
A BILL FOR AN ACT

RELATING TO CONTRACTORS LICENSE BOARD.

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

1 SECTION 1. Section 444-3, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 " (b) Of the board members:

4 (1) Ten shall be contractors who have been actively
5 engaged in the contracting business for a period of
6 not less than five years preceding the date of their
7 appointment; provided that:

8 (A) Five shall be general engineering or general
9 building contractors; and

10 (B) Five shall be specialty contractors who do not
11 hold general engineering nor general building
12 contractor licenses;

13 (2) [~~Five shall be general engineering or building~~
14 ~~contractors, five shall be specialty contractors, and~~
15 ~~three] Three shall be noncontractors[-] who do not:~~



- 1 (A) Hold any license issued pursuant to this chapter;
- 2 (B) Have an immediate family member who holds any
- 3 license issued pursuant to this chapter; or
- 4 (C) Have any financial interest in the business of a
- 5 person who holds a license issued pursuant to
- 6 this chapter; and
- 7 (3) No member shall receive any compensation for the
- 8 member's services, but each shall be reimbursed for
- 9 necessary traveling expenses incurred in the
- 10 performance of duties."

11 SECTION 2. Section 444-4, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "**§444-4 Powers and duties of board.** (a) The protection
 14 of the public shall be of the highest priority for the board in
 15 the exercise of its licensing, regulatory, and disciplinary
 16 functions. Whenever the protection of the public is
 17 inconsistent with other interests that are sought to be
 18 promoted, the protection of the public shall take priority.

19 (b) In addition to any other powers and duties authorized
 20 by law, the board shall:



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1 (1) Grant licenses, including conditional licenses, to
2 contractors pursuant to this chapter and rules;
3 (2) Adopt, amend, or repeal such rules as the board may
4 deem proper fully to effectuate this chapter and carry
5 out the purpose thereof, which is the protection of
6 the general public. All rules shall be approved by
7 the governor and the director, and when adopted
8 pursuant to chapter 91, shall have the force and
9 effect of law. The rules may forbid acts or practices
10 deemed by the board to be detrimental to the
11 accomplishment of the purpose of this chapter. The
12 rules may require contractors to make reports to the
13 board containing any items of information as will
14 better enable the board to enforce this chapter and
15 rules, or as will better enable the board from time to
16 time to amend the rules more fully to effectuate the
17 purposes of this chapter. The rules may require
18 contractors to furnish reports to owners containing
19 any matters of information as the board deems
20 necessary to promote the purpose of this chapter. The
21 enumeration of specific matters which may properly be



- 1 made the subject of rules shall not be construed to
2 limit the board's general power to make all rules
3 necessary fully to effectuate the purpose of this
4 chapter;
- 5 (3) Adopt rules pursuant to chapter 91 necessary to
6 implement the provisions of this chapter relating to
7 CFCs, including, but not limited to, procedures for
8 the disposal of air conditioning units utilizing CFCs
9 that include mandatory recovery and recycling of CFCs;
- 10 (4) Enforce this chapter and rules adopted pursuant
11 thereto;
- 12 (5) Suspend or revoke any license for any cause prescribed
13 by this chapter, or for any violation of the rules,
14 and refuse to grant, renew, restore, or reinstate any
15 license for any cause which would be grounds for
16 revocation or suspension of a license;
- 17 (6) Publish and distribute pamphlets and circulars
18 containing any information as the board deems proper
19 to further the accomplishment of the purpose of this
20 chapter;



- 1 (7) Contract for professional testing services to prepare,
2 administer, and grade the examinations for applicants
3 as may be required for the purposes of this chapter.
4 The board shall determine the scope and length of the
5 examinations, whether the examinations shall be oral,
6 written, or both, and the score that shall be deemed a
7 passing score;
- 8 (8) Order summary suspension of a license; provided that
9 summary suspensions may be delegated in accordance
10 with section 436B-23;
- 11 (9) Issue informal nonbinding interpretations or
12 declaratory rulings, and conduct contested case
13 proceedings pursuant to chapter 91; and
- 14 (10) Subpoena witnesses and documents, administer oaths,
15 receive affidavits and oral testimony, including
16 telephonic communications."

17 SECTION 3. Each member serving on the contractors license
18 board on the effective date of this Act shall serve until that
19 member's current term expires. All vacancies after the
20 effective date of this Act shall be filled in accordance with
21 section 1 of this Act.



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

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:  _____

JAN 17 2019



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Report Title:

Contractors License Board; Membership; Protection of the Public

Description:

Clarifies the qualifications for membership for the Contractors License Board. Specifies that the Contractors License Board must prioritize the protection of the public above all other considerations when exercising its functions.

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