

JAN 22 2015

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:

A handwritten signature in black ink, appearing to read "Scott K. Stebbins", is written over a horizontal line.



S.B. NO. 168

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.

