

SB 2325

JAN 21 2010

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 homeowners,
2 inspectors, and government agencies have difficulty identifying
3 the number of licensed tradespersons performing electrical and
4 plumbing work on construction job sites. Further, it may be
5 difficult to determine whether the ratio of licensed to
6 unlicensed tradesmen performing electrical and plumbing work on
7 construction job sites comply with requirements under state law.

8 The purpose of this Act is to provide for the
9 identification of licensed electricians and plumbers and the
10 enforcement of licensing requirements on construction job sites,
11 to protect public safety and comply with state law.

12 SECTION 2. Section 444-9.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§444-9.5 Licensing of electrical or plumbing workers.

15 (a) At least half of all individuals performing electrical or
16 plumbing work employed on a construction job site by an
17 electrical or plumbing contractor shall be licensed in
18 accordance with chapter 448E. The board may waive this



1 requirement in any county when there are insufficient licensed
2 electrical or plumbing workers in that county to comply
3 herewith.

4 (b) All individuals licensed in accordance with chapter
5 448E, and who are employed on a construction job site by an
6 electrical or plumbing contractor, shall visibly display their
7 license on their person while on the construction job site."

8 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Contractors; Licensing of Electricians and Plumbers

Description:

Requires identification of licensed individuals performing electrical and plumbing work on a construction job site.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.





LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

STATE OF HAWAII
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LAWRENCE M. REIFURTH
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DEPUTY DIRECTOR

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

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION, 2010

WEDNESDAY, FEBRUARY 3, 2010
9:00 A.M.

TESTIMONY ON SENATE BILL NO. 2325
RELATING TO CONTRACTORS

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND TO THE HONORABLE DAVID Y. IGE, 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 Senate Bill No. 2325, Relating To Contractors. My name is Jo Ann Uchida, RICO's Complaints and Enforcement Officer. RICO supports this bill, subject to certain amendments set forth in this testimony.

Senate Bill No. 2325 amends the Contractor Law, Chapter 444, Hawaii Revised Statutes ("HRS"), to require all individuals licensed as electricians and plumbers under Chapter 448E, HRS, who are employed on a construction job site

by an electrical or plumbing contractor, to visibly display their license on their person.

Senate Bill No. 2325 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, 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 Senate Bill No. 2325 will assist investigators to some extent in distinguishing between licensed and unlicensed workers and, as such, RICO supports this bill.

In further support of the intent of the bill, 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 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 the opportunity to testify on Senate Bill No. 2325. I will be happy to answer any questions that the members of the Committee may have.

**PRESENTATION OF THE
CONTRACTORS LICENSE BOARD**

**TO THE SENATE COMMITTEE ON COMMERCE
AND CONSUMER PROTECTION**

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

**Wednesday, February 3, 2010
8:30 a.m.**

TESTIMONY ON SENATE BILL NO. 2325, RELATING TO CONTRACTORS.

**TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:**

My name is Denny Sadowski, Legislative Chair of the Contractors License Board ("Board"). Thank you for the opportunity to testify on Senate Bill No. 2325, which amends section 444-9.5, Hawaii Revised Statutes ("HRS"), to require individuals licensed as electricians and plumbers under Chapter 448E, HRS, to visibly display their license on their person while on the construction job site.

The Board supports the bill's intent to facilitate the enforcement of the licensing statutes, and defers to the Regulated Industries Complaints Office ("RICO") on how this may be best accomplished.

The companion bill, H.B. No. 2102, was heard by the House Committee on Labor and Public Employment on January 26, 2010, and was amended to include elevator mechanics and additional enforcement language suggested by RICO. The Board is amenable to the language proposed in the House Draft 1.

Thank you for the opportunity to testify on this measure.



Randy Perreira
President

HAWAII STATE AFL-CIO

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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State Senate
Committee on Commerce and Consumer Protection

Testimony by
Hawaii State AFL-CIO
February 3, 2010

S.B. 2325 – RELATING TO CONTRACTORS

The Hawaii State AFL-CIO supports H.B. 2325 which requires identification of licensed individuals performing electrical and plumbing work on a construction job site.

S.B. 2325 will help ensure public safety and compliance to state law. It will help provide for the identification of licensed electricians and plumbers and help provide proper enforcement on construction job sites. However, the Hawaii State AFL-CIO requests that S.B. 2325 be amended to include licensed individuals performing elevator work on a construction job site. Elevator workers are licensed in accordance with Chapter 448H.

Thank you for the opportunity to testify.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "RPR", is written over a faint, larger version of the signature.

Randy Perreira
President

Testimony In support of
SB2325 RELATING TO CONTRACTORS

By Al Lardizabal, Director
Government Relations
Hawaii Laborers' Union

To the Senate Committee on Commerce and Consumer Protection
Wednesday, February 3, 2010, 9:00 a.m., Rm. 229
State Capitol

Honorable Rosalyn H. Baker, Chair; Honorable David Y. Ige, Vice
Chair and Members of the Committee:

The Hawaii Laborers Union supports the intent and purpose of SB2325
requiring the identification of licensed plumbers and electrical workers.
We recommend the addition of licensed elevator mechanics to the bill.

We believe that this bill will enhance the safety of the public and discourage
unlicensed persons who have not met strict government and trade standards
from posing as licensed individuals.

Thank you for the opportunity to submit this testimony.



ELECTRICAL CONTRACTOR'S ASSOCIATION OF HAWAII

NECA Hawai'i Chapter
1286 Kalani Street, Suite B-203
Honolulu, Hawai'i 96817
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February 1, 2010

To: The Honorable Senator Rosalyn Baker, Chair
And the Members of the Committee on Commerce and Consumer Protection

From: Al Itamoto, Executive Director
Electrical Contractors Association of Hawaii
National Electrical Contractors Association, Hawaii Chapter

Subject: SB 2325, Relating to Contractors

Notice of Hearing

Date: Wednesday, February 3, 2010
Time: 9:00 AM
Place: Conference Room 229
State Capitol
415 South Beretania Street

Committee
Copies Requested: 4

Dear Chair Baker and Committee members:

The Electrical Contractors Association of Hawaii (ECAH) is a non-profit association consisting of electrical contractors that are signatory to a collective bargaining agreement with IBEW Local Union 1186. ECAH **strongly supports** the intent and purpose of SB 2325 requiring that all individuals employed on a construction site by an electrical or plumbing contractor shall visibly display their license on their person. In the House version of this bill, the Department of Commerce and Consumer Affairs suggests that the license should be the one issued by DCCA and should include a photo ID. We also support DCCA's position.

The intent and purpose of SB2325 is consistent with the objectives of ECAH and would aid in the identification of the licensed electrician or plumber in enforcing licensing requirements and determining license to unlicensed ratios on the job site. The goal is public safety, quality workmanship and compliance to state statutes.

ECAH **strongly supports** the passage of SB 2325.

Thank you for the opportunity to provide testimony on this issue.



HAWAII ELECTRICIANS TRAINING FUND

1935 HAU STREET, ROOM 301 • HONOLULU, HAWAII 96819-5003 • PHONE (808) 847-0629 • FAX (808) 843-8818

TESTIMONY SUPPORTING SB2325, RELATING TO CONTRACTORS

**TO: SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
(VIA FAX 843-8818)**

For Hearing on Wednesday, February 3, 2010, at 8:30 A.M., in Conference Room 229

RE: STRONG SUPPORT FOR SB2325

Honorable Chair Baker, Vice Chair Ige, and Commerce and Consumer Protection 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:



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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.

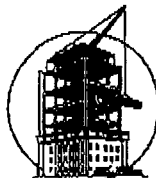
Requiring the visible display of the State of Hawaii required license will better promote the protection of public safety and the ability to recognize the needed ratio of apprentices or trainees to better quantify the training necessary in the development of needed competencies for licensed tradespersons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

Thank you for providing me with the opportunity to testify in strong support for SB2325.

Thank you,

David Lovelace

Hawaii Electricians Training Fund
Training Coordinator



HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

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NDLAN MORIWAKI

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Vice President

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DAMIEN T. K. KIM

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International Brotherhood of
Electrical Workers Local 1186

ARTHUR TOLENTINO

Treasurer

Sheet Metal Workers I.A. Local 293

REGINALD CASTANARES

Trustee

Plumbers & Fitters Local 676

THADDEUS TOMEI

Elevator Constructors Local 126

MALCOLM K. AHLO

*Carpet, Linoleum, & Soft Tile
Local 1286*

JOSEPH BAZEMORE

*Drywall, Tapers, & Finishers
Local 1944*

RICHARD TAGGERE

*Glaziers, Architectural Metal &
Glassworkers Local Union 1889*

RONAN KOZUMA

*Hawaii Teamsters & Allied
Workers Local 996*

GARY AYCOCK

*Boilermakers, Ironship Builders
Local 627*

LYNN KIMNEY

*District Council 50
Painters & Allied Trades
Local 1791*

KALANI MAHOE

Operating Engineers Local 3

PETER GANABAN

*Laborers' International Union of North
America Local 368*

DOUGLAS FULP

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

February 2, 2010

Honorable Senator Rosalyn H. Baker, Chair
Honorable Senator David Y. Ige, Vice Chair
Members of the Senate Committee on Commerce & Consumer Protection
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

RE: **IN SUPPORT OF SB 2325**
RELATING TO CONTRACTORS
Hearing: Wed., Feb. 3, 2010, 8:30 a.m., Room 229

Dear Chair Baker, Vice Chair Ige, and the Senate Committee on
Commerce and Consumer Protection:

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.

The Council **SUPPORTS** the passage of **SB2325** that requires
identification of licensed individuals performing electrical and
plumbing work on a construction job site.

Thank you for the opportunity to submit this testimony in support
of **SB2325**.

Sincerely,

William "Buzz" Hong
Executive Director

WBH/dg