

JAN 28 2015

A BILL FOR AN ACT

RELATING TO IRONWORKERS.

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

1 SECTION 1. The legislature finds that ironworkers are
2 tradespersons who work in the ironworking industry. Among other
3 things, ironworkers raise, place, or unite girders, columns, and
4 other structural steel members. Installation and erection of
5 structural steel is one of the most dangerous jobs in the United
6 States and one that is often performed at great heights. A fall
7 on the job can lead to fatalities, serious injuries, or both.
8 Appropriate worker training and experience are therefore
9 necessary to ensure a safe working environment for the
10 installation and erection of structural steel.

11 The legislature additionally finds that public safety and
12 worker safety can be affected if general contractors hire
13 workers who are not fully qualified to install and erect
14 structural steel. The legislature concludes that workers and
15 the general public will benefit from the licensing of
16 ironworkers. Establishing a licensing process for ironworkers



1 will protect workers, promote quality ironworking in the State,
2 and benefit public safety.

3 Accordingly, the purpose of this Act is to regulate
4 ironworkers in the State by:

- 5 (1) Establishing a board of ironworkers;
- 6 (2) Requiring licensure for master ironworkers and
7 journeyman ironworkers in Hawaii; and
- 8 (3) Setting minimum qualification and continuing
9 competency requirements for licensure of ironworkers.

10 SECTION 2. The Hawaii Revised Statutes is amended by
11 adding a new chapter to be appropriately designated and to read
12 as follows:

13 "CHAPTER

14 IRONWORKERS

15 § -1 Definitions. As used in this chapter, unless the
16 context requires otherwise:

17 "Board" means the board of ironworkers.

18 "Director" means the director of commerce and consumer
19 affairs.

20 "Ironworker" means an individual who does any of the
21 following:



- 1 (1) Raises, places, or unites girders, columns, and other
- 2 structural steel members;
- 3 (2) Positions and secures reinforcing rods or post
- 4 tensioning cables during on-site construction of
- 5 buildings or bridges;
- 6 (3) Installs prefabricated, ornamental metalwork;
- 7 (4) Erects precast girders during on-site construction of
- 8 bridges; or
- 9 (5) Rigs or raises a turbine for a wind energy system.

10 § -2 **Board; appointment.** There is established the board
11 of ironworkers consisting of seven members to be appointed by
12 the governor to staggered terms pursuant to section 26-34.
13 Three of the members shall be master ironworkers, one of the
14 members shall be a reinforcing steel contractor, and one of the
15 members shall be a structural steel contractor. Two of the
16 members shall be private citizens not connected with the
17 industry.

18 § -3 **Powers and duties of the board.** In addition to any
19 other powers and duties authorized by law, the board shall have
20 all the powers and duties necessary or convenient to carry out



1 and effectuate this chapter, including but not limited to the
2 following powers and duties:

- 3 (1) To grant licenses which shall be renewable for:
 - 4 (A) Master ironworkers; and
 - 5 (B) Journeyman ironworkers;
- 6 (2) To adopt, amend, or repeal rules in accordance with
7 chapter 91 as it may deem proper to effectuate this
8 chapter and to ensure the safety and welfare of the
9 general public; provided that the rules may forbid
10 acts or practices deemed by the board to be
11 detrimental to the accomplishment of the purpose of
12 this chapter;
- 13 (3) To enforce this chapter and rules adopted pursuant to
14 this chapter and chapter 91, including the denial,
15 suspension, or revocation of any license;
- 16 (4) To examine all applicants and licensees to determine
17 their qualifications prior to the issuance or renewal
18 of licenses;
- 19 (5) To establish rules specifying a minimum number of
20 master ironworkers that are required to provide work
21 at a construction site and a maximum number of

1 individuals training as ironworkers who are permitted
2 to provide work at a construction site, to ensure the
3 safety of individuals at the construction site;

4 (6) To order and have enforced a work stoppage on any
5 construction site for violating the ratio of minimum
6 required master ironworkers to maximum number of
7 individuals training as ironworkers at a construction
8 site as provided in the rules; and

9 (7) To inspect any construction site for appropriate
10 ironworker ratio.

11 § -4 Minimum requirements. An applicant shall possess
12 the following minimum qualifications:

13 (1) Journeyman ironworker: To be eligible for the
14 journeyman ironworker examination, an applicant shall
15 be at least eighteen years of age and shall provide
16 satisfactory evidence of:

17 (A) Experience in ironworking of at least three years
18 full-time or its equivalent, but not less than
19 six thousand hours, in the trade under the
20 supervision of a master ironworker; and



1 (B) Satisfactory completion of a board-approved
2 ironworker apprenticeship program or eight
3 thousand hours of work in the ironworking trade
4 under the supervision of a journeyman ironworker
5 or a master ironworker; and

6 (2) Master ironworker: To be eligible for the master
7 ironworker examination, an applicant shall be at least
8 twenty-one years of age and shall provide satisfactory
9 evidence of:

10 (A) Experience in ironworking of at least six years
11 full-time or its equivalent, but not less than
12 twelve thousand hours, in the trade under the
13 supervision of a master ironworker; and

14 (B) Satisfactory completion of a board-approved
15 ironworker apprenticeship program or eight
16 thousand hours of work in the ironworking trade
17 under the supervision of a journeyman ironworker
18 or a master ironworker.

19 § -5 Examination. (a) Every applicant shall be
20 examined and shall pass an examination to be eligible for
21 licensure. The board shall provide in its rules the passing



1 score for the examination. The board may examine applicants or
2 may contract with professional testing services to prepare,
3 administer, and grade the examination as may be required for the
4 purpose of this section.

5 (b) Every applicant shall pay an examination fee as
6 provided in rules adopted by the director pursuant to chapter
7 91. Should the board contract with a professional testing
8 agency to prepare, administer, and grade the examination, the
9 examination fee may be paid directly to the testing agency by
10 the director or the examinee.

11 § -6 Fees; renewals. (a) Renewal fees shall be paid to
12 the board before July 1.

13 (b) Master ironworkers and journeyman ironworkers shall
14 renew the license every three years and shall pay all required
15 fees.

16 (c) Failure, neglect, or refusal of any licensee to pay
17 the renewal fee or meet the requirements of section -7 before
18 the renewal date shall constitute a forfeiture of the license.
19 Any license so forfeited may be restored upon written
20 application within one year from the date of forfeiture, upon



1 payment of the required renewal fee plus penalty fees and upon
2 meeting the requirements in section -7.

3 § -7 Continued competency; license renewals. (a) Prior
4 to each license renewal, all licensed ironworkers shall:

5 (1) Furnish the board with proof of attendance at an
6 educational course related to current updates in
7 ironworking approved by the board; or

8 (2) Successfully complete an examination prescribed by the
9 board on current updates to ironworking.

10 (b) A licensee who has been issued a new license within
11 one year of the renewal date shall not be required to take the
12 course or the examination to renew the licensee's license.

13 § -8 Unlicensed activity. (a) No person shall act or
14 assume to act as a master ironworker or journeyman ironworker or
15 advertise or hold the person's self out as an ironworker,
16 without a license previously obtained in compliance with this
17 chapter and the rules of the board.

18 (b) An apprentice or trainee learning the trade of a
19 person licensed under this chapter shall not be required to have
20 a license if the apprentice or trainee acts under the



1 supervision of a person appropriately licensed under this
2 chapter.

3 (c) Upon entry of a judgment by a court of competent
4 jurisdiction finding that the person has advertised in violation
5 of this section, the entity furnishing voice communication
6 service to the violator shall disconnect the telephone number
7 contained in the advertisement or listing.

8 § -9 Suspension; revocation; fine; denial of issuance or

9 renewal of a license. (a) In addition to any other actions
10 authorized by law, the board, after notice and hearing as
11 provided in chapter 91, may suspend or revoke any license, or
12 impose fines, or prior to the notice and hearing, deny the
13 issuance or renewal of any license for any cause authorized by
14 law, including but not limited to the following:

- 15 (1) Obtaining or attempting to obtain a license by fraud,
16 misrepresentation, or deceit;
- 17 (2) Gross negligence, incompetency, misconduct, or
18 dishonesty in the practice of the profession;
- 19 (3) False, fraudulent, or deceptive advertising;
- 20 (4) Permitting an unlicensed person to perform activities
21 requiring a license;



- 1 (5) Aiding or abetting an unlicensed person to violate
- 2 this chapter;
- 3 (6) Allowing a person's license to be used by an
- 4 unlicensed person;
- 5 (7) Acting as an agent, partner, or associate of an
- 6 unlicensed person engaging in an activity in violation
- 7 of this chapter; or
- 8 (8) Violating any provision of this chapter or rule of the
- 9 board.

10 (b) Any person who violates this chapter shall be fined
11 not less than \$1,000 and not more than \$50,000 for each
12 violation or imprisoned for not more than six months, or both.

13 § -10 Injunction. The board may, in addition to any
14 other remedy available, apply to a circuit court judge for a
15 temporary restraining order or preliminary or permanent
16 injunction restraining any person from acting, or assuming to
17 act, as a master ironworker or journeyman ironworker without a
18 license previously obtained in compliance with this chapter and
19 the rules of the board, and upon hearing and for cause shown,
20 the judge may grant the temporary restraining order or
21 preliminary or permanent injunction.



1 § -11 **Inspections.** Nothing in this chapter shall
2 deprive the several counties of the right to perform inspections
3 as regulated by their respective ordinances."

4 SECTION 3. Section 26-9, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

6 "(c) The board of acupuncture, board of public
7 accountancy, board of barbering and cosmetology, boxing
8 commission, board of chiropractic examiners, contractors license
9 board, board of dental examiners, board of electricians and
10 plumbers, elevator mechanics licensing board, board of
11 professional engineers, architects, surveyors, and landscape
12 architects, board of massage therapy, Hawaii medical board,
13 motor vehicle industry licensing board, motor vehicle repair
14 industry board, board of naturopathic medicine, board of
15 nursing, board of examiners in optometry, pest control board,
16 board of pharmacy, board of physical therapy, board of
17 psychology, board of private detectives and guards, real estate
18 commission, board of veterinary examiners, board of speech
19 pathology and audiology, board of ironworkers, and any board,
20 commission, program, or entity created pursuant to or specified
21 by statute in furtherance of the purpose of this section



1 including but not limited to section 26H-4, or chapters 484,
2 514A, 514B, and 514E shall be placed within the department of
3 commerce and consumer affairs for administrative purposes.

4 The public utilities commission shall be placed, for
5 administrative purposes only, within the department of commerce
6 and consumer affairs. Notwithstanding section 26-9(e), (f),
7 (g), (h), (j), (k), (l), (m), (n), (p), (q), (r), and (s), and
8 except as permitted by sections 269-2 and 269-3, the department
9 of commerce and consumer affairs shall not direct or exert
10 authority over the day-to-day operations or functions of the
11 commission."

12 SECTION 4. Section 92-28, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§92-28 State service fees; increase or decrease of.** Any
15 law to the contrary notwithstanding, the fees or other nontax
16 revenues assessed or charged by any board, commission, or other
17 governmental agency may be increased or decreased by the body in
18 an amount not to exceed [~~fifty~~] 50 per cent of the statutorily
19 assessed fee or nontax revenue, to maintain a reasonable
20 relation between the revenues derived from such fee or nontax
21 revenue and the cost or value of services rendered,



1 comparability among fees imposed by the State, or any other
2 purpose which it may deem necessary and reasonable; provided
3 that:

4 (1) The authority to increase or decrease fees or nontax
5 revenues shall be subject to the approval of the
6 governor and extend only to the following: chapters
7 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,
8 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,
9 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,
10 436E, 437, 437B, 438, 439, 440, 441, 442, 443B, 444,
11 447, 448, 448E, 448F, 448H, 451A, 451J, 452, 453,
12 453D, 454, 455, 456, 457, 457A, 457B, 457G, 458, 459,
13 460J, 461, 461J, 462A, 463, 463E, 464, 465, 466, 466K,
14 467, 467E, 468E, 468L, 468M, 469, 471, 482, 482E, 484,
15 485A, 501, 502, 505, 514A, 514B, 514E, 572, 574, [and]
16 846 (part II) [+], and _____ ;

17 (2) The authority to increase or decrease fees or nontax
18 revenues under the chapters listed in paragraph (1)
19 that are established by the department of commerce and
20 consumer affairs shall apply to fees or nontax
21 revenues established by statute or rule;



- 1 (3) The authority to increase or decrease fees or nontax
2 revenues established by the University of Hawaii under
3 chapter 304A shall be subject to the approval of the
4 board of regents; provided that the board's approval
5 of any increase or decrease in tuition for regular
6 credit courses shall be preceded by an open public
7 meeting held during or prior to the semester preceding
8 the semester to which the tuition applies;
- 9 (4) This section shall not apply to judicial fees as may
10 be set by any chapter cited in this section;
- 11 (5) The authority to increase or decrease fees or nontax
12 revenues pursuant to this section shall be exempt from
13 the public notice and public hearing requirements of
14 chapter 91; and
- 15 (6) Fees for copies of proposed and final rules and public
16 notices of proposed rulemaking actions under chapter
17 91 shall not exceed 10 cents a page, as required by
18 section 91-2.5."

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



S.B. NO. 1055

1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: Orchelle Sidani



S.B. NO. 1055

Report Title:

Ironworkers; Licensure; Board of Ironworkers; Qualifications;
Continued Competency

Description:

Regulates ironworkers in the State by: establishing a board of ironworkers; requiring licensure for master ironworkers and journeyman ironworkers in Hawaii; and setting minimum qualification and continued competency requirements for licensure of ironworkers.

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