

ACT 186

S.B. NO. 2298

A Bill for an Act Relating to Chapter 448E, Hawaii Revised Statutes.

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

SECTION 1. Section 448E-9, Hawaii Revised Statutes, is amended to read as follows:

“§448E-9 Unlicensed activity. (a) No person shall act or assume to act as a journey worker electrician, journey worker specialty electrician, supervising electrician, supervising specialty electrician, journey worker plumber, master plumber, maintenance electrician, journey worker industrial electrician, or supervising industrial electrician, or advertise or hold the person’s self out as an electrician or plumber, without a license previously obtained in compliance with this chapter and the rules of the board; provided that any person may perform emergency plumbing repair work in the person’s principal place of residence when such repairs do not involve or require rearrangement of valves, pipes, or fixtures; provided further that no such emergency repairs may be performed on sewer lines, drains, gas lines, and on fixtures being served with backflow devices which [~~includes~~] include heaters, water closets, dishwashers, and garbage disposal units.

For purposes of this subsection:

“Electrician” means any person who performs electrical work and includes but is not limited to any person who acts as a journey worker electrician, journey worker specialty electrician, supervising electrician, supervising specialty electrician, maintenance electrician, journey worker industrial electrician, or supervising industrial electrician.

“Plumber” means any person who performs plumbing work and includes but is not limited to any person who acts as a journey worker plumber or master plumber.

(b) An apprentice or trainee learning the trade of a person licensed under this chapter shall not be required to have a license if the apprentice or trainee acts under the supervision of a person appropriately licensed under this chapter.

(c) Upon entry of a judgment by a court of competent jurisdiction finding that the person has advertised in violation of this section, the entity furnishing voice communication service to the violator shall disconnect the telephone number contained in the advertisement or listing.”

SECTION 2. Section 448E-10, Hawaii Revised Statutes, is amended to read as follows:

“§448E-10 Suspension; revocation; fine; denial of issuance or renewal of a license. (a) In addition to any other actions authorized by law the board, after notice and hearing as provided in chapter 91, may suspend or revoke any license, or impose fines, or prior to the notice and hearing, deny the issuance or renewal of any license for any cause authorized by law, including but not limited to the following:

- (1) ~~[A license was or is sought to be obtained]~~ Obtaining, or attempting to obtain a license by fraud, misrepresentation, or deceit;
- (2) Gross negligence, incompetency, misconduct, or dishonesty in the practice of the profession;
- (3) False, fraudulent, or deceptive advertising;
- (4) Permitting an unlicensed person to perform activities requiring a license; [or]
- (5) Aiding or abetting an unlicensed person to violate this chapter;
- (6) Allowing a person’s license to be used by an unlicensed person;
- (7) Acting as an agent, partner, or associate of an unlicensed person engaging in an activity in violation of this chapter; or
- ~~[(5) Violation of]~~ (8) Violating any [provisions] provision of this chapter [and any rules] or rule of the board.

(b) Any person who violates any provision of this chapter shall be fined not less than \$100 and not more than ~~[\$1,000]~~ \$5,000 for each violation.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2006.

(Approved June 13, 2006.)