

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO THE CONTRACTORS LICENSE BOARD.

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

1           SECTION 1. Section 444-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Professional engineer" means a person who holds oneself  
5 out as able to perform, or who does perform, any professional  
6 service such as consultation, investigation, evaluation,  
7 planning, design, or observation of construction or operation,  
8 in connection with any public or private utilities, structures,  
9 buildings, machines, equipment, processes, works, or projects,  
10 wherein the safeguarding of life, health, or property is  
11 concerned or involved, when such professional service requires  
12 the application of engineering principles and data."

13           SECTION 2. Section 444-8, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "~~§~~444-8 Powers to classify and limit operations. (a) The  
16 contractors license board may adopt rules and regulations  
17 necessary to effect the classification of contractors in a



1 manner consistent with established usage and procedure as found  
2 in the construction business, and may limit the field and scope  
3 of the operations of a licensed contractor to those in which the  
4 contractor is classified and qualified to engage, as defined in  
5 section 444-7.

6 (b) A licensee may make application for classification and  
7 be classified in more than one classification if the licensee  
8 meets the qualifications prescribed by the board for such  
9 additional classification or classifications. For qualifying or  
10 classifying in additional classifications, the licensee shall  
11 pay the appropriate application fee but shall not be required to  
12 pay any additional license fee.

13 (c) This section shall not prohibit a specialty  
14 contractor, acting as a subcontractor, from taking and executing  
15 a contract involving the use of two or more crafts or trades, if  
16 the performance of the work in the crafts or trades, other than  
17 in which the specialty contractor is licensed, is incidental and  
18 supplemental to the performance of work in the craft for which  
19 the specialty contractor is licensed.

20 (d) Notwithstanding subsection (c), incidental and  
21 supplemental work shall be prohibited on any project requiring



1 the seal or stamp of a professional engineer licensed to perform  
2 structural engineering; provided that work classified under the  
3 following specialty contractor subclassifications shall not be  
4 incidental and supplemental work:

5 (1) C-6 carpentry framing contractor;

6 (2) C-31 masonry contractor;

7 (3) C-35 pile driving, pile and caisson drilling, and  
8 foundation contractor;

9 (4) C-38 post tensioning contractor;

10 (5) C-41 reinforcing steel contractor;

11 (6) C-48 structural steel contractor; and

12 (7) C-56 welding contractor.

13 (e) For the purposes of this section, "structural  
14 engineering" means that branch of professional engineering that  
15 deals with the investigation of, the design of, the selection  
16 of, and construction observation of the force-resisting and  
17 load-supporting members of structures such as foundations,  
18 walls, columns, slabs, beams, girders, trusses, and similar  
19 members where such investigation, design, selection, and  
20 supervision requires a knowledge of engineering laws, formulae,  
21 practice, and knowledge of the methods used in their erection.



1        (f) For purposes of this section, the scope of work of  
2 each specialty contractor classification shall be as follows:

3        (1) C-6 carpentry framing contractor: to do wood and  
4 metal framing, siding, wood truss, roof sheathing, and  
5 other work as is by custom and usage accepted in the  
6 construction industry as carpentry framing;

7        (2) C-31 masonry contractor: to lay brick and other baked  
8 clay products, rough or cast stone, marble, granite,  
9 or any decorative plaster, cut and dressed stone,  
10 artificial stone and brick veneer, CMU, and structural  
11 glass, brick or block, laid with or without mortar or  
12 adhesives, manufactured precast concrete facing and  
13 back-up panels and brick or block panel; installation  
14 of fire clay products and refractories; installation  
15 of concrete fencing; installation of grout, rubble  
16 work, caulking, tuckpointing, sandblasting, mortar,  
17 washing, and cleaning related to masonry construction;  
18 to place and finish cement concrete; to drill, saw,  
19 and core concrete; and to do epoxy injection in  
20 concrete for structural purposes;



- 1        (3) C-35 pile driving, pile and caisson drilling, and  
2        foundation contractor: to drill holes for pilings and  
3        caissons and to drive piles and set caissons including  
4        cutting piles and capping same. To compact earth for  
5        foundations by vibrafloat or similar systems;
- 6        (4) C-38 post tensioning contractor: to apply compression  
7        to concrete structures or various components by the  
8        use of steel bars or wires; and to bring bars or wires  
9        to proper tension after the structures or components  
10       are built or placed;
- 11       (5) C-41 reinforcing steel contractor: to fabricate,  
12       place and tie steel reinforcing bars (rods), of any  
13       profile, perimeter, or cross-section, that are or may  
14       be used to reinforce concrete buildings and  
15       structures;
- 16       (6) C-48 structural steel contractor: to fabricate and  
17       erect structural steel shapes, bars, rods, and plates  
18       of any profile, perimeter, or cross-section, that are  
19       or may be used as structural members for buildings and  
20       structures; including riveting, bolting, welding, and  
21       rigging in connection therewith. Erection of metal



1           buildings, passenger loading bridges, metal roofing  
2           and metal siding installed on steel framing,  
3           mechanical, overhead, sliding and rollup steel doors,  
4           and grills and bars over windows; and  
5        (7) C-56 welding contractor: on-site job layout, cut,  
6           assemble and weld the metal products including, but  
7           not limited to, pipe lines, tanks, pressure vessels,  
8           guard rails, and fire escapes, by welding techniques  
9           using carbon arc, metal arc, submerged arc, flux core,  
10          resistance, and oxyacetylene processes."

11        SECTION 3. New statutory material is underscored.

12        SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY: 



# S.B. NO. 423

**Report Title:**

Contractors; Subcontractors; Specialty Contractors; Incidental and Supplemental Work

**Description:**

Clarifies that a specialty contractor, acting as a subcontractor, is not prohibited from taking and executing a construction contract involving two or more crafts or trades if the performance of the work is incidental and supplemental. Prohibits incidental and supplemental work on any project requiring the seal or stamp of professional engineer licensed to perform structural engineering. Specifies certain specialty contractor subclassifications that shall not be considered incidental and supplemental work.

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

