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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. Chapter 444, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§444-       Volunteer investigators; immunity from  
5 liability. Any volunteer investigator deputized under section  
6 444-4(11) who, in good faith, provides services pursuant to this  
7 chapter shall not be liable in any civil action for damages as a  
8 result of any acts or omissions in conducting or participating  
9 in investigations; provided the skill and care given is that  
10 ordinarily required and exercised by other persons in the  
11 profession."

12           SECTION 2. Chapter 448E, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15           "§448E-       Volunteer investigators; immunity from  
16 liability. Any volunteer investigator deputized under section  
17 448E-4(5), who, in good faith, provides services pursuant to



1 this chapter shall not be liable in any civil action for damages  
2 as a result of any acts or omissions in conducting or  
3 participating in investigations; provided the skill and care  
4 given is that ordinarily required and exercised by other persons  
5 in the profession."

6 SECTION 3. Section 444-1, Hawaii Revised Statutes, is  
7 amended by amending the definition of "investigator" to read as  
8 follows:

9 "Investigator" means any person employed or deputized by  
10 the department of commerce and consumer affairs to investigate  
11 matters relating to any person who furnishes commodities or  
12 services for which a license is required from the department or  
13 any board or commission thereunder."

14 SECTION 4. Section 444-4, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§444-4 Powers and duties of board.** In addition to any  
17 other powers and duties authorized by law, the board shall:

18 (1) Grant licenses, including conditional licenses, to  
19 contractors pursuant to this chapter and rules;

20 (2) Adopt, amend, or repeal such rules as the board may  
21 deem proper fully to effectuate this chapter and carry



1 out the purpose thereof, which is the protection of  
2 the general public. All rules shall be approved by  
3 the governor and the director, and when adopted  
4 pursuant to chapter 91, shall have the force and  
5 effect of law. The rules may forbid acts or practices  
6 deemed by the board to be detrimental to the  
7 accomplishment of the purpose of this chapter. The  
8 rules may require contractors to make reports to the  
9 board containing any items of information as will  
10 better enable the board to enforce this chapter and  
11 rules, or as will better enable the board from time to  
12 time to amend the rules more fully to effectuate the  
13 purposes of this chapter. The rules may require  
14 contractors to furnish reports to owners containing  
15 any matters of information as the board deems  
16 necessary to promote the purpose of this chapter. The  
17 enumeration of specific matters which may properly be  
18 made the subject of rules shall not be construed to  
19 limit the board's general power to make all rules  
20 necessary fully to effectuate the purpose of this  
21 chapter;



- 1           (3) Adopt rules pursuant to chapter 91 necessary to  
2           implement the provisions of this chapter relating to  
3           CFCs, including, but not limited to, procedures for  
4           the disposal of air conditioning units utilizing CFCs  
5           that include mandatory recovery and recycling of CFCs;
- 6           (4) Enforce this chapter and rules adopted pursuant  
7           thereto;
- 8           (5) Suspend or revoke any license for any cause prescribed  
9           by this chapter, or for any violation of the rules,  
10          and refuse to grant, renew, restore, or reinstate any  
11          license for any cause which would be grounds for  
12          revocation or suspension of a license;
- 13          (6) Publish and distribute pamphlets and circulars  
14          containing any information as the board deems proper  
15          to further the accomplishment of the purpose of this  
16          chapter;
- 17          (7) Contract for professional testing services to prepare,  
18          administer, and grade the examinations for applicants  
19          as may be required for the purposes of this chapter.  
20          The board shall determine the scope and length of the  
21          examinations, whether the examinations shall be oral,



1 written, or both, and the score that shall be deemed a  
2 passing score;

3 (8) Order summary suspension of a license; provided that  
4 summary suspensions may be delegated in accordance  
5 with section 436B-23;

6 (9) Issue informal nonbinding interpretations or  
7 declaratory rulings, and conduct contested case  
8 proceedings pursuant to chapter 91; ~~and~~

9 (10) Subpoena witnesses and documents, administer oaths,  
10 receive affidavits and oral testimony, including  
11 telephonic communications~~[-]~~; and

12 (11) Provide training for and deputize not less than  
13 persons to serve as volunteer investigators."

14 SECTION 5. Section 444-9.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) At least half of all individuals performing  
17 electrical or plumbing work employed on a construction job site  
18 by an electrical or plumbing contractor shall be licensed in  
19 accordance with chapter 448E~~[-]~~; provided that all the remaining  
20 individuals are covered under section 448E-9(b), on apprentices  
21 and trainees. ~~[The board may waive this requirement in any~~



1 ~~county when there are insufficient licensed electrical or~~  
2 ~~plumbing workers in that county to comply with this section.]"~~

3 SECTION 6. Section 444-10, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§444-10 Investigation** [~~permitted.~~]; required. The  
6 contractors license board [~~may~~] shall investigate, classify, and  
7 qualify applicants for contractors licenses."

8 SECTION 7. Section 444-23, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Any licensee who contracts outside the appropriate  
11 scope of classification for which the licensee is licensed shall  
12 be fined [~~\$500~~] \$1,000 for the first offense, [~~\$1,000~~] \$10,000  
13 for the second offense, and not less than [~~\$1,500~~] \$15,000 or  
14 more than [~~\$2,000~~] \$20,000 for any subsequent offense."

15 SECTION 8. Section 448E-4, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§448E-4 Powers and duties of board.** In addition to any  
18 other powers and duties authorized by law, the board shall have  
19 all the powers and duties necessary or convenient to carry out  
20 and effectuate this chapter, including but not limited to the  
21 following powers and duties:



- 1           (1) To grant licenses which shall be renewable for:
- 2                (A) Journey worker electricians;
- 3                (B) Journey worker specialty electricians;
- 4                (C) Supervising electricians;
- 5                (D) Supervising specialty electricians;
- 6                (E) Master plumbers;
- 7                (F) Journey worker plumbers;
- 8                (G) Maintenance electricians;
- 9                (H) Journey worker industrial electricians; and
- 10              (I) Supervising industrial electricians;
- 11           (2) To adopt, amend, or repeal rules in accordance with
- 12                chapter 91 as it may deem proper to effectuate this
- 13                chapter and to insure the safety and welfare of the
- 14                general public; provided that the rules may forbid
- 15                acts or practices deemed by the board to be
- 16                detrimental to the accomplishment of the purpose of
- 17                this chapter;
- 18           (3) To enforce this chapter and rules adopted pursuant to
- 19                this chapter and chapter 91, including the denial,
- 20                suspension, or revocation of any license; [~~and~~]



1 (4) To examine all applicants and licensees to determine  
2 their qualifications prior to the issuance or renewal  
3 of licenses[-]; and

4 (5) Provide training for and deputize not less than  
5 persons to serve as volunteer investigators."

6 SECTION 9. Section 448E-10, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) Any person who violates any provision of this chapter  
9 shall be fined not less than [~~\$100~~] \$ \_\_\_\_\_ and not more than  
10 [~~\$5,000~~] \$ \_\_\_\_\_ for each violation."

11 SECTION 10. There is appropriated out of the compliance  
12 resolution fund the sum of \$ \_\_\_\_\_ or so much thereof as may  
13 be necessary for fiscal year 2015-2016 and the same sum or so  
14 much thereof as may be necessary for fiscal year 2016-2017 for  
15 the training and deputizing of the volunteer investigators for  
16 the contractors license board and the board of electricians and  
17 plumbers.

18 The sums appropriated shall be expended by the department  
19 of commerce and consumer affairs for the purposes of this Act.

20 SECTION 11. The contractors license board and the board of  
21 electricians and plumbers shall submit a joint report of their





1 findings and recommendations, including any proposed  
2 legislation, to the legislature not less than twenty days prior  
3 to the convening of the regular sessions of 2016, 2017, and  
4 2018, on the effectiveness of the training and deputizing of the  
5 volunteer investigators under their respective jurisdictions.

6 SECTION 12. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 13. This Act shall take effect on July 1, 2015.

9

INTRODUCED BY:   


JAN 23 2015



# H.B. NO. 713

**Report Title:**

Contractors; Investigators; Appropriations

**Description:**

Requires the appropriate licensing boards to hire and train private deputies to investigate the use of unlicensed persons by contractors on construction sites. Increases penalties for violation of scope of contracting. Requires report. Appropriates moneys from the compliance resolution fund.

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

