while you're deployed. You can designate a representative who can act on your behalf to verify your identity while you're away. You may remove or extend the active duty alert depending on your deployment. All you need to do to start the process is contact one of the credit reporting agencies. Be prepared to provide them with detailed information:

- Your Full Name
- Your Address
- Your Date of Birth
- Your Social Security Number
- Your Military ID Number

CREDIT REPORTING AGENCIES

- **Equifax:** 1-800-525-6285; <http://www.equifax.com>; P.O. Box 740241, Atlanta, GA 30374-0241
- **Experian:** 1-888-EXPERIAN (397-3742); <http://www.experian.com>; P.O. Box 9532, Allen, TX 75013
- **TransUnion:** 1-800-680-7289; <http://www.transunion.com>;
Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92834-6790

All consumers are entitled to a free annual credit report from each of the three credit reporting agencies. Call 1-877-322-8228, or request one online at <http://www.annualcreditreport.com>.

8 CONSUMER COMPLAINTS

SOLVING CONSUMER PROBLEMS

If you've purchased a product, service, or investment that you're not satisfied with, you can do something about it. Here are some suggestions to resolving a consumer problem:

1 Contact the company that sold you the product, service, or investment. Don't forget to keep a record of your conversations:

- a. Who did you speak with?
- b. When did the conversation take place?
- c. What action did they promise?

If this doesn't work, sometimes you can contact the manufacturer. Many companies have a toll-free number on their product label. They often appreciate your input to identify how they can improve their product or service.

2 Write a letter to the company.

- a. Include all the facts. Make sure you are clear and concise.
- b. Attach copies of documents (i.e., sales receipts, warranties, canceled checks, contracts). Don't send original documents.
- c. You may want to send the letter by certified mail, return receipt requested as proof that the company received the letter.

3 If your letter doesn't help to resolve the problem, file a complaint with DCCA.

- For complaints against certain licensed professionals, contact the Regulated Industries Complaints Office (RICO) to get a complaint form.
- For cable service on non-military installations, contact the Cable Television (CATV) Division for a complaint form. (Cable service on military installations are provided under a separate contract between the cable provider and the U.S. Military, and are not regulated by CATV.)
- For certain financial institutions, escrow depositories, money transmitters, mortgage servicers, mortgage loan originators, and mortgage loan originator companies, contact the Division of Financial Institutions for a complaint form.
- For a regulated public utility, contact the Public Utilities Commission for a complaint form.
- For an insurance entity, contact the Insurance Division for a complaint form.
- For a securities entity, contact the Office of Securities Commissioner for a complaint form.
- For other general commerce issue, contact the Office of Consumer Protection for a complaint form.

For contact information, please see pages 38-40.

HERE ARE SOME TIPS FOR BEING A SAVVY CONSUMER

1 Know who you're dealing with

Go to <http://www.businesscheck.hawaii.gov> to check if a business is registered, professional license information, general excise tax information, and to obtain complaint histories.

2 Read the fine print

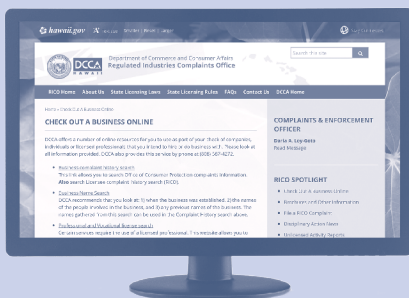
Get all promises in writing. Read your contract before signing, and make sure you understand what you're signing. Make a copy of any document you sign and save it in your files.

3 Protect your personal information

Give your personal information only to companies you trust and do business with. If you think your identity has been compromised, check out the ID Theft link for more information on what you can do.

4 Take your time

Be wary of companies that say you must "act now" if you don't want to lose out on the deal. Most legitimate deals will be here tomorrow.



DCCA offers a number of online resources for you to use as part of your check of companies, individuals or licensed professionals that you intend to hire or do business with. Visit www.businesscheck.hawaii.gov to find:

- Business complaint history search
- Business name search
- Professional and vocational license search
- Licensee complaint history search
- General excise tax license search

DCCA also provides this service by phone at (808) 587-4272.

9 PROFESSIONAL LICENSES

The Professional and Vocational Licensing (PVL) division is responsible for implementing the licensing regulations for 49 different professions and vocations. Twenty-five (25) licensing regulatory boards and commissions are administratively attached to DCCA, as well as twenty-four (24) licensing programs.

The division provides staff support to the licensing regulatory boards, handles applications, licenses, reviews and processes renewals, and maintains license records. The division provides guidance for proper implementation of the licensing laws and administrative rules for the 49 licensing areas.

The Licensing Branch is comprised of the Applications Section and the Records Section. The Applications Section reviews and processes all applications for licensure and maintains records of licensing applications. The Applications Section staff conducts highly intensive reviews of all initial licensing applications, determines the status of such applications, and makes the final determination to either issue or deny licenses. The Records Section is responsible for issuing new licenses, renewing licenses, and maintaining records of all licensees. The Records Section staff is also involved with performing customer service duties by assisting the public with licensing information at the walk-in counter and over the telephone.

Further, the Licensing Branch accesses the computerized licensing database to provide immediate information. Inquirers may obtain information on whether a person or entity is licensed, the original date of licensure, the current status of licensure, the expiration date of the license, Hawaii disciplinary sanctions imposed on the licensee, and, if applicable, whether mandatory insurance (e.g., workers compensation, liability insurance) is current and in effect.

If the profession requires an examination to become certified, the Examination Branch arranges for the administration of all the licensing examinations, confirms the validity and reliability of exams, revises board constructed examinations to ensure its continued validity and reliability, and advises boards on all technical aspects of examinations.



**INTERESTED IN
BECOMING A LICENCED
PROFESSTIONAL?**

Submit your application to

Professional and Vocational Licensing Division
335 Merchant Street, Room 301
Honolulu, HI 96813
or call (808) 586-3000

LICENSE RENEWALS

Pursuant to HRS 436B-14.5, any license held by a member of the armed forces, National Guard, or a reserve component that expires, is forfeited, or deemed delinquent while the member is on active duty and deployed during a state or national crisis shall be restored if certain restoration requirements are met by completing a Military Renewal and Restoration Information Sheet.

On July 25, 2013, HRS 436B-14.7, was amended to limit licensure by endorsement or reciprocity for military spouses to those spouses who are present in the State for at least one year pursuant to military orders. The Act specifies that a license issued to a military spouse by endorsement or reciprocity shall be valid for the same time period as other similar licenses. The Act limits the validity of the license to a maximum of five years in the aggregate.

On July 6, 2012, HRS 436B, was amended to require that every licensing authority, upon presentation of satisfactory evidence by an applicant, shall consider relevant and substantially equivalent education, training, or services completed by an individual as a member of the military when evaluating qualifications for licensure.

ADVERTISING AS A LICENSED PROFESSIONAL

- Review the laws and rules for your profession, paying close attention to any references to the use of titles or advertising. Make sure you also review any recognized standards of ethics for the profession.
- Information and links to laws and rules can be found at: <http://cca.hawaii.gov/pvll/>.
- Under Hawaii law, some professions are required to include a current license number in advertisements.
- If you have multiple license numbers, make sure you use the appropriate license number in the ad. For example, if you are a massage therapist, don't use your individual massage therapist license to advertise a massage establishment. For contractors, the license number must be applicable, that is, relevant to the type of contracting services being advertised. A masonry contractor, for example, cannot advertise to perform general contracting services. A license number may also be required in directory listings.

Common professions that require a license number in advertisements include (but not limited to):

- Contracting
- Massage therapy (both therapists and establishments)
- Motor vehicle repair
- Pest control
- Real estate (both brokers and salespersons)

TITLES AND DESIGNATIONS

Representing or holding yourself out as being able to do work which you are not licensed to do violates Hawaii law, and the penalties may be severe. Advertising as a contractor when you are not licensed as a contractor is a misdemeanor. Sanctions also include fines and injunctive relief. A court may also issue an order disconnecting your phone number.

Many licensing laws address the use of designations. For example, certified public accountants (“C.P.A.”) and social workers (“S.W.,” “L.B.S.W.,” “L.S.W.,” “L.C.S.W.”).

All of the health care professions, including chiropractors (“D.C.”), dentists (“D.D.S.” or “D.M.D.”), physicians (“Dr.” or “M.D.”), and optometrists (“O.D.”), reference designations.

If you are not licensed in Hawaii, using a title, description, or referencing an academic degree may require additional information or disclosure to clarify that you are not licensed in this state.

A publisher or producer may ask you to provide proof that you hold a valid license number. For example, Hawaii law states publishers and producers shall refuse to publish or broadcast an advertisement or listing for a contractor whose ad doesn’t comply with the law.

If you are advertising as a contractor, a publisher or producer may ask you for a signed statement which states you:

1. Have read the text of the advertisement or listing
2. Have an applicable and current contractor’s license for the goods and services advertised
3. Have included all applicable and current license numbers in the advertisement or listing
4. Are aware of civil and criminal penalties for advertising as a contractor without a valid license

The laws may include business cards, signs, and postings on social media. Again, start by reviewing the laws and rules for your profession, paying close attention to any references to the use of titles or advertising, and make sure you also review any recognized standards of ethics. Questions can be addressed to the board, commission, or program which regulates your profession. Please remember they cannot give you legal advice.

DCCA LICENSED PROFESSIONS AND VOCATIONS

The following is a list of some of the professions and vocations currently licensed in the State of Hawaii which fall under the jurisdiction of the DCCA's Regulated Industries Complaints Office:

Accountants	Massage Therapists and Establishments
Acupuncture Practitioners	Mental Health Counselors
Activity Desks	Mixed Martial Arts Contests
Athletic Agents and Athletic Trainers	Motor Vehicle Sales and Repairs
Barbers and Barber Shops	Naturopaths and Osteopaths
Behavior Analysts	Nurses
Cemeteries	Occupational Therapists
Chiropractors	Pest Control Operators
Collection Agencies	Pharmacies and Pharmacists
Contractors	Physical Therapists
Cosmeticians, Estheticians, Hairdressers and Manicurists	Physicians and Physician Assistants
Dentists and Dental Hygienists	Podiatrists
Dispensing Opticians and Optometrists	Port Pilots
Electricians and Plumbers	Private Detectives and Guards
Elevator Mechanics	Psychologists
Emergency Medical Technicians	Real Estate Appraisers
Employment Agencies	Real Estate Brokers and Salespersons
Engineers, Architects, Surveyors, and Landscape Architects	Respiratory Therapists
Hearing Aid Dealers and Fitters	Speech Pathologists and Audiologists
Marriage and Family Therapists	Veterinarians

10 STARTING A BUSINESS IN HAWAII

The DCCA Business Action Center (BAC) is a one-stop shop where those interested in starting a business can obtain the forms needed to:

- **Register a business**, trade name, trademark, or submit other filings with the Department of Commerce & Consumer Affairs
- **Obtain tax licenses** or make changes to your account information with the Hawaii Department of Taxation
- **Register as an employer** with the Hawaii Department of Labor and Industrial Relations Receive comprehensive information on licenses, permits, and registration requirements for state, county, and federal governments
- **Apply for a federal employee identification number (EIN)** at <http://www.irs.gov>.
- **Learn about business counseling and workshops** offered by other agencies and other resources available to business owners

BUSINESS ACTION CENTER

Oahu

1130 North Nimitz Highway, Suite A220
Honolulu, HI 96817
(808) 586-2545

Maui

70 E. Kaahumanu Avenue, Unit B-9
Kahului, HI 96732
(808) 270-5769

Hilo

25 Aupuni Street, Suite 1201
Hilo, HI 96720
(808) 961-8366
9:30 am to 2:30 pm 1st & 3rd Thursday, call to confirm, schedule subject to change

7 STEPS TO START YOUR OWN BUSINESS

More information can be found at <http://www.getstartedhawaii.com>

- 1 Research the Market**
Access government sites on the federal, state, and county levels to learn more about doing business in Hawaii.
- 2 Create a Business Plan**
Business plans are often required by banks when considering you for a loan. These plans set forth the business' goals, timelines, revenue projections, and other factors that can demonstrate the viability of your venture.
- 3 Choose a Legal Structure**
When starting a business, make an informed decision on how you will own and operate your business. Your choice of entity (business structure) can affect personal liability, management of the business, tax filing responsibilities, as well as estate planning considerations.

We suggest you seek additional advice from a qualified attorney or accountant before making a selection. The most common types of business structures are:

Sole Proprietorship	Corporation
General Partnership	S Corporation
Limited Partnership	Limited Liability Company
Limited Liability Partnership	

- 4 Choose a Business Name**
After selecting a legal structure, you may register your business with the DCCA Business Registration Division. To check if the business name you want is available (not already registered by another business), go to Search for a Business Name on the DCCA website.
Registrations can be done online at <https://hbe.ehawaii.gov/BizEx/home.eb>
Business registration forms can be obtained from <http://cca.hawaii.gov/breg/registration/>
If you have questions you may contact the Business Registration Division <http://cca.hawaii.gov/breg/contact/>.
- 5 Apply for Other Permits and Licenses**
The Business Action Center provides information on the various licenses and permits associated with specific business activities in Hawaii.
- 6 Gather Tax Information for Your Business**
Taxes are levied by federal, state, and local (county) governments. Learn more about the different tax types and systems. The Internal Revenue Service is our federal tax authority, while state taxes are (with few exceptions) administered by the Hawaii Department of Taxation. County governments in Hawaii administer our Real Property Tax.
- 7 Find Out About Employer Responsibilities**
If you plan to hire employees, you need to register with the Hawaii State Department of Labor and Industrial Relations.

Contact the DCCA BAC for more information and links to the federal, state, and local agencies.

11 EDUCATION & TRAINING

Through the Post-9/11 Veterans Education Assistance Improvements Act of 2010, often referred to as the GI Bill, the Department of Veterans Affairs provides, among other things, up to \$21,970 a year towards education at private schools or the actual net cost for in-state tuition and fees at public schools. It is a benefit service members should take advantage of, but only after carefully selecting an eligible school.

A couple of key points to review is the institution's accreditation, credit transfer policy, and if it is in good standing in the professional field you plan to pursue.

For a more complete guide on choosing a school and more information on GI Bill benefits visit <http://www.benefits.va.gov/gibill/>.

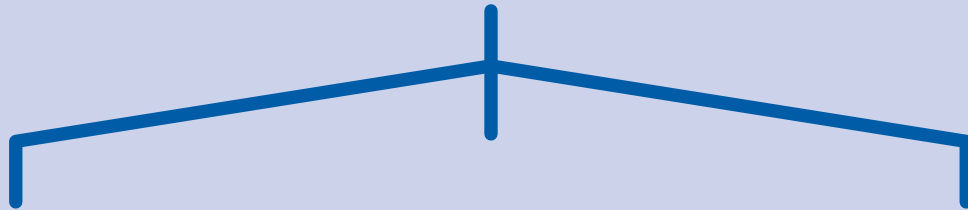
You can also contact the State Approving Agency (SAA) for Veterans Training for more help with identifying qualifying schools and job training establishments in Hawaii <https://www.hawaii.edu/offices/studentaffairs/saavt.html>.

G.I. BILL 2010

Post-9/11 Veterans Education Assistance
Improvements Act of 2010



G.I. BILL



HOUSING STIPEND



TUITION



BOOK STIPEND

12 CONTACT INFORMATION

Department of Commerce and Consumer Affairs (DCCA)

DCCA promotes a strong and healthy business environment while protecting the community from unfair and deceptive business practices.

w <http://cca.hawaii.gov>

p (808) 587-DCCA (808-587-3222)

or toll-free 1-800-394-1902

e dcca@dcca.hawaii.gov

Business Registration (BREG)

Registration for corporations, partnerships, limited liability partnerships, limited liability companies, trade names, trademarks and service marks.

a 335 Merchant Street, Room 201, Honolulu, HI 96813

w <http://businessregistrations.com>

p (808) 586-2727

e breg@dcca.hawaii.gov

BREG-Business Action Center (BAC)

ONE-STOP SHOP for new businesses. Obtain the forms needed to start a new business: Business Registration filings, State general excise tax licenses, Employer registration applications, and Internal Revenue Service EIN numbers. Get personalized help with filings.

Oahu

a 1130 N. Nimitz Hwy, Suite A220, Honolulu, HI 96817

p (808) 586-2545

Maui

a 70 E. Kaahumanu Avenue, Unit B-9, Kahului, Maui 96732

p (808) 270-5769

Hilo

a 25 Aupuni Street, Suite 1201, Hilo, HI 96720

p (808) 961-8366, limited hours, call for schedule

w <http://www.getstartedhawaii.com>

e bac@dcca.hawaii.gov

BREG-Office of the Securities Commissioner

Regulates registration of securities, broker dealers, sales agents, investment advisers, investment adviser representatives & franchises. Investigates & prosecutes securities fraud & other state securities & franchise violations. Provides free investor education materials, presentations & informational displays.

a 335 Merchant Street, Room 205, Honolulu, HI 96813

w <http://investing.hawaii.gov>

p For questions or to report securities fraud call (808) 586-2740 or toll-free 1-877-447-2267.

e seb@dcca.hawaii.gov

Cable Television (CATV)

Issues franchises to Hawaii cable companies, monitors the quality of service, and handles consumer complaints regarding cable matters. In addition, CATV advocates for and supports activities for the establishment of affordable, accessible broadband services and its use throughout the state. (Note: Cable service on military installations are provided under a separate contract between the cable provider and the U.S. Military, and are not regulated by CATV.)

a 335 Merchant Street, Room 101, Honolulu, HI 96813

w <http://cca.hawaii.gov/catv>

p (808) 586-2620

e cabletv@dcca.hawaii.gov

Consumer Dial

Hawaii's 24-hour automated information service. Your source of information on commonly asked consumer questions.

w <http://cca.hawaii.gov/consumer-dial-information>

p (808) 587-1234

Division of Consumer Advocacy (DCA)

Protects and advances the interests of Hawaii's consumers of regulated public utilities and transportation services.

a 335 Merchant Street, Room 326, Honolulu, HI 96813

w <http://cca.hawaii.gov/dca>

p (808) 586-2800

e dca@dcca.hawaii.gov

Division of Financial Institutions (DFI)

Protects. Regulates. Informs. DFI ensures the safety and soundness of state-chartered and state-licensed financial institutions, and ensures regulatory compliance by state-licensed financial institutions, escrow depositories, money transmitters, mortgage servicers, mortgage loan originators and mortgage loan originator companies, in order to protect the rights and funds of the public.

a 335 Merchant Street, Room 221, Honolulu, HI 96813

w <http://cca.hawaii.gov/dfi>

p (808) 586-2820

e General, consumer complaints, bank, non-depository financial institutions, escrow company, and money transmitter matters: dfi@dcca.hawaii.gov

Mortgage loan originator, mortgage loan originator company, and mortgage servicer matters: dfi-nmls@dcca.hawaii.gov

Hawaii Foreclosure Information Center (HFIC)

Provides Hawaii's homeowners in distress with information about mortgages, foreclosures and scams.

w <http://hfic.hawaii.gov>
p (808) 587-3222

Hawaii Post-Secondary Education Authorization Program (HPEAP)

Authorization of accredited post-secondary degree-granting institutions.

w <http://cca.hawaii.gov/hpeap>
p (808) 586-7327

Insurance Division (INS)

Oversees the Hawaii insurance industry; issues licenses, examines the fiscal condition of Hawaii-based companies, reviews rate and policy filings, investigates insurance related complaints.

a 335 Merchant Street, Room 213, Honolulu, HI 96813
w <http://cca.hawaii.gov/ins>
p (808) 586-2790
e insurance@dcca.hawaii.gov

Landlord-Tenant Information

Call the Residential Landlord-Tenant Information Center with your questions from 8:00 am to 12 noon Monday through Friday, except State holidays or visit our website to read on-line brochures or listen to our landlord-tenant messages on Consumer Dial.

w http://cca.hawaii.gov/ocp/landlord_tenant
p (808) 586-2634

License, Business, and Information Section (LBIS)

One stop for information. Consumers can get basic business registration information, find out if a business or individual is licensed, and get information about complaints filed with RICO and OCP.

w <http://businesscheck.hawaii.gov>
p (808) 587-4272, Press 2

Medical Inquiry and Conciliation Panel

The program is responsible for conducting informal conciliation hearings on inquiries regarding health care providers before a lawsuit may be filed based on such inquiries. The advice of the panels is advisory in nature and is not binding on the parties in the event that any party still wishes to pursue the matter via the courts. Proceedings are intended to be conducted in a non-adversarial manner and structured to facilitate the conveying of information rather than assigning blame.

a 335 Merchant Street, Room 100, Honolulu, HI 96813
w http://cca.hawaii.gov/oah/medical_inquiries/
p (808) 586-2823
e micp@dcca.hawaii.gov

Mortgage Foreclosure Dispute Resolution Program

Provides for owner-occupants of residential property in non-judicial foreclosure to meet directly with their lenders to modify their loans or to work out a payment plan within three months.

w <http://cca.hawaii.gov/oah/mfdr/mortgage-foreclosure-dispute-resolution-mfdr-program>
p (808) 586-2630
e mfdr@dcca.hawaii.gov

Office of Consumer Protection (OCP)

OCP is the consumer counsel for the State of Hawaii. Investigates consumer complaints alleging unfair or deceptive trade practices in a broad range of areas, including advertising, refunds, motor vehicle rentals, door-to-door sales and credit practices.

Oahu

a 235 S. Beretania Street, Room 801, Honolulu, HI 96813
p (808) 586-2630

Maui

a 1063 Lower Main Street, Suite C-216, Wailuku, Maui 96793
p (808) 243-4648

Hilo

a 120 Pauahi Street, Suite 212, Hilo, Hawaii 96720
p (808) 933-0910

w <http://cca.hawaii.gov/ocp>
e ocp@dcca.hawaii.gov

To file a complaint, call the RICO Consumer Resource Center (808) 587-4272.

Professional and Vocational Licensing (PVL)

Oversees regulatory activities of 25 boards/commission and 24 programs.

a 335 Merchant Street, Room 301, Honolulu, HI 96813
w <http://www.hawaii.gov/dcca/pvl/>
p (808) 586-3000
e pvl@dcca.hawaii.gov

PVL - Real Estate Branch

Provides guidance and educational materials on real estate issues and condominium governance.

a 335 Merchant Street, Room 333, Honolulu, HI 96813
w <http://cca.hawaii.gov/reb>
p (808) 586-2643
e hirec@dcca.hawaii.gov

Regulated Industries Complaints Office (RICO)

Investigates and prosecutes complaints relating to licensed professionals and unlicensed activity.

w <http://cca.hawaii.gov/rico>

p (808) 587-4272

e rico@dcca.hawaii.gov

To check complaints history, business registration, and license status: <http://businesscheck.hawaii.gov>

RICO Consumer Resource Center (CRC)

For questions about filing a complaint against a professional or vocational licensee, or to report unlicensed activity. Provides helpful information to consumers on a variety of topics, including hiring a licensed contractor and protecting yourself against unlicensed activity. CRC also accepts complaints for OCP.

Oahu

a 235 S. Beretania Street, 9th Floor, Honolulu, HI 96813

p (808) 587-4CRC (808-587-4272)

Kauai

a 3060 Eiwa Street, Room 204, Lihue, Kauai 96766

p (808) 241-3300

Maui

a 1063 Lower Main Street, Suite C-216, Wailuku, Maui 96793

p (808) 243-5808

Hilo

a 120 Pauahi Street, Suite 212, Hilo, HI 96720

p (808) 933-8846

Kailua-Kona

a 75-170 Hualalai Road, Suite C-309, Kailua-Kona, HI 96740

p (808) 327-9590

w http://cca.hawaii.gov/rico/quicklinks/consumer_resource_center

RICO State Certified Arbitration Program (SCAP)

Does your brand new vehicle seem defective? Do you keep having to go back to repair the same problem? Under Hawaii's Lemon Law, SCAP helps consumers resolve disputes with auto manufacturers and may be able to help you get a refund.

w <http://cca.hawaii.gov/rico/lemon-law>

p (808) 587-4272

Public Utilities Commission (PUC)*

Regulates all chartered, franchised, certificated and registered public utility companies operating in the state.

Oahu

a 465 S. King Street, Room 103, Honolulu, HI 96813

p (808) 586-2020

Kauai

a 3060 Eiwa Street, Suite 302-C, Lihue, Kauai 96766

p (808) 274-3232

Maui

a 2200 Main Street, Suite 540, Wailuku, Maui 96793

p (808) 984-8182

Hilo

a 688 Kinoole Street, #106-A, Hilo, HI 96720

p (808) 974-4533

w <http://puc.hawaii.gov>

e puc@hawaii.gov

Neighbor Island Toll-Free Numbers

To call DCCA offices on Oahu from the Neighbor Islands, dial the number listed for your island, then the last 5 digits of the office you want to call, followed by the # sign.

Kauai (808) 274-3141

Maui (808) 984-2400

Big Island (808) 974-4000

Molokai & Lanai 1-800-468-4644



ONLINE SERVICES

Many services are available online. File various business filings, renew insurance and professional/vocational license as well as conduct a license search. Search business and license complaint history, business name, certificate of good standing and much more.

<http://cca.hawaii.gov/resources>

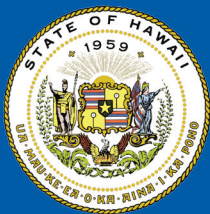
For an overview of our services, please visit:
<http://cca.hawaii.gov/overview/>



BUSINESS CHECK

DCCA offers a number of online resources for you to use as part of your check of companies, individuals or licensed professionals that you intend to hire or do business with. DCCA also provides this service by phone at (808) 587-4272.

www.businesscheck.hawaii.gov



STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 Merchant Street
Honolulu, HI 96813
cca.hawaii.gov



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