

JAN 25 2006

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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 affect the number of employees that  
3 electrical and plumbing contractors can employ. The first is  
4 section 444-9.5, Hawaii Revised Statutes, which requires that no  
5 more than half of an electrical or plumbing contractor's  
6 employees can be unlicensed. The second is section 448E-9(b),  
7 Hawaii Revised Statutes, which allows apprentices or trainees to  
8 perform electrical or plumbing work as long as they are working  
9 under the supervision of a licensed craftsman.

10           The legislature finds that section 444-9.5 sets up an  
11 artificial staffing requirement that is difficult to comply with  
12 and to enforce. Section 448E-9 has a more flexible standard to  
13 follow because the contractor can decide the level of  
14 supervision required to perform the work.

15           Much of the work performed by electrical and plumbing  
16 contractors is routine, safe, and does not require extensive  
17 experience or supervision. At other times, electrical or  
18 plumbing contractors perform work that is dangerous and requires



1 experienced craftsmen. In these instances, contractors call on  
2 their licensed craftsmen to perform the work. The contractor,  
3 who is the party who can be sued if something goes wrong, is  
4 motivated to assign work to the appropriately skilled craftsmen  
5 to ensure that the work is done properly.

6 The legislature also notes the difficulty the construction  
7 industry has with finding sufficient workers to perform the  
8 contracted work. Section 444-9.5 operates as an impediment to  
9 putting more apprentices and trainees to work. Therefore, the  
10 legislature concludes that section 444-9.5, Hawaii Revised  
11 Statutes, should be repealed.

12 SECTION 2. Section 444-9.5, Hawaii Revised Statutes, is  
13 repealed.

14 ~~["**[S444-9.5] Licensing of craftsmen.** At least half of all  
15 craftsmen requiring licenses employed on a construction project  
16 by a specialty contractor in the trade in which the craftsman is  
17 licensed shall be licensed in accordance with and to the extent  
18 required by chapter 448E. The board may waive this requirement  
19 in any county when there are insufficient licensed craftsmen in  
20 that county to comply herewith."]~~



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken.

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

4 INTRODUCED BY: Clarence Fisher <sup>B/R</sup>



**Report Title:**

Contractors; Repeal of Licensing of Craftsmen Requirement

**Description:**

Repeals requirement that half of all craftsmen on a construction project be licensed.

