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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1           SECTION 1. The purpose of this Act is to transfer  
2 responsibility for the warranty of the area of a roof on which a  
3 solar energy device has been installed from the roofing  
4 contractor to the solar contractor that installed the solar  
5 energy device.

6           SECTION 2. Section 196-7, Hawaii Revised Statutes, is  
7 amended by amending subsection (e) to read as follows:

8           "(e) If [~~a material or labor roof warranty exists at the~~  
9 ~~time a solar energy device is installed]~~ there is an existing  
10 contractor's guarantee or manufacturer's labor or material  
11 warranty on the roof, roofing membrane, or roofing material on a  
12 roof that is a common element or limited common element, [~~the~~  
13 ~~homeowner shall obtain confirmation in writing from the company~~  
14 ~~that issued the warranty that the installation of the solar~~  
15 ~~energy device will not void the roof warranty.] the contractor  
16 that installs a solar energy device on the roof shall notify the  
17 private entity in writing that the installation of a solar  
18 energy device may affect or void the roofing guarantees or~~



1 warranties. If the private entity chooses to forgo the roofing  
2 guarantee or warranty, the contractor that installs a solar  
3 energy device shall obtain that decision in writing. Otherwise,  
4 the contractor that installs a solar energy device shall obtain  
5 the roofing manufacturer's written approval for that project and  
6 follow the roofing manufacturer's written instructions for  
7 waterproofing roof penetrations for the specific roofing  
8 material or coordinate the waterproofing with the contractor  
9 that issued the guarantee or warranty. If the penetrations for  
10 the installation of a solar energy device are waterproofed by  
11 the roofing contractor that provided the existing guarantee or  
12 warranty, the roofing contractor shall maintain the existing  
13 guarantee or warranty; provided that if either the roofing  
14 contractor's guaranty or the roofing manufacturer's warranty is  
15 no longer in effect, the contractor who installs the solar  
16 energy device and waterproofs the penetrations in accordance  
17 with this section shall apply the contractor's or lessor's  
18 standard labor and workmanship warranty. The homeowner shall  
19 provide the private entity with a copy of the [~~confirmation.~~]  
20 applicable guarantee or warranty."

21 SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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



**Report Title:**

Solar Energy Device; Warranty; Contractors

**Description:**

Requires a contractor that installs a solar energy device to notify the private entity that installation might void the roofing warranties or guarantees. Unless the private entity forgoes the roofing warranty or guarantee, requires a contractor that installs a solar energy device to obtain written approval from the roof manufacturer and follow written instructions for waterproofing roof penetrations from the roof manufacturer. Requires a roofing contractor that waterproofs roof penetrations related to the installation of a solar energy device to honor the roof warranty or guarantee; provided that if either the roofing contractor's guaranty or the roofing manufacturer's warranty is no longer in effect, the contractor who installs the solar energy device and waterproofs the penetrations shall apply the contractor's or lessor's standard labor and workmanship warranty. (SD2)

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