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# A BILL FOR AN ACT

RELATING TO CONTRACTORS.

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

1           SECTION 1. The legislature finds that there are two  
2 conflicting laws that have an effect on the number of employees  
3 that electrical and plumbing contractors can employ. The first  
4 is found in section 444-9.5, Hawaii Revised Statutes, which  
5 requires that no more than half of an electrical or plumbing  
6 contractor's employees can be unlicensed. This law is enforced  
7 by the contractors license board under chapter 444, Hawaii  
8 Revised Statutes.

9           The other rule is found in section 448E-9(b), Hawaii  
10 Revised Statutes, which allows apprentices or trainees to  
11 perform electrical or plumbing work as long as they are working  
12 under the supervision of a licensed craftsman. This law is  
13 interpreted and enforced by the board of electricians and  
14 plumbers.

15           The legislature finds that section 444-9.5, Hawaii Revised  
16 Statutes, sets up an artificial staffing requirement that is  
17 difficult to comply with and to enforce.



1 Section 448E-9, Hawaii Revised Statutes, has a more  
2 flexible standard to follow in that the contractor is the person  
3 who decides what level of supervision is needed. The contractor  
4 is motivated to staff that work to the appropriately skilled  
5 craftsmen to ensure that the work is done properly because the  
6 contractor is the party that can be sued if something goes  
7 wrong.

8 Much of the work performed by electrical and plumbing  
9 contractors is routine, safe, and does not require extensive  
10 experience or supervision. At other times, an electrical or  
11 plumbing contractor performs work that is dangerous and requires  
12 experienced craftsman. At that time, they almost always call on  
13 their licensed craftsmen to perform the work.

14 The legislature is also aware of the fact that the  
15 construction industry is having a difficult time finding  
16 sufficient workers to perform the work that is needed. Section  
17 444-9.5, Hawaii Revised Statutes, operates as an impediment to  
18 putting more apprentices and trainees to work. Therefore, the  
19 legislature concludes that section 444-9.5, Hawaii Revised  
20 Statutes, should be repealed.

21 SECTION 2. Section 444-9.5, Hawaii Revised Statutes, is  
22 repealed.



# H.B. NO. 2266

1           ~~["§444-9.5] Licensing of craftsmen. At least half of all~~  
2 ~~craftsmen requiring licenses employed on a construction project~~  
3 ~~by a specialty contractor in the trade in which the craftsman is~~  
4 ~~licensed shall be licensed in accordance with and to the extent~~  
5 ~~required by chapter 448E. The board may waive this requirement~~  
6 ~~in any county when there are insufficient licensed craftsmen in~~  
7 ~~that county to comply herewith."]~~

8           SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken.

10          SECTION 4. This Act shall take effect upon its approval.

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

*[Handwritten Signature]*  
*By Request*

JAN 23 2006

HB 2246

**Report Title:**

Contractors; Craftsmen

**Description:**

Repealing requirement that no more than half of an electrical or plumbing contractors employees can be unlicensed.

