

1 **§ -2 Board; appointment.** There is established the
2 board of plumbers consisting of five members. Two of the
3 members shall be engaged in the plumbing trade. Three of the
4 members shall be private citizens not connected with the
5 industry.

6 **§ -3 Powers and duties of board.** In addition to any
7 other powers and duties authorized by law, the board shall have
8 all the powers and duties necessary or convenient to carry out
9 and effectuate this chapter, including but not limited to the
10 following powers and duties:

- 11 (1) To grant licenses which shall be renewable for:
- 12 (A) Master plumbers; and
- 13 (B) Journey worker plumbers;
- 14 (2) To adopt, amend, or repeal rules in accordance with
15 chapter 91 as it may deem proper to effectuate this
16 chapter and to ensure the safety and welfare of the
17 general public; provided that the rules may forbid
18 acts or practices deemed by the board to be
19 detrimental to the accomplishment of the purpose of
20 this chapter;



1 (3) To enforce this chapter and rules adopted pursuant to
2 this chapter and chapter 91, including the denial,
3 suspension, or revocation of any license; and

4 (4) To examine all applicants and licensees to determine
5 their qualifications prior to the issuance or renewal
6 of licenses.

7 **§ -4 Minimum requirements.** An applicant shall possess
8 the following minimum qualifications:

9 (1) Journey worker plumber. Every applicant to be
10 eligible for the journey worker plumber examination
11 shall furnish satisfactory evidence of experience of
12 at least five years' full-time or its equivalent but
13 not less than ten thousand hours as a journey worker's
14 or master plumber's helper.

15 (2) Master plumber. Every applicant to be eligible for
16 the master plumber examination shall have been
17 registered with the board under this chapter or
18 chapter 448E as a journey worker plumber for at least
19 two years or shall furnish satisfactory evidence of
20 equivalent experience in the trade.

21 **§ -5 Examination.** (a) Every applicant shall be
22 examined and shall pass an examination to be eligible for



1 licensure. The board shall provide in its rules the passing
2 score for the examination. The board may examine applicants or
3 may contract with professional testing services to prepare,
4 administer, and grade the examination as may be required for the
5 purposes of this section.

6 (b) Every applicant shall pay an examination fee as
7 provided in rules adopted by the director pursuant to chapter
8 91. Should the board contract with a professional testing
9 agency to prepare, administer, and grade the examination, the
10 examination fee may be paid directly to the testing agency by
11 the director or the examinee.

12 **§ -6 Fees; renewals.** (a) Renewal fees shall be paid
13 to the board before July 1.

14 (b) Plumbers shall renew the license every three years
15 effective June 30, 2006, and shall pay all required fees. Prior
16 to the June 30, 2009, renewal of the license, and prior to every
17 license renewal thereafter, the applicant shall:

18 (1) Pay all required fees; and

19 (2) Meet the requirements prescribed in section -7.

20 (c) Failure, neglect, or refusal of any licensee to pay
21 the renewal fee or meet the requirements of section -7 before
22 the renewal date shall constitute a forfeiture of the license.



1 Any license so forfeited may be restored upon written
2 application within one year from the date of forfeiture, upon
3 payment of the required renewal fee plus penalty fees and upon
4 meeting the requirements in section -7.

5 **§ -7 Continued competency; license renewals.** (a)

6 Prior to each license renewal, all licensed plumbers shall:

- 7 (1) Furnish the board with proof of attendance at an
8 educational course related to current updates of the
9 Uniform Plumbing Code conducted or approved by the
10 community colleges; or
11 (2) Successfully complete an examination prescribed by the
12 board on current updates to the Uniform Plumbing Code.
13 The board shall contract with a professional testing
14 agency to prepare, administer, and grade the
15 examination. A licensee shall pay all fees related to
16 the examination directly to the professional testing
17 agency.

18 (b) A licensee who has been issued a new license within
19 one year of the renewal date shall not be required to take the
20 course or the examination to renew the licensee's license.

21 **§ -8 Unlicensed activity.** (a) No person shall act or
22 assume to act as a journey worker plumber or master plumber, or



1 advertise or hold the person's self out as a plumber without a
2 license previously obtained in compliance with this chapter and
3 chapter 448E and the rules of the board; provided that any
4 person may perform emergency plumbing repair work in the
5 person's principal place of residence when such repairs do not
6 involve or require rearrangement of valves, pipes, or fixtures;
7 provided further that no such emergency repairs may be performed
8 on sewer lines, drains, gas lines, and on fixtures being served
9 with backflow devices which include heaters, water closets,
10 dishwashers, and garbage disposal units.

11 For purposes of this subsection, "plumber" means any person
12 who performs plumbing work and includes but is not limited to
13 any person who acts as a journey worker plumber or master
14 plumber.

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

20 (c) Upon entry of a judgment by a court of competent
21 jurisdiction finding that the person has advertised in violation
22 of this section, the entity furnishing voice communication



1 service to the violator shall disconnect the telephone number
2 contained in the advertisement or listing.

3 **§ -9 Suspension; revocation; fine; denial of issuance**
4 **or renewal of a license.** (a) In addition to any other actions
5 authorized by law, the board, after notice and hearing as
6 provided in chapter 91, may suspend or revoke any license, or
7 impose fines, or prior to the notice and hearing, deny the
8 issuance or renewal of any license for any cause authorized by
9 law, including but not limited to the following:

- 10 (1) Obtaining, or attempting to obtain a license by fraud,
11 misrepresentation, or deceit;
- 12 (2) Gross negligence, incompetency, misconduct, or
13 dishonesty in the practice of the profession;
- 14 (3) False, fraudulent, or deceptive advertising;
- 15 (4) Permitting an unlicensed person to perform activities
16 requiring a license;
- 17 (5) Aiding or abetting an unlicensed person to violate
18 this chapter;
- 19 (6) Allowing a person's license to be used by an
20 unlicensed person;



1 (7) Acting as an agent, partner, or associate of an
2 unlicensed person engaging in an activity in violation
3 of this chapter; or

4 (8) Violating any provision of this chapter or rule of the
5 board.

6 (b) Any person who violates any provision of this chapter
7 shall be fined not less than \$100 and not more than \$5,000 for
8 each violation.

9 **§ -10 Injunction.** The board may, in addition to any
10 other remedy available, apply to a circuit court judge for a
11 temporary restraining order or preliminary or permanent
12 injunction restraining any person from acting, or assuming to
13 act as a journey worker plumber or master plumber without a
14 license previously obtained in compliance with this chapter or
15 chapter 448E and the rules of the board, and upon hearing and
16 for cause shown, the judge may grant the temporary restraining
17 order or preliminary or permanent injunction.

18 **§ -11 Inspections.** Nothing in this chapter should
19 deprive the several counties of the right to perform plumbing
20 inspections as regulated by their respective ordinances."

21 SECTION 2. Section 26-9, Hawaii Revised Statutes, is
22 amended by amending subsection (c) to read as follows:



1 "(c) The board of acupuncture, board of public
2 accountancy, board of barbering and cosmetology, boxing
3 commission, board of chiropractic examiners, contractors license
4 board, board of dental examiners, board of electricians [~~and~~],
5 board of plumbers, elevator mechanics licensing board, board of
6 professional engineers, architects, surveyors, and landscape
7 architects, board of massage therapy, board of medical
8 examiners, motor vehicle industry licensing board, motor vehicle
9 repair industry board, board of examiners in naturopathy, board
10 of nursing, board of examiners in optometry, pest control board,
11 board of pharmacy, board of physical therapy, board of
12 psychology, board of private detectives and guards, real estate
13 commission, board of veterinary examiners, board of speech
14 pathology and audiology, and any board, commission, program, or
15 entity created pursuant to or specified by statute in
16 furtherance of the purpose of this section, including but not
17 limited to section 26H-4, or chapters 484, 514B, and 514E shall
18 be placed within the department of commerce and consumer affairs
19 for administrative purposes."

20 SECTION 3. Chapter 448E, Hawaii Revised Statutes, is
21 amended by amending its title to read as follows:



1 "CHAPTER 448E

2 **ELECTRICIANS [~~AND PLUMBERS~~]**

3 SECTION 4. Section 448E-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending the definition of "board" to read:

6 "Board" means the board of electricians [~~and plumbers~~]."

7 2. By repealing the definitions of "journey worker
8 plumber" and "master plumber".

9 [~~"Journey worker plumber" means any person who has been
10 licensed by the board as a journey worker plumber to direct and
11 supervise the performance of plumbing work and to perform
12 plumbing work.~~

13 [~~"Master plumber" means any person who has been licensed by
14 the board as a master plumber to direct and supervise the
15 performance of plumbing work and to perform plumbing work and
16 who provides overall supervision and general direction and is
17 responsible for proper installation of plumbing work."~~]

18 SECTION 5. Section 448E-2, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§448E-2 Board; appointment.** (a) There is established
21 the board of electricians [~~and plumbers~~] consisting of [~~seven~~]
22 five members[-] with experience as recommended by the National



1 Electrical Code. Two of the members shall be engaged in the
 2 electrical trade [~~and two of the members shall be engaged in the~~
 3 ~~plumbing trade~~]. Three of the members shall be private citizens
 4 not connected with the industry."

5 SECTION 6. Section 448E-4, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "**§448E-4 Powers and duties of board.** In addition to any
 8 other powers and duties authorized by law, the board shall have
 9 all the powers and duties necessary or convenient to carry out
 10 and effectuate this chapter, including but not limited to the
 11 following powers and duties:

- 12 (1) To grant licenses which shall be renewable for:
 - 13 (A) Journey worker electricians;
 - 14 (B) Journey worker specialty electricians;
 - 15 (C) Supervising electricians;
 - 16 (D) Supervising specialty electricians;
 - 17 [~~(E)~~] ~~Master plumbers;~~
 - 18 [~~(F)~~] ~~Journey worker plumbers;~~
 - 19 [~~(G)~~] (E) Maintenance electricians;
 - 20 [~~(H)~~] (F) Journey worker industrial electricians; and
 - 21 [~~(I)~~] (G) Supervising industrial electricians;



- 1 (2) To adopt, amend, or repeal rules in accordance with
2 chapter 91 as it may deem proper to effectuate this
3 chapter and to [~~insure~~] ensure the safety and welfare
4 of the general public; provided that the rules may
5 forbid acts or practices deemed by the board to be
6 detrimental to the accomplishment of the purpose of
7 this chapter;
- 8 (3) To enforce this chapter and rules adopted pursuant to
9 this chapter and chapter 91, including the denial,
10 suspension, or revocation of any license; and
- 11 (4) To examine all applicants and licensees to determine
12 their qualifications prior to the issuance or renewal
13 of licenses."

14 SECTION 7. Section 448E-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§448E-5 Minimum requirements.** An applicant shall possess
17 the following minimum qualifications:

- 18 (1) Journey worker electrician. Every applicant to be
19 eligible for the journey worker electrician
20 examination shall be at least eighteen years of age
21 and shall provide satisfactory evidence of experience
22 in residential or commercial wiring of at least five



1 years full-time or its equivalent, but not less than
2 [~~10,000~~] ten thousand hours of experience in the trade
3 under the supervision of a journey worker or
4 supervising electrician.

5 (2) Journey worker specialty electrician. Every applicant
6 to be eligible for the journey worker specialty
7 electrician examination shall be at least eighteen
8 years of age and shall have had at least five years'
9 experience in the trade.

10 (3) Supervising electrician. Every applicant to be
11 eligible for the supervising electrician examination
12 shall have been registered with the board as a journey
13 worker electrician for at least a period of four years
14 in the trade or shall have had equivalent experience
15 in the trade.

16 (4) Supervising specialty electrician. Every applicant to
17 be eligible for the supervising specialty electrician
18 examination shall have been registered with the board
19 as a journey worker specialty electrician for at least
20 a period of four years in the trade or shall have had
21 equivalent experience in the trade.



1 ~~[(5) Journey worker plumber. Every applicant to be~~
2 ~~eligible for the journey worker plumber examination~~
3 ~~shall have had experience of at least five years'~~
4 ~~full-time or its equivalent but not less than 10,000~~
5 ~~hours as a journey worker's or master plumber's~~
6 ~~helper, and is able to furnish satisfactory evidence~~
7 ~~of such fact.~~

8 ~~+(6) Master plumber. Every applicant to be eligible for~~
9 ~~the master plumber examination shall have been~~
10 ~~registered with the board as a journey worker plumber~~
11 ~~for at least two years or shall have had equivalent~~
12 ~~experience in the trade.~~

13 ~~+(7)]~~ (5) Maintenance electrician. Every applicant to be
14 eligible for the maintenance electrician examination
15 shall be not less than eighteen years of age and shall
16 have had at least one year of experience in performing
17 electrical maintenance work or proof of two years of
18 schooling in the electrical trade.

19 ~~+(8)]~~ (6) Journey worker industrial electrician. Every
20 applicant to be eligible for the journey worker
21 industrial electrician examination shall be at least
22 eighteen years of age and shall have had experience in



1 industrial electrical work of at least five years
2 full- time or its equivalent, but not less than
3 [~~10,000~~] ten thousand hours.

4 [~~(9)~~] (7) Supervising industrial electrician. Every applicant
5 to be eligible for the supervising industrial
6 electrician examination shall have been registered
7 with the board as a journey worker industrial
8 electrician for a period of at least four years or
9 shall have had equivalent experience in the trade."

10 SECTION 8. Section 448E-8, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§448E-8 Fees; renewals.** (a) Renewal fees shall be paid
13 to the board before July 1.

14 [~~(b)~~] ~~Plumbers shall renew the license every three years~~
15 ~~effective June 30, 2006 and shall pay all required fees. Prior~~
16 ~~to the June 30, 2009 renewal of the license, and prior to every~~
17 ~~license renewal thereafter, the applicant shall:~~

18 ~~(1) Pay all required fees; and~~

19 ~~(2) Meet the requirements prescribed in section 448E-8.5.~~

20 ~~(e)]~~ (b) Electricians shall renew the license every three
21 years effective with the July 1, 1996, renewal; provided that
22 prior to the renewal of the license the applicant shall:



- 1 (1) Pay all required fees; and
- 2 (2) Meet the requirements prescribed in section 448E-8.5.
- 3 ~~[(d)]~~ (c) Failure, neglect, or refusal of any licensee to
- 4 pay the renewal fee or meet the requirements of section 448E-8.5
- 5 before the renewal date shall constitute a forfeiture of the
- 6 license. Any license so forfeited may be restored upon written
- 7 application within one year from the date of forfeiture, upon
- 8 payment of the required renewal fee plus penalty fees and upon
- 9 meeting the requirements in section 448E-8.5."

10 SECTION 9. Section 448E-8.5, Hawaii Revised Statutes, is

11 amended to read as follows:

12 "**§448E-8.5 Continued competency; license renewals.** (a)

13 Prior to each license renewal, all licensed electricians except

14 maintenance electricians shall:

- 15 (1) Furnish the board with proof of attendance at an
- 16 educational course related to current updates of the
- 17 National Electrical Code conducted or approved by the
- 18 community colleges; or
- 19 (2) Successfully complete an examination prescribed by the
- 20 board on current updates to the National Electrical
- 21 Code. The board shall contract with a professional
- 22 testing agency to prepare, administer, and grade the



1 examination. Fees related to the examination shall be
2 paid by the licensee directly to the professional
3 testing agency.

4 ~~[(b) Prior to each license renewal, all licensed plumbers~~
5 ~~shall:~~

6 ~~(1) Furnish the board with proof of attendance at an~~
7 ~~educational course related to current updates of the~~
8 ~~Uniform Plumbing Code conducted or approved by the~~
9 ~~community colleges; or~~

10 ~~(2) Successfully complete an examination prescribed by the~~
11 ~~board on current updates to the Uniform Plumbing Code.~~
12 ~~The board shall contract with a professional testing~~
13 ~~agency to prepare, administer, and grade the~~
14 ~~examination. A licensee shall pay all fees related to~~
15 ~~the examination directly to the professional testing~~
16 ~~agency.~~

17 ~~(e)]~~ (b) A licensee who has been issued a new license
18 within one year of the renewal date shall not be required to
19 take the course or the examination to renew the licensee's
20 license."

21 SECTION 10. Section 448E-9, Hawaii Revised Statutes, is
22 amended by amending subsections (a) and (b) to read as follows:



1 "(a) No person shall act or assume to act as a journey
2 worker electrician, journey worker specialty electrician,
3 supervising electrician, supervising specialty electrician,
4 [~~journey worker plumber, master plumber,~~] maintenance
5 electrician, journey worker industrial electrician, or
6 supervising industrial electrician, or advertise or hold the
7 person's self out as an electrician [~~or plumber~~], without a
8 license previously obtained in compliance with this chapter and
9 the rules of the board[~~; provided that any person may perform~~
10 ~~emergency plumbing repair work in the person's principal place~~
11 ~~of residence when such repairs do not involve or require~~
12 ~~rearrangement of valves, pipes, or fixtures; provided further~~
13 ~~that no such emergency repairs may be performed on sewer lines,~~
14 ~~drains, gas lines, and on fixtures being served with backflow~~
15 ~~devices which include heaters, water closets, dishwashers, and~~
16 ~~garbage disposal units].~~

17 For purposes of this subsection[+

18 "~~Electrician~~", "electrician" means any person who performs
19 electrical work and includes but is not limited to any person
20 who acts as a journey worker electrician, journey worker
21 specialty electrician, supervising electrician, supervising



1 specialty electrician, maintenance electrician, journey worker
2 industrial electrician, or supervising industrial electrician.

3 ~~["Plumber" means any person who performs plumbing work and
4 includes but is not limited to any person who acts as a journey
5 worker plumber or master plumber.]~~

6 (b) An apprentice or trainee learning the trade of [a
7 person] an electrician licensed under this chapter shall not be
8 required to have a license if the apprentice or trainee acts
9 under the supervision of a person appropriately licensed under
10 this chapter."

11 SECTION 11. Section 448E-11, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§448E-11 Injunction.** The board may, in addition to any
14 other remedy available, apply to a circuit court judge for a
15 temporary restraining order or preliminary or permanent
16 injunction restraining any person from acting, or assuming to
17 act, as a journey worker electrician, journey worker specialty
18 electrician, supervising electrician, supervising specialty
19 electrician, maintenance electrician, journey worker industrial
20 electrician, or supervising industrial electrician[~~, journey
21 worker plumber, or master plumber~~] without a license previously
22 obtained in compliance with this chapter and the rules of the



1 board, and upon hearing and for cause shown, the judge may grant
2 the temporary restraining order or preliminary or permanent
3 injunction."

4 SECTION 12. Section 448E-12, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~†~~§448E-12[~~†~~] **Inspections.** Nothing in this chapter
7 should deprive the several counties of the right to perform
8 electrical [~~or plumbing~~] inspections[~~7~~] as regulated by their
9 respective ordinances."

10 SECTION 13. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 14. This Act shall take effect on July 1, 2020.



Report Title:

Electrical and Plumbing Trades; Licensing

Description:

Creates separate governing boards for electricians and plumbers and separates regulation of electricians and plumbers into two Hawaii Revised Statutes chapters. (HB938 HD1)

