

JAN 25 2006

A BILL FOR AN ACT

RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES.

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

1 SECTION 1. Section 448E-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§448E-9 Unlicensed activity.** (a) No person shall act or
4 assume to act as a journey worker electrician, journey worker
5 specialty electrician, supervising electrician, supervising
6 specialty electrician, journey worker plumber, master plumber,
7 maintenance electrician, journey worker industrial electrician,
8 or supervising industrial electrician, or advertise or hold
9 oneself out as an electrician or plumber, without a license
10 previously obtained in compliance with this chapter and the
11 rules of the board; provided that any person may perform
12 emergency plumbing repair work in the person's principal place
13 of residence when such repairs do not involve or require
14 rearrangement of valves, pipes, or fixtures; provided further
15 that no such emergency repairs may be performed on sewer lines,
16 drains, gas lines, and on fixtures being served with backflow
17 devices which [~~includes~~] include heaters, water closets,
18 dishwashers, and garbage disposal units.

1 For purposes of this subsection:

2 (1) "Electrician" means any person who performs electrical
3 work, and includes, but is not limited to, any person
4 who acts as a journey worker electrician, journey
5 worker specialty electrician, supervising electrician,
6 supervising specialty electrician, maintenance
7 electrician, journey worker industrial electrician, or
8 supervising industrial electrician; and

9 (2) "Plumber" means any person who performs plumbing work,
10 and includes, but is not limited to, any person who
11 acts as a journey worker plumber or master plumber.

12 (b) An apprentice or trainee learning the trade of a
13 person licensed under this chapter shall not be required to have
14 a license if the apprentice or trainee acts under the
15 supervision of a person appropriately licensed under this
16 chapter.

17 (c) Upon entry of either a final order of the board
18 pursuant to chapter 91 or a judgment by a court of competent
19 jurisdiction finding that the person has advertised in violation
20 of this section, the public utility furnishing telephone service
21 to the violator shall disconnect the telephone number contained
22 in the advertisement or listing."

1 SECTION 2. Section 448E-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§448E-10 Suspension; revocation; fine; denial of issuance
4 or renewal of a license. (a) In addition to any other actions
5 authorized by law the board, after notice and hearing as
6 provided in chapter 91, may suspend or revoke any license, or
7 impose fines, or prior to the notice and hearing, deny the
8 issuance or renewal of any license for any cause authorized by
9 law, including but not limited to the following:

- 10 (1) A license was or is sought to be obtained by fraud,
11 misrepresentation, or deceit;
- 12 (2) Gross negligence, incompetency, misconduct, or
13 dishonesty in the practice of the profession;
- 14 (3) False, fraudulent, or deceptive advertising;
- 15 (4) Permitting an unlicensed person to perform activities
16 requiring a license [~~+~~], aiding or abetting an
17 unlicensed person to violate this chapter or allowing
18 one's license to be used by an unlicensed person, or
19 acting as an agent or partner or associate or
20 otherwise of an unlicensed person; or
- 21 (5) Violation of any provisions of this chapter [~~and~~] or
22 any rules of the board.

S .B. NO. 2298

1 (b) ~~[Any]~~ Except as otherwise provided in subsection (c),
2 any person who violates any provision of this chapter shall be
3 fined not less than \$100 and not more than ~~[\$1,000]~~ \$5,000 for
4 each violation.

5 (c) Any person who violates section 448E-9 shall be fined
6 \$1,000 or forty per cent of the total contract price, whichever
7 is greater. Each day that a person violates section 448E-9
8 shall constitute a separate offense."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2006.

12
13 INTRODUCED BY: _____



14 BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES.

PURPOSE: To strengthen the enforcement provisions in chapter 448E, Hawaii Revised Statutes, prohibiting unlicensed electrical and plumbing activities.

MEANS: Amend sections 448E-9 and 448E-10, Hawaii Revised Statutes.

JUSTIFICATION: In 2005, as requested by Senate Concurrent Resolution No. 49, the Department of Commerce and Consumer Affairs convened a task force to review and strengthen current efforts and practices in enforcing electrical and plumbing licensing laws. This bill addresses some of the issues discussed by the task force to enhance enforcement of unlicensed electrical and plumbing activities.

Specifically, this bill would prohibit advertising as an electrician or plumber without a license, and would require a public utility to disconnect the telephone number contained in any advertisement placed by an unlicensed electrician or plumber. This bill also would amend section 448E-10, Hawaii Revised Statutes, by adding aiding and abetting as a ground for disciplinary action and by establishing a fine of \$1,000 or 40 percent of the contract price as monetary sanctions for violations of section 448E-9, Hawaii Revised Statutes.

Both amendments would strengthen enforcement of chapter 448E, Hawaii Revised Statutes, and duplicate advertising enforcement provisions already contained in laws regulating contractors, pest control operators, and massage therapists.

Impact on the public:

The public will benefit from laws that deter unlicensed electrical and plumbing work.

Impact on the department and other agencies:

None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2006.