

**HB 2304**



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PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION AND COMMERCE

TWENTY-FIFTH STATE LEGISLATURE  
REGULAR SESSION, 2010

MONDAY, FEBRUARY 1, 2010  
2:00 P.M.

TESTIMONY ON HOUSE BILL NO. 2304  
RELATING TO LICENSURE

TO THE HONORABLE ROBERT N. HERKES, CHAIR,  
AND TO THE HONORABLE GLENN WAKAI, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office ("RICO") appreciates the opportunity to testify on House Bill No. 2304, Relating To Licensure. My name is Jo Ann Uchida, RICO's Complaints and Enforcement Officer. RICO supports the portion of the bill relating to job site identification, subject to certain amendments set forth in this testimony, but defers to the Elevator Mechanics Board on issues relating to elevator mechanics.

House Bill No. 2304 amends the Contractor Law, Chapter 444, Hawaii Revised Statutes ("HRS"), to require that at least half of all elevator mechanics

employed on a construction job site be licensed. The bill also requires that all individuals licensed as electricians, plumbers, and elevator mechanics under Chapter 448E, HRS, or Chapter 448H, HRS, respectively, who are employed on a construction job site, visibly display their license on their person. RICO notes that this bill is similar to House Bill No. 2102 which would require license identification on construction sites. The bill was heard on January 26, 2010, by the House Committee on Labor, and was amended to include elevator mechanics.

House Bill No. 2304 recognizes and addresses the serious issue of unlicensed activity on construction job sites, and RICO appreciates any and all efforts to provide a clearer statutory basis for determining whether violations have occurred. Frankly, current enforcement of this section of the Chapter is challenging, not only because it is difficult to distinguish licensees from unlicensed workers at a site inspection, but also because the worker must be actively engaged in electrical or plumbing work at the time of the inspection. The language of House Bill No. 2304 will assist investigators to some extent in distinguishing between licensed and unlicensed workers and, as such, RICO supports this portion of the bill.

In addition, RICO suggests the following amendments:

1. Provide that a person not wearing state-issued license identification at the time of a site inspection will not be counted as a licensee (i.e., presumed unlicensed) for purposes of determining compliance with this section. This will

Testimony on House Bill No. 2304  
February 1, 2010  
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create an incentive for wearing the identification and will avoid complicated proof issues in determining whether a violation has occurred.

2. Specify DCCA-issued identification, such as a license pocket card, rather than other forms of license identification.

Thank you for this opportunity to testify on House Bill No. 2304. I will be happy to answer any questions that the members of the Committee may have.

**PRESENTATION OF THE  
ELEVATOR MECHANICS LICENSING BOARD**

**TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION & COMMERCE**

**TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010**

**Monday, February 1, 2010  
2:00 p.m.**

**TESTIMONY ON HOUSE BILL NO. 2304 – RELATING TO LICENSURE.**

**TO THE HONORABLE ROBERT N. HERKES, CHAIR,  
AND MEMBERS OF THE COMMITTEE:**

My name is Marc Yamane and I am the Vice Chairperson of the Elevator Mechanics Licensing Board (“Board”). Thank you for the opportunity to provide testimony in support of H.B. No. 2304, Relating to Licensure.

A portion of this bill proposes to require at least half of all elevator mechanics at a job site to be licensed and require them to wear their licenses at the job site.

The Board’s last meeting was held on January 8, 2010 and at that time we were not aware of H.B. No. 2304. For this reason, an informal poll of the Board members was taken and every member supports the proposed amendments. The Board believes that one licensed mechanic for every apprentice on a job site allows for easier supervision and also addresses safety concerns.

The other portion of this bill requires elevator mechanic licensees to visibly display their license at the job site. The Board is in favor of displaying licenses at the job site as this will assist state investigators and inspectors in performing their duties.

The Board would like to suggest, however, that these amendments be placed instead in Chapter 448H, HRS, which is the Elevator Mechanics Chapter, since they pertain specifically to Elevator Mechanics, while Chapter 444, HRS, is the Contractors statute.

For these reasons, the Board supports H.B. No. 2304 with its suggested amendments. Thank you for the opportunity to provide testimony.

**PRESENTATION OF THE  
CONTRACTORS LICENSE BOARD**

TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010

Monday, February 1, 2010  
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2304, RELATING TO LICENSURE.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Denny Sadowski, Legislative Committee Chair of the Contractors License Board ("Board"). Thank you for the opportunity to present testimony on House Bill No. 2304, which requires that electricians, plumbers, and elevator mechanics display their license when working on the job site.

The Board respectfully opposes the addition of elevator mechanics in section 444-9.5, HRS. This section requires a one-to-one ratio of licensed electricians and plumbers to unlicensed electrical and plumbing workers on a job site. Whether or not such a one-to-one ratio requirement should also be imposed on elevator mechanics should be decided by the Elevator Mechanics Licensing Board. Furthermore, if the Elevator Mechanics Licensing Board determines that a one-to-one ratio should be imposed on their licensees, then this requirement should be stated in Chapter 448H Relating to Elevator Mechanics, rather than Chapter 444 Relating to Contractors.

The Board is not opposed to requiring electricians and plumbers to display their license while on the job site; however, the Board would prefer that this requirement, as

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well as the one-to-one ratio requirement, be placed in Chapter 448E Relating to Electricians & Plumbers, rather than Chapter 444 Relating to Contractors.

Thank you for this opportunity to testify on House Bill No. 2304.



Randy Perreira  
President

# HAWAII STATE AFL-CIO

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The Twenty-fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Consumer Protection and Commerce

Testimony by  
Hawaii State AFL-CIO  
February 1, 2010

## H.B. 2304 - RELATING TO LICENSURE

The Hawaii State AFL-CIO supports H.B. 2304 which requires at least half of all elevator mechanics at a construction job site to be licensed and requires elevator mechanics, electricians, and plumbers to wear their licenses at the job site.

H.B. 2304 will help ensure public safety and compliance to state law. It will help provide for the identification of licensed electricians, elevator mechanics and plumbers and help provide proper enforcement on construction job sites.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira  
President





## HAWAII ELECTRICIANS TRAINING FUND

### TESTIMONY SUPPORTING HB2304, RELATING TO LICENSURE.

**TO: HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE**  
**(VIA FAX 843-8818)**  
For Hearing on Monday, February 1, 2010, at 2:00 P.M., in Conference Room 325

**RE: STRONG SUPPORT FOR HB2304**

Honorable Chair Herkes, Vice Chair Wakai, and Consumer Protection & Commerce Committee members,

My name is David Lovelace. I am a Training Coordinator for the Hawaii Electricians Training Fund. We are a non-profit organization that provides substantial training for all our beneficiaries of the International Brotherhood of Electrical Workers Local Union 1186 and, thru contract, others requiring electrical education for the safety and well-being of the industry. Our training involves electrical theory, practical applications, and electrical and construction safety as presented through apprenticeship programs and skilled upgrade training for journeyworkers.

We believe in and follow the definition stated in the Department of Labor 29 CFR Part 29 that a:

*"Journeyworker means a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation. (Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training."*

We also believe that in order to obtain "a level of skill, abilities and competencies recognized within an industry" 29 CFR 29.5 B (7) states a needed ratio be accomplished as quoted:

*"A numeric ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment, ..."*

The State of Hawaii has recognized the need to qualify specific tradespersons in their abilities to perform and direct work in a safe and workmanlike manner thereby:

*"HRS §448E-9 Unlicensed activity. (a) No person shall act or assume to act as a journey worker electrician, journey worker specialty electrician, supervising electrician, supervising specialty electrician, journey worker plumber, master plumber, maintenance electrician, journey worker industrial electrician, or supervising industrial electrician, or advertise or hold the person's self out as an electrician or plumber, without a license previously obtained in compliance with this chapter and the rules of the board;..."*

and also a continuation of the requirement to have a licensed person supervise an apprentice or trainee as stated:

*"HRS §448E-9 b) An apprentice or trainee learning the trade of a person licensed under this chapter shall not be required to have a license if the apprentice or trainee acts under the supervision of a person appropriately licensed under this chapter."*

Requiring the visible display of the State of Hawaii required license will better promote the protection of public safety and the ability to recognize the needed ratio of apprentices or trainees to better quantify the training necessary in the development of needed competencies for licensed tradespersons in their perspective fields.

Thank you for providing me with the opportunity to testify in strong support for HB2304.

Thank you,

David Lovelace  
Hawaii Electricians Training Fund  
Training Coordinator



# International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

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## TESTIMONY SUPPORTING HB2304 , RELATING TO LICENSURE

TO: **HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE**  
For Hearing on Monday, February 1, 2010, at 2:00 p.m., in Conference Room 325

RE: **STRONG SUPPORT FOR HB2304**

Honorable Chair Herkes, Vice Chair Wakai, and Committee members,

My name is **Damien Kim**, and I am the Business Manager – Financial Secretary for the **International Brotherhood of Electrical Workers Local Union 1186**. We represent over 3,500 members working in electrical construction, telecommunications, and Oceanic Cable. Our members include civil service employees at Pearl Harbor, Kaneohe, Hickam, and at every military installation in Hawaii. IBEW Local 1186 also represents over 120 signatory electrical contractors that perform most of the electrical work in the state of Hawaii.

We have worked over the past year with contractor organizations and several state agencies to find practical ways to protect the safety of the public, effectively detect violations, and to facilitate the enforcement and compliance of the state's existing licensing laws.

Due to the unusually dangerous and specialized nature of the skilled electrical, plumbing, and elevator industries, we are the only three construction crafts where state law also requires the individual job site worker to be state tested and licensed. This special job site worker license requirement is on top of our state law requiring all construction companies to possess a valid contractor's license. We request HB2304 to be amended with RICO's language from HB2102 HD1, that any person not wearing their license on the job site shall be counted as unlicensed for the purpose of compliance enforcement by the state's RICO division.

Requiring the visible display of our tradespersons' skilled license while on the construction job site will protect public safety and decrease liability from illegal construction activity. By helping homeowners, inspectors, and government agencies to readily identify licensed tradespersons on the job site, this bill will help ensure workers and contractors are in compliance with existing state law. Thank you for providing me with the opportunity to testify in strong support for HB2102.

Mahalo and aloha,

**Damien Kim**  
Business Manager – Financial Secretary  
International Brotherhood of  
Electrical Workers, Local Union 1186



## HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

GENTRY PACIFIC DESIGN CENTER, STE. 215A • 560 N. NIMITZ HIGHWAY, #50 • HONOLULU, HAWAII 96817  
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**NOLAN MORIWAKI**

*President*  
Bricklayers & Ceramic Tile Setters  
Local 1 & Plasterers/Cement  
Masons Local 630

January 31, 2010

**JOSEPH O'DONNELL**

*Vice President*  
Iron Workers Local 625

**DAMIEN T. K. KIM**

*Financial Secretary*  
International Brotherhood of  
Electrical Workers Local 1186

Honorable Representative Robert N. Herkes, Chair  
Honorable Representative Glenn Wakai, Vice Chair  
Members of the House Committee on Consumer Protection & Commerce  
Hawaii State Capital  
415 South Beretania Street  
Honolulu, HI 96813

**ARTHUR TOLENTINO**

*Treasurer*  
Sheet Metal Workers I.A. Local 293

RE: **IN SUPPORT OF HB 2304**  
**RELATING TO LICENSURE.**  
Hearing: Monday, February 1, 2010, 2:00 p.m.

**REGINALD CASTANARES**

*Trustee*  
Plumbers & Fitters Local 875

Dear Chair Herkes, Vice Chair Wakai and the House Committee on  
Consumer Protection & Commerce:

**THADDEUS TOMEI**

Elevator Constructors Local 126

For the Record my name is Buzz Hong, the Executive Director for  
the Hawaii Building & Construction Trades Council, AFL-CIO. Our  
Council is comprised of 16-construction unions and a membership  
of 26,000 statewide.

**MALCOLM K. AHLG**

Carpet, Linoleum, & Soft Tile  
Local 1296

The Council **SUPPORTS** the passage of **HB 2304** that requires at  
least half of all elevator mechanics at a construction job site to be  
licensed and requires elevator mechanics, electricians, and  
plumbers to wear their licenses at the job site.

**JOSEPH BAZEMORE**

Crywall, Tapers, & Finishers  
Local 1944

Thank you for the opportunity to submit this testimony in support  
of **HB 2304**.

**RICHARD TAGGERE**

Glaziers, Architectural Metal &  
Glassworkers Local Union 1869

Sincerely,

**RONAN KOZUMA**

Hawaii Teamsters & Allied  
Workers Local 996

*W. Hong dg*

William "Buzz" Hong  
Executive Director

**GARY AYCOCK**

Boilermakers, Ironship Builders  
Local 627

WBH/dg

**LYNN KINNEY**

District Council 50  
Painters & Allied Trades  
Local 1791

**KALANI MAHOE**

Operating Engineers Local 3

**PETER GANABAN**

Laborers' International Union of North  
America Local 258

**DOUGLAS FULP**

International Association of  
Heat & Frost Insulators  
& Allied Workers Local 132

*Skilled Craftsmanship Makes the Difference.*



Founded 1889

# PLUMBERS AND FITTERS LOCAL 675 UNITED ASSOCIATION



January 29, 2010

## TESTIMONY SUPPORTING HB2304, RELATING TO LICENSURE

**TO: HOUSE COMMITTEE ON: CONSUMER PROTECTION & COMMERCE**  
For Hearing on Monday, February 1, 2010, at 2:00 p.m., in Conference Room 325

**RE: STRONG SUPPORT FOR PASSAGE OF HB2304**

Honorable Chair Herkes, Vice Chair Wakai, and Committee members

My name is **Reginald Castanares**. I am the Business Manager, Financial Secretary for the UNITED ASSOCIATION OF PLUMBERS AND FITTERS OF HAWAII, Local 675. We represent over 2,000 members working in the Plumbing, Pipefitting, Air Conditioning, and Fire Sprinkler construction and building trades industry in Hawaii.

The Plumbing, Electrical and Elevator Labor Organization in Hawaii collectively represent a membership base of nearly 10,000 working tradesmen and women. Our organizations have diligently worked to educate the public on the importance of enforcing Hawaii's licensing laws dealing with our industry since they are vital to the health and safety of our community.

We hear increasing news stories of threats against our country and the vulnerability of our infrastructure, such as our water resources, our building's air conditioning systems, our electrical grid and one which is not generally discussed but very critical, our quiet mass transit system - high rise elevators. Thus, we wish to focus attention on promoting ways which are designed to protect the public. One very basic protection is found in the enforcement of our existing licensing laws.

We support the passage of HB2304 with the amendment proposed by RICO in HB2102 HD1, providing that "any person not wearing their license on the job site shall be counted as unlicensed for purpose of compliance enforcement by the state's RICO division."

We believe that requiring the personal display of one's trade license while on the construction job site will enhance the public's confidence, that the community is safeguarded from unlicensed workers on those systems directly connected to health and safety. This requirement will assist homeowners, inspectors and government agencies to readily identify licensed tradespersons on the job site, and ensure that workers and contractors are in compliance with existing state laws.

Mahalo for the opportunity to share our concerns with your Committee.

Sincerely,

**Reginald V. Castanares, Jr.**  
Business Manager – Financial Secretary  
UA Local 675 Plumbers and Fitters of Hawaii

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*"UA Skilled Craftsmen — No Ka Oi"*