

ACT 210

S.B. NO. 1948

A Bill for an Act Relating to Professional Engineers, Architects, Surveyors and Landscape Architects.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to implement some of the findings and recommendations made by the legislative auditor in the auditor's "Sunset Evaluation Update Report" regarding chapter 464, Hawaii Revised Statutes, which regulates the practices of engineering, architecture, surveying, and landscape architecture. The legislature agrees with the auditor's findings that while chapter 464 should be reenacted, chapter 464 should among other things, be amended to clarify terminology, provide for consistency in penalties and appeals, and change requirements for board membership. The good character and reputation requirement for licensure has been replaced with a provision that a person is not eligible for licensure if he or she does not possess a history of honesty, truthfulness, financial integrity, and fair dealing.

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"§26H-4 Repeal dates. (a) The following chapters are hereby repealed effective December 31, 1989:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448E (Board of Electricians and Plumbers)
- [(3)] Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (4) (3) Chapter 466 (Board of Public Accountancy)
- [(5)] (4) Chapter 467 (Real Estate Commission)
- [(6)] (5) Chapter 439 (Board of Cosmetology)
- [(7)] (6) Chapter 454 (Mortgage Brokers and Solicitors)
- [(8)] (7) Chapter 454D (Mortgage and Collection Servicing Agents)

(b) The following chapter and sections are hereby repealed effective December 31, 1990:

- (1) Chapter 466J (Board of Radiologic Technology)
- (2) Sections 321-13 to 321-15 (midwives, laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, and sanitarians)

(c) The following chapters are hereby repealed effective December 31, 1991:

- (1) Chapter 447 (Dental Hygienists)
- (2) Chapter 453 (Board of Medical Examiners)
- (3) Chapter 457 (Board of Nursing)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 460J (Pest Control Board)
- (6) Chapter 462A (Pilotage)
- (7) Chapter 438 (Board of Barbers)
- (8) Chapter 468K (Travel Agencies)
- (d) The following chapters are hereby repealed effective December 31, 1992:
 - (1) Chapter 448H (Elevator Mechanics Licensing Board)
 - (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
 - (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
 - (4) Chapter 460 (Board of Osteopathic Examiners)
 - (5) Chapter 461 (Board of Pharmacy)
 - (6) Chapter 461J (Board of Physical Therapy)
 - (7) Chapter 463E (Podiatry)
- (e) The following chapters are hereby repealed effective December 31, 1993:
 - (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
 - (2) Chapter 437B (Motor Vehicle Repair Industry Board)
 - (3) Chapter 440 (Boxing Commission)
 - (4) Chapter 446 (Debt Adjusters)
 - (5) Chapter 436E (Board of Acupuncture)
- (f) The following sections are hereby repealed effective December 31, 1993:
 - (1) Sections 445-21 to 38 (Auctions)
 - (2) Sections 445-131 to 136 (Pawnbrokers)
 - (3) Sections 445-171 to 172 (Secondhand Dealers)
 - (4) Sections 445-231 to 235 (Scrap Dealers)
- (g) The following chapters are hereby repealed effective December 31, 1994:
 - (1) Chapter 441 (Cemetery and Funeral Trusts)
 - (2) Chapter 443B (Collection Agencies)
 - (3) Chapter 452 (Board of Massage)
 - (4) Chapter 455 (Board of Examiners in Naturopathy)
 - (5) Chapter 459 (Board of Examiners in Optometry)
 - (6) Chapter 442 (Board of Chiropractic Examiners)
 - (7) Chapter 373 (Commercial Employment Agencies)
 - (8) Chapter 448 (Board of Dental Examiners)
 - (9) Chapter 465 (Board of Psychology)
 - (10) Chapter 468E (Speech Pathology and Audiology)
- (h) The following chapter is hereby repealed effective December 31, 1995:
 - (1) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
- [(h)] (i) The following chapters are hereby repealed effective December 31, 1997:
 - (1) Chapter 463 (Board of Private Detectives and Guards)
 - (2) Chapter 471 (Board of Veterinary Examiners)."

SECTION 3. Section 464-1, Hawaii Revised Statutes, is amended by amending the definition of "landscape architect" to read as follows:

" "Landscape architect" means a person who holds oneself out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and observation of construction where the dominant purpose of the services is:

- (1) The preservation and enhancement of land uses and natural land features;
- (2) The location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and
- (3) The design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading.

This practice shall include the location, arrangement, and design of tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly [registered] licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities; provided that nothing in this chapter shall empower a landscape architect [registered] licensed under this chapter from practicing or offering to practice architecture or engineering in any of its various recognized branches.”

SECTION 4. Section 464-2, Hawaii Revised Statutes, is amended to read as follows:

“§464-2 [Registration] Licensing of practicing engineers, etc. In order to safeguard life, health, and property, no person except those exempted by sections 464-3 and 464-5 shall practice professional engineering, architecture, land surveying or landscape architecture in the State unless the person is duly [registered] licensed under this chapter.”

SECTION 5. Section 464-3, Hawaii Revised Statutes, is amended to read as follows:

“§464-3 Persons exempt from [registration.] licensure. The following shall be exempted from this chapter:

- (1) Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the United States;
- (2) Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the State or any political subdivision thereof on May 2, 1923, and thereafter only until the expiration of the terms of office or employment of such persons.”

SECTION 6. Section 464-4, Hawaii Revised Statutes, is amended to read as follows:

“§464-4 Public works. The State and the political subdivisions thereof and the officers thereof, respectively, shall not engage in the construction of any public work involving professional engineering, architecture, or landscape architecture for which the plans, specifications, and estimates have not been made nor supervised by and the construction of which is not observed by a professional engineer, architect, or landscape architect duly [registered] licensed hereunder; provided that nothing in this section shall apply to any public work involving professional engineering, architecture, or landscape architecture wherein the expenditure therefor does not exceed the sum of \$15,000. All land surveys involving property boundaries for public purposes or plans thereof shall be made or supervised by a [registered] licensed land surveyor.”

SECTION 7. Section 464-5, Hawaii Revised Statutes, is amended to read as follows:

“§464-5 Limitation upon application of chapter. Nothing in this chapter shall prevent any person from engaging in engineering, architectural, or landscape architectural work and undertakings upon property owned or exclusively controlled or possessed by that person, or from hiring any person to do the work and undertakings, unless the work and undertakings involve the safety or health of the public, nor shall anything in this chapter prevent any person from engaging in land surveying upon property owned or exclusively controlled or possessed by that person or from hiring any person to do the work, unless the work involves a common boundary.

Nothing in this chapter shall be construed as applying to the business conducted in this State by any agriculturist, horticulturist, tree expert, arborist, forester, gardenshop operator, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape contractor, landscape designer, landscape consultant, garden or lawn caretaker, or cultivator of land, as these terms are generally used, except that no person shall use the designation “landscape architect”, “landscape architectural”, or “landscape architecture” unless [registered] licensed under the provisions of this chapter.

All engineering work, architectural work, and landscape architectural work in which the public safety or health is involved shall be designed by and the construction observed by a duly [registered] licensed professional engineer, architect, or landscape architect, respectively.”

SECTION 8. Section 464-6, Hawaii Revised Statutes, is amended to read as follows:

“§464-6 Board of [registration of] professional engineers, etc., members; appointment; tenure; qualifications. There shall be a state board of [registration of] professional engineers, architects, surveyors, and landscape architects hereinafter called “the board”, to be appointed by the governor in the manner prescribed in section 26-34. The board shall consist of fourteen members, including at least [three] four professional engineers, three professional architects, [three] two professional surveyors, two professional landscape architects, and three public members. Each county shall be represented by at least one member who is a resident of the county. Each member shall hold over after the expiration of the member’s term until the member’s successor is duly appointed and qualified.

Each member shall have been a resident of the State for at least three years. A member representing the profession shall have been engaged in the practice of the member’s profession for at least [nine] five years immediately preceding the date of the member’s appointment. Members of the board shall serve without pay, except the secretary, who shall be allowed such compensation as the board may fix with the approval of the governor. Any member of the board, however, who incurs expenses in connection with the preparation and grading of examination papers shall be reimbursed for [such] those expenses with the approval of the board.

The department of commerce and consumer affairs shall employ, subject to chapters 76 and 77, a secretary and such other clerical help as are necessary for the proper performance of the board’s work and may make any reasonable expenditures which are necessary to carry out the functions of the board.”

SECTION 9. Section 464-7, Hawaii Revised Statutes, is amended to read as follows:

“§464-7 Powers and duties of board; secretary; records. The board is entitled to the services of the attorney general in connection with its affairs, and may compel the attendance of witnesses upon subpoena, administer oaths, take testimony, and do all other things necessary and proper to carry out this chapter in

all matters within its jurisdiction. It shall adopt and have an official seal and make, subject to chapter 91 and with the approval of the governor and the director of commerce and consumer affairs, rules for the performance of its duties and the carrying on of its business and the enforcement of this chapter. It shall be provided with suitable office quarters by the State and shall hold at least two regular meetings during each year. It shall have a chairman, a vice-chairman, and a secretary, and a quorum shall consist of not less than six members.

All fees and other moneys received by the board shall be deposited by the director of commerce and consumer affairs with the director of finance to the credit of the general fund.

The board shall keep a record of its proceedings and all applicants for [registration] licensure as [engineer, architect, surveyor, or landscape architect,] engineers, architects, surveyors, or landscape architects, the date of application, name, age, educational and other qualifications, place of business and residence, whether or not an examination was required, and whether or not the applicant was [registered] licensed and a certificate issued to the applicant and the date of the action. The records shall be prima facie evidence of all matters therein contained."

SECTION 10. Section 464-8, Hawaii Revised Statutes, is amended to read as follows:

"§464-8 Qualifications for [registration.] licensure. (a) No person shall be eligible for [registration] licensure as a professional engineer unless:

- (1) The person is the holder of an unexpired [certificate of registration] license issued to the person by any jurisdiction, domestic or foreign, in which the requirements for [registration] licensure at the time the person was first [registered] licensed were of a standard satisfactory to the board; provided that if the board is in doubt as to whether the standards were satisfactory, or as to whether the holder was required to fully comply with them, it shall require that the holder successfully pass a written examination, prescribed by the board and designed to test the holder's knowledge, skill, and competency in the profession of engineering; [or]
- (2) The person is the holder of a masters degree in engineering from an institution of higher education approved by the board; is a graduate of a school or college approved by the board as of satisfactory standing and has completed an engineering curriculum of four years or more; has had three years of full-time lawful experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering; [or]
- (3) The person is the holder of a masters degree in engineering from an institution of higher education approved by the board; has had four years of full-time lawful experience in engineering work of a character satisfactory to the board, a part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering; [or]
- (4) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed an engineering curriculum of four years or more; has had four years of full-time lawful

experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering; [or]

- (5) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed an engineering technology or arts and science curriculum of four years or more; has had eight years of full-time lawful experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering; or
- (6) The person has had twelve years of full-time lawful experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering.

(b) No person shall be eligible for [registration] licensure as a professional architect unless:

- (1) The person is the holder of an unexpired [certificate of registration] license issued to the person by any jurisdiction, domestic or foreign, in which the requirements for [registration] licensure at the time the person was first [registered] licensed were of a standard satisfactory to the board; provided that if the board is in doubt as to whether the standards were satisfactory, or as to whether the holder was required to fully comply with them, it shall require that the holder successfully pass a written examination, prescribed by the board and designed to test the holder's knowledge, skill, and competency in the profession of architecture; [or]
- (2) The person is the holder of a masters degree in architecture from an institution of higher education approved by the board; is a graduate of a school or college approved by the board as of satisfactory standing and has completed an architectural curriculum of five years or more; has had two years of full-time lawful experience in architecture work of a character satisfactory to the board; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture; [or]
- (3) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed an architectural curriculum of five years; has had three years of full-time lawful experience in architecture work of a character satisfactory to the board; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture; [or]
- (4) The person is a graduate of a school or college approved by the board as of satisfactory standing and has completed an architectural curriculum of four years or a pre-architecture or arts and science curriculum of four years or more; has had five years of full-time lawful experience in architecture work of a character satisfactory to the board; and has successfully passed a professional written examination, prescribed by

the board and designed to test the person's knowledge, skill, and competency in the profession of architecture; [or]

- (5) The person is a graduate of a community college or other technical training school approved by the board as of satisfactory standing, and has completed an architectural technology curriculum of two years or more; has had eight years of full-time lawful experience in architecture work of a character satisfactory to the board; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture; or
- (6) The person has had eleven years of full-time lawful experience in architecture work of a character satisfactory to the board; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture.

(c) No person shall be eligible for [registration] licensure as a professional land surveyor unless:

- (1) The person is the holder of an unexpired [certificate of registration] license issued to the person by any jurisdiction, domestic or foreign, in which the requirements for [registration] licensure at the time the person was first [registered] licensed were of a standard satisfactory to the board; provided that if the board is in doubt as to whether the standards were satisfactory, or as to whether the holder was required to fully comply with them, it shall require that the holder successfully pass a written examination, prescribed by the board and designed to test the holder's knowledge, skill, and competency in the profession of land surveying; [or]
- (2) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed a geo-science, civil engineering, or general engineering curriculum of four years or more; has had three years of full-time lawful experience in land surveying of a character satisfactory to the board; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of land surveying; [or]
- (3) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed a civil engineering technology (survey option) curriculum of two years or more or arts and sciences curriculum of four years or more; has had seven years of full-time lawful experience in land surveying of a character satisfactory to the board; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of land surveying; or
- (4) The person has had eleven years of full-time lawful experience in land surveying of a character satisfactory to the board; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of land surveying.

(d) No person shall be eligible for [registration] licensure as a professional landscape architect unless:

- (1) The person is the holder of an unexpired [certificate of registration] license issued to the person by any jurisdiction, domestic or foreign, in which the requirements for [registration] licensure at the time the person was first [registered] licensed were of a standard satisfactory

- to the board; provided that if the board is in doubt as to whether the standards were satisfactory, or as to whether the holder was required to fully comply with them, it shall require that the holder successfully pass a written examination, prescribed by the board and designed to test the holder's knowledge, skill, and competency in the profession of landscape architecture; [or]
- (2) The person is the holder of a masters degree in landscape architecture from an institution of higher education approved by the board; is a graduate of a school or college approved by the board as of satisfactory standing and has completed a landscape architectural curriculum of four years or more; has had two years of full-time lawful experience in landscape architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of landscape architecture; [or]
 - (3) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed a landscape architectural curriculum of four years or more; has had three years of full-time lawful experience in landscape architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of landscape architecture; [or]
 - (4) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed a pre-landscape architecture or arts and science curriculum of four years or more; has had five years of full-time lawful experience in landscape architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of landscape architecture; or
 - (5) The person has had twelve years of full-time lawful experience in landscape architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of landscape architecture.

In addition to the foregoing requirements, the board [may], in its discretion, may also require additional proof that the applicant is competent to practice professionally, and whenever the board is not fully satisfied from the results of an examination that any applicant is competent to practice professionally, it may give the applicant a further examination or examinations.

No person shall be eligible for [registration] licensure as a professional engineer, architect, land surveyor, or landscape architect [who is not of good character and reputation] if the person does not possess a history of honesty, truthfulness, financial integrity, and fair dealing."

SECTION 11. Section 464-9, Hawaii Revised Statutes, is amended to read as follows:

"§464-9 Applications for and certificates of [registration;] licensure; renewal; fees. (a) Application for [registration] licensure shall be made upon blanks

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to be furnished by the board and shall be signed and sworn to by the applicant. With each application there shall be paid to the board an application fee, the fee to be nonreturnable after the application has been entered in the records of the board.

For each examination, or repetition thereof in whole or in part as shall be limited or permitted by the rules of the board, the candidate shall pay to the board an examination fee; provided where the candidate is eligible to take only that part of the examination pertaining to engineering fundamentals the candidate shall pay the appropriate fee. The fee paid shall not be refundable; provided if a candidate after having paid the fee is unable for any reason beyond the candidate's control to participate in the examination, the board may extend the time of the candidate's participation to the next regular examination date and credit the candidate the amount of the fee paid.

(b) Upon qualifying for [registration,] license, the applicant shall pay a [registration] license fee, and upon receipt thereof by the board shall thereupon be [registered] licensed as a professional engineer, architect, land surveyor or landscape architect, and shall receive a certificate thereof from the board signed by the chairman and secretary. Every person [registered] licensed who, as an individual or as a member of a firm or corporation, conducts an office or other place of business for the practice of the profession shall display the original certificate in a conspicuous manner, in the principal office or place of business.

(c) Every [certificate of registration] license expires on April 30 of each even-numbered year following its issuance and becomes invalid after that date unless renewed. The secretary of the board, at least one month in advance of the date of expiration of the [certificate of registration,] license, shall mail a notice to every person [registered] licensed under this section giving the date of expiration and the amount required for the renewal thereof. The fee for renewal and all other fees in this chapter shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91. [Certificates of registration] Licenses which have expired for failure to pay renewal fees on or before the date required in this subsection may be reinstated within one year of the expiration date upon payment of a fee for each renewal [certificate]. Any person who fails to reinstate the person's [certificate of registration] license within one year of the date of its expiration shall reapply for [registration,] license."

SECTION 12. Section 464-10, Hawaii Revised Statutes, is amended to read as follows:

"§464-10 [Suspension] Licensees; suspension or revocation of [certificates;] licenses; fines; hearings. The board may revoke, [or] suspend, or refuse to renew the [certificate of registration] license of any [person hereunder] licensee who is found guilty of any fraud or deceit in obtaining the [certificate] license or of gross negligence, incompetency, or misconduct in the practice of the profession or who is convicted of violating this chapter or the rules of the board. Any person may prefer charges in writing with the executive secretary of the board against any person holding a [certificate,] license.

In every case where it is proposed to [revoke or suspend the certificate of registration,] impose any penalty under this section, the board shall give the [person] licensee concerned notice and hearing in conformity with chapter 91. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen days before the hearing.

In all proceedings before it, the board and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses, as

are possessed by circuit courts. In case of disobedience by any person of any order of the board, or of any member thereof, or of any subpoena issued by it, or by a member, or the refusal of any witness to testify to any matter regarding which the person may be questioned lawfully, any circuit judge, on application by the board, or a member thereof, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

Any [person] licensee who violates this chapter or the rules adopted pursuant thereto [shall] may also be fined not less than \$500 nor more than \$1,000 per violation [and each]. Each day of violation or failure to comply shall constitute a separate offense.”

SECTION 13. Section 464-11, Hawaii Revised Statutes, is amended to read as follows:

“§464-11 Contents of certificates; use of seal mandatory when. Each certificate of [registration] licensure issued hereunder shall bear the date of the original [registration] license and shall specify whether the person to whom it is issued is authorized by the board to practice professional engineering, architecture, land surveying or landscape architecture.

In the case of a certificate issued to a person authorizing the person to practice professional engineering, the certificate shall furthermore indicate the major branch or branches of engineering in which the person has especially qualified.

Every [registered person] licensee may use a seal or rubber stamp of the design authorized by the board bearing the licensee's name and the words [“registered] “licensed professional engineer”, [“registered] “licensed architect”, [“registered] “licensed land surveyor”, or [“registered] “licensed landscape architect”, or otherwise as may be authorized by the board.

All plans, specifications, maps, and reports prepared by or under the supervision of a [registered] licensed engineer, architect, surveyor, or landscape architect shall be stamped with such seal or stamp when filed with public officials. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the [certificate] license [of the registrant named thereon] has expired or has been revoked or suspended unless such [certificate] license has been renewed or reissued.

No official of the State nor of any political subdivision thereof, charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a [registered] licensed architect [holding an unexpired certificate] or with the seal of a [registered] licensed engineer [holding a certificate on which has been indicated that the engineer] who has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted from this chapter, and no map or survey shall be filed in the land court unless stamped with the seal of a [registered] licensed land surveyor.”

SECTION 14. Section 464-12, Hawaii Revised Statutes, is amended to read as follows:

“§464-12 Corporations and partnerships. A corporation or copartnership may engage in the practice of professional engineering, architecture, surveying or landscape architecture in the State, provided the person or persons connected with the corporation or copartnership directly in charge of the professional work is duly [registered] licensed hereunder, and provided further that the name or names of such person or persons has or have been filed with the board by the corporation or copartnership.”

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SECTION 15. Section 464-14, Hawaii Revised Statutes, is amended to read as follows:

"§464-14 [Violations;] Unlicensed activity; penalties. Any person who practices, offers to practice, or holds oneself out as authorized and qualified to practice professional engineering, architecture, land surveying, or landscape architecture in the State, except as provided in sections 464-3 and 464-5; or who uses the title "engineer", "architect", "land surveyor" or "landscape architect", or any title, sign, card, or device to indicate that such person is practicing professional engineering, architecture, land surveying or landscape architecture, or is a professional engineer, architect, land surveyor or landscape architect, without having first [registered] acquired a license in accordance with this chapter and without having a valid unexpired [certificate of registration;] license; or who uses or attempts to use as the person's own the seal, [or the] certificate [of registration] or license of another, or who falsely impersonates any duly [registered] licensed practitioner hereunder, or who uses or attempts to use an expired, suspended, or revoked [certificate of registration; or any firm or corporation which advertises that it will furnish architectural, engineering or landscape architectural services in the making of plans or specifications or in the construction of any building or other structure, without first having complied with section 464-12; or any firm or corporation which furnishes or offers to furnish architectural, engineering or landscape architectural services for the construction of any building, structure, project, or utility in the State, without first having complied with section 464-12; or any person or firm who violates any of the provisions of this chapter] license shall be fined not more than \$500 or imprisoned not more than one year, or both."

SECTION 16. Section 464-16, Hawaii Revised Statutes, is amended to read as follows:

"[§464-16[] Appeal to circuit court. An applicant who has been refused a license [and], every licensee whose license has been suspended, revoked, or not renewed, and any person against whom any penalty has been imposed under section 464-10, may appeal the board's decision to the circuit court of the circuit in which the applicant [or], licensee, or person resides in the manner provided in chapter 91."

SECTION 17. The board of registration of professional engineers, architects, surveyors and landscape architects shall undertake a study to determine optimal requirements for professional experience, both in addition to and in lieu of relevant academic education, for qualification to take the required examinations. The board shall submit a report of its findings and recommendations to the legislature no later than twenty days prior to the convening of the Regular Session of 1990.

The board and the department of commerce and consumer affairs shall study the idea of assigning responsibility for the four professions to two boards, one governing engineers and land surveyors, and the other governing architects and landscape architects. The board and the department shall submit a report of their findings and recommendations to the legislature no later than twenty days prior to the convening of the Regular Session of 1990.

SECTION 18. This Act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 19. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 20. This Act shall take effect upon its approval; provided that no person serving on the board of professional engineers, architects, surveyors, and landscape architects as of the effective date of this Act shall be removed from such position because of amendments made in Section 8 of this Act; provided further that any appointment of a new member made to comply with the provisions of Section 8 of this Act shall be made immediately upon the expiration of the term of the appropriate incumbent.

(Approved June 7, 1989.)

Note

1. So in original.