
A BILL FOR AN ACT

RELATING TO PUBLIC WORK PROJECTS.

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

1 SECTION 1. The legislature finds that under current law, a
2 contractor found to be in violation of the prevailing wage law
3 under chapter 104, Hawaii Revised Statutes, is considered to
4 have committed only one violation although other violations may
5 be occurring or recurring simultaneously on multiple public work
6 projects performed by the same contractor. The purpose of this
7 Act is to ensure that a violation of chapter 104, Hawaii Revised
8 Statutes, arises with each separate project in which the
9 department of labor and industrial relations finds that a
10 contractor has failed to comply with the law.

11 SECTION 2. Section 104-24, Hawaii Revised Statutes, is
12 amended by amending subsection (d) to read as follows:

13 "(d) A first, second, ~~[or]~~ third, fourth, fifth, or sixth
14 violation refers to each ~~[investigation involving one or more~~
15 ~~projects]~~ project in which the department finds that a
16 contractor has failed to comply with this chapter~~[-]~~; provided
17 that the violator shall have a right to file a written notice of
18 appeal as provided in section 104-23 and it shall be an



1 affirmative defense that the violation occurred
2 unintentionally."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Public Work Projects; Hours and Wages; Violations

Description:

Clarifies that up to six single violations of the prevailing wage law refers to each separate project where the Department of Labor and Industrial Relations finds a contractor in violation. Allows a violator to use an affirmative defense at appeal that the violation occurred unintentionally. (HB1434 HD1)

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

