
A BILL FOR AN ACT

RELATING TO CONTRACTORS.

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

1 SECTION 1. Section 444-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§444-2 Exemptions.** This chapter shall not apply to:

4 (1) Officers and employees of the United States, the
5 State, or any county while in the performance of their
6 governmental duties;

7 (2) Any person acting as a receiver, trustee in
8 bankruptcy, personal representative, or any other
9 person acting under any order or authorization of any
10 court;

11 (3) A person who sells or installs any finished products,
12 materials, or articles of merchandise that are not
13 actually fabricated into and do not become a permanent
14 fixed part of the structure, or to the construction,
15 alteration, improvement, or repair of personal
16 property;



- 1 (4) Any project or operation for which the aggregate
2 contract price for labor, materials, taxes, and all
3 other items is not more than \$1,000. This exemption
4 shall not apply in any case where a building permit is
5 required regardless of the aggregate contract price,
6 nor where the undertaking is only a part of a larger
7 or major project or operation, whether undertaken by
8 the same or a different contractor or in which a
9 division of the project or operation is made in
10 contracts of amounts not more than \$1,000 for the
11 purpose of evading this chapter or otherwise;
- 12 (5) A registered architect or professional engineer acting
13 solely in the person's professional capacity;
- 14 (6) Any person who engages in the activities regulated in
15 this chapter as an employee with wages as the person's
16 sole compensation;
- 17 (7) Owner-builders exempted under section 444-2.5;
- 18 (8) Any joint venture if all members thereof hold licenses
19 issued under this chapter;
- 20 (9) Any project or operation where it is determined by the
21 board that less than ten persons are qualified to



1 perform the work in question and that the work does
2 not pose a potential danger to public health, safety,
3 and welfare; [~~or~~]

4 (10) Any public works project that requires additional
5 qualifications beyond those established by the
6 licensing law and which is deemed necessary and in the
7 public interest by the contracting agency[~~-~~]; or

8 (11) Any eleemosynary organization that has been certified
9 to be tax exempt under sections 501(c)(1) or 501(c)(3)
10 of the Internal Revenue Code of 1986, as amended, and
11 intends to engage in a public works project or
12 operation; provided that:

13 (A) The board determines that:

14 (i) The project or operation does not pose a
15 potential danger to the public health,
16 safety, or welfare; and

17 (ii) The organization has performed the same or
18 substantially similar projects or operations
19 for at least ten consecutive years; and



1 (B) The procurer of the contract deems the project or
 2 operation to be necessary and in the public
 3 interest."

4 SECTION 2. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

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H.B. NO. 838

Report Title:

Contractors; Eleemosynary Organizations

Description:

Exempts an eleemosynary organization that meets certain conditions from the requirement of licensure as a contractor.

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