



LINDA LINGLE  
GOVERNOR  
JAMES R. AIONA, JR.  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
www.hawaii.gov/dcca

LAWRENCE M. REIFURTH  
DIRECTOR  
RONALD BOYER  
DEPUTY DIRECTOR

PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON  
LABOR AND PUBLIC EMPLOYMENT

TWENTY-FIFTH STATE LEGISLATURE  
REGULAR SESSION, 2010

TUESDAY, JANUARY 26, 2010  
9:00 A.M.

TESTIMONY ON HOUSE BILL NO. 2102  
RELATING TO CONTRACTORS

TO THE HONORABLE KARL RHOADS, CHAIR,  
AND TO THE HONORABLE KYLE T. YAMASHITA, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office ("RICO") appreciates the opportunity to testify on House Bill No. 2102, Relating To Contractors. My name is Jo Ann Uchida, Complaints and Enforcement Officer. RICO supports this bill, subject to certain amendments set forth in this testimony.

House Bill No. 2102 amends the Contractor Law, Chapter 444, Hawaii Revised Statutes ("HRS"), to require all individuals licensed as electricians and plumbers under Chapter 448E, HRS, who are employed on a construction job site

by an electrical or plumbing contractor, to visibly display their license on their person.

House Bill No. 2102 recognizes and addresses the serious issue of unlicensed activity on construction job sites, and RICO appreciates any and all efforts to provide a clearer statutory basis for determining whether violations have occurred. Frankly, enforcement of this section of the Chapter is challenging, not only because it is difficult to distinguish licensees from unlicensed workers at a site inspection, but also because the worker must be actively engaged in electrical or plumbing work at the time of the inspection. The language of House Bill No. 2102 will assist investigators to some extent in distinguishing between licensed and unlicensed workers and, as such, RICO supports this bill.

In further support of the intent of the bill, RICO suggests the following amendments:

1. Provide that any person not wearing license identification at the time of a site inspection will not be counted as a licensee (i.e., presumed unlicensed) for purposes of determining compliance with this section. This will create an incentive for wearing the identification and will avoid complicated proof issues in determining whether a violation has occurred.

2. Specify DCCA-issued identification, such as a license pocket card, rather than other forms of license identification.

Testimony on House Bill No. 2102  
January 26, 2010  
Page 3

Thank you for this opportunity to testify on House Bill No. 2102. I will be happy to answer any questions that the members of the Committee may have.

**PRESENTATION OF THE  
CONTRACTORS LICENSE BOARD**

**TO THE HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT**

**TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010**

**Tuesday, January 26, 2010  
9:00 a.m.**

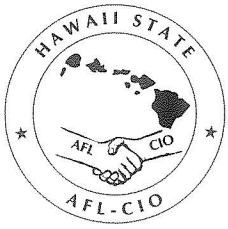
**TESTIMONY ON HOUSE BILL NO. 2102, RELATING TO CONTRACTORS.**

**TO THE HONORABLE KARL RHOADS, CHAIR,  
AND MEMBERS OF THE COMMITTEE:**

My name is Denny Sadowski, Legislative Committee Chair of the Contractors License Board ("Board"). The Board appreciates the opportunity to present testimony on House Bill No. 2102, which amends section 444-9.5, Hawaii Revised Statutes ("HRS"), to require individuals licensed as electricians and plumbers under Chapter 448E, HRS, to visibly display their license on their person while on the construction job site.

The Board supports the bill's intent to facilitate enforcement of the licensing statutes, and defers to the Regulated Industries Complaints Office on how this may be best achieved.

Thank you for the opportunity to testify on this measure.



Randy Perreira  
President

# HAWAII STATE AFL-CIO

320 Ward Avenue, Suite 209 • Honolulu, Hawaii 96814

Telephone: (808) 597-1441

Fax: (808) 593-2149

The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Labor and Public Employment

Testimony by  
Hawaii State AFL-CIO  
January 26, 2010

## H.B. 2102 – RELATING TO CONTRACTORS

The Hawaii State AFL-CIO supports H.B. 2102 which requires identification of licensed individuals performing electrical and plumbing work on a construction job site.

H.B. 2102 will help ensure public safety and compliance to state law. It will help provide for the identification of licensed electricians and plumbers and help provide proper enforcement on construction job sites. However, the Hawaii State AFL-CIO requests that H.B. 2102 be amended to include licensed individuals performing elevator work on a construction job site. Elevator workers are licensed in accordance with chapter 448H.

Thank you for the opportunity to testify.

Respectfully submitted,

Jason Bradshaw  
COPE Director



## HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

GENTRY PACIFIC DESIGN CENTER, STE. 215A • 580 N. NIMITZ HIGHWAY, #50 • HONOLULU, HAWAII 96817  
(808) 524-2249 • FAX (808) 524-6893

**NOLAN MORIWAKI**

President  
Bricklayers & Ceramic Tile Sellers  
Local 1 & Plasterers/Cement  
Masons Local 630

January 25, 2010

**JOSEPH O'DONNELL**

Vice President  
Iron Workers Local 625

**DAMIEN T. K. KIM**

Financial Secretary  
International Brotherhood of  
Electrical Workers Local 1186

**ARTHUR TOLENTINO**

Treasurer  
Sheet Metal Workers (A) Local 293

**REGINALD CASTANARES**

Trustee  
Plumbers & Fitters Local 675

**THADDEUS TOMEL**

Elevator Constructors Local 126

**MALCOLM K. AHLQ**

Carpet, Linoleum, & Soft Tile  
Local 1296

**JOSEPH BAZEMORE**

Drywall, Tapers, & Finishers  
Local 1944

**RICHARD TAGGERE**

Glaziers, Architectural Metal &  
Glassworkers Local Union 1889

**RONAN KOZUMA**

Hawaii Teamsters & Allied  
Workers Local 996

**GARY AYCOCK**

Boilermakers, Ironship Builders  
Local 627

**LYNN KINNEY**

District Council 50  
Painters & Allied Trades  
Local 1791

**KALANI MAHOE**

Operating Engineers Local 3

**PETER GANABAN**

Laborers' International Union of North  
America Local 388

**DOUGLAS FULP**

International Association of  
Insulation & Frost Insulators  
& Allied Workers Local 132

Honorable Representative Karl Rhoads, Chair  
Honorable Representative Kyle T. Yamashita, Vice Chair  
Members of the House Committee on Labor & Public Employment  
Hawaii State Capital  
415 South Beretania Street  
Honolulu, HI 96813

RE: **IN SUPPORT OF HB 2102**  
**RELATING TO CONTRACTORS**  
Hearing: Tuesday, January 26, 2010, 9:00 a.m.

Dear Chair Rhoads, Vice Chair Yamashita and the House Committee on  
Labor & Public Employment:

For the Record my name is Buzz Hong, the Executive Director for  
the Hawaii Building & Construction Trades Council, AFL-CIO. Our  
Council is comprised of 16-construction unions and a membership  
of 26,000 statewide.

The Council **SUPPORTS** the passage of **HB 2102** that requires  
identification of licensed individuals performing electrical and  
plumbing work on a construction job site.

Thank you for the opportunity to submit this testimony in support  
of **HB 2102**.

Sincerely,

William "Buzz" Hong  
Executive Director

WBH/dg

**TESTIMONY SUPPORTING HB2102 , RELATING TO CONTRACTORS****TO: HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT**

For Hearing on Tuesday, January 26, 2010, at 9:00 a.m., in Conference Room 309

**RE: STRONG SUPPORT FOR HB2102**

Honorable Chair Rhoads, Vice Chair Yamashita, and Labor Committee members,

My name is Peter Akamu and I am the President for the International Brotherhood of Electrical Workers, Local Union 1186. The IBEW represents a strong majority of the Electricians performing electrical work in Hawaii.

As an Electrician whose career spans more than thirty years, the importance of having a qualified Electrician performing work is essential. An Electrician or Plumber who has a current license has proven to have met the minimum qualifications of the State.

The public and those that enforce the laws of the State are entitled to know that any electrical or plumbing work is performed by licensed workers.

To help facilitate and protect against unlicensed violations, the physical display of one's license on their person would identify anyone not in compliance.

We ask you to support this bill to ensure that licensed electricians and plumbers are readily identified on the jobsite to the Homeowners, Inspectors and anyone with a vested interest.

Respectfully,



**Peter Akamu**  
President  
International Brotherhood of  
Electrical Workers, Local Union 1186



# International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

1935 HAU STREET, ROOM 401 • HONOLULU, HI 96819-5003

TELEPHONE (808) 847-5341 • FAX (808) 847-2224

## TESTIMONY SUPPORTING HB2102 , RELATING TO CONTRACTORS

TO: **HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT**  
(VIA FAX 586-6331)

For Hearing on Tuesday, January 26, 2010, at 9:00 a.m., in Conference Room 309

RE: **STRONG SUPPORT FOR HB2102**

Honorable Chair Rhoads, Vice Chair Yamashita, and Labor Committee members,

My name is **Damien Kim**, and I am the Business Manager – Financial Secretary for the **International Brotherhood of Electrical Workers Local Union 1186**. We represent over 3,500 members working in electrical construction, telecommunications, and Oceanic Cable. Our members include civil service employees at Pearl Harbor Shipyard, Kaneohe, Hickam, and every Hawaii military installation. IBEW Local 1186 also represents over 120 signatory electrical contractors that perform most of the electrical work in the state of Hawaii.

We have worked over the past year with contractors and the State's Electricians & Plumbers Board to find practical ways to protect the safety of the public, effectively detect violations, and to facilitate the enforcement and compliance of the state's existing licensing laws.

Due to the unusually dangerous and specialized nature of the electrical and plumbing industries, Hawaii laws already require those tradespersons actually performing the electrical or plumbing work on the job site to first pass the state test and possess a valid Hawaii Journeyman license. This special job site worker license requirement is on top of the usual requirement for every construction company to also possess a valid contractor's license.

Requiring the visible display of every individual worker's journeyman electrician or plumber license on their person while on the construction job site will protect public safety and decrease liability from illegal construction activity. By helping homeowners, inspectors, and government agencies to readily identify licensed tradespersons on the job site, this bill will help ensure workers and contractors are in compliance with existing state law. Thank you for providing me with the opportunity to testify in strong support for HB2102.

Mahalo and aloha,

**Damien Kim**  
Business Manager – Financial Secretary  
International Brotherhood of  
Electrical Workers, Local Union 1186





ELECTRICAL CONTRACTOR'S ASSOCIATION OF HAWAII

NECA Hawai'i Chapter

1286 Kalani Street, Suite B-203

Honolulu, Hawai'i 96817

PH: (808) 847-7306

FX: (808) 841-8096

Email: [ecah@ecahi.com](mailto:ecah@ecahi.com)

January 22, 2010

To: The Honorable Representative Karl Rhoads, Chair  
And the Members of the Committee on Labor & Public Employment

From: Al Itamoto, Executive Director  
Electrical Contractors Association of Hawaii

Subject: HB 2102, Relating to Contractors

Notice of Hearing

Date: Tuesday, January 26, 2010  
Time: 9:00 AM  
Place: Conference Room 309  
State Capitol  
415 South Beretania Street

Committee  
Copies Requested: 4

Dear Chair Rhoads and Committee members:

The Electrical Contractors Association of Hawaii (ECAH) is a non-profit association consisting of electrical contractors that are signatory to a collective bargaining agreement with IBEW Local Union 1186. ECAH **strongly supports** the intent and purpose of HB 2102 requiring licensed electricians and plumbers to visibly display their license on their person while on the construction job site.

It is the objective of ECAH to ensure that all electrical contractors perform their work on an even playing field. The intent and purpose of the new statutory material requiring the display of the license is consistent with our objectives. This new provision will aid in the identification of the licensed electrician or plumber in enforcing the license requirements on a construction site and determining the ratio of licensed to unlicensed tradesmen. The goal is public safety, quality work and compliance with state laws.

ECAH **strongly supports** the passage of HB 2102.

Thank you for the opportunity to provide testimony on this issue.



## HAWAII ELECTRICIANS TRAINING FUND

1935 HALI STREET, ROOM 301 • HONOLULU, HAWAII 96819-5003 • PHONE (808) 847-0629 • FAX (808) 843-8818

### TESTIMONY SUPPORTING HB2102, RELATING CONTRACTORS

**TO: HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
(VIA FAX 843-8818)**

For Hearing on Tuesday, January 26, 2010, at 9:00 A.M., in Conference Room 309

**RE: STRONG SUPPORT FOR HB2102**

Honorable Chair Rhoads, Vice Chair Yamashita, and Labor Committee members,

My name is David Lovelace. I am a Training Coordinator for the Hawaii Electricians Training Fund. We are a non-profit organization that provides substantial training for all our beneficiaries of the International Brotherhood of Electrical Workers Local Union 1186 and, thru contract, others requiring electrical education for the safety and well-being of the industry. Our training involves electrical theory, practical applications, and electrical and construction safety as presented through apprenticeship programs and skilled upgrade training for journeyworkers. We believe in and follow the definition stated in the Department of Labor 29 CFR Part 29 that a:

*"Journeyworker means a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation. (Use of the term may also refer to a mentor, technician, specialist or other skilled worker who has documented sufficient skills and knowledge of an occupation, either through formal apprenticeship or through practical on-the-job experience and formal training."*

We also believe that in order to obtain "a level of skill, abilities and competencies recognized within an industry" 29 CFR 29.5 B (7) states a needed ratio be accomplished as quoted:

*"A numeric ratio of apprentices to journeyworkers consistent with proper supervision, training, safety, and continuity of employment, ..."*

The State of Hawaii has recognized the need to qualify specific tradespersons in their abilities to perform and direct work in a safe and workmanlike manner thereby:

**"HRS §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;..."

and also a continuation of the requirement to have a licensed person supervise an apprentice or trainee as stated:



## HAWAII ELECTRICIANS TRAINING FUND

1935 HAU STREET, ROOM 301 • HONOLULU, HAWAII 96819-5003 • PHONE (808) 847-0629 • FAX (808) 843-8818

**HRS §448E-9 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.

Requiring the visible display of the State of Hawaii required license will better promote the protection of public safety and the ability to recognize the needed ratio of apprentices or trainees to better quantify the training necessary in the development of needed competencies for licensed tradespersons in their perspective fields.

Thank you for providing me with the opportunity to testify in strong support for HB2102.

Thank you,

David Lovelace  
Hawaii Electricians Training Fund  
Training Coordinator

# PLUMBING & MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII



TELEPHONE: (808) 597-1218  
FAX: (808) 597-1409  
1314 S. King Street, Suite 901  
Honolulu, Hawaii 96814

GREGG S. SERIKAKU  
EXECUTIVE DIRECTOR

Via Facsimile: 586-6331

January 27, 2010

Representative Karl Rhoads, Chair  
Committee on Labor and Public Employment  
House of Representatives  
The Twenty-Fifth Legislature, Regular Session of 2010  
State Capitol  
Honolulu, HI 96813

Chair Rhoads, Vice Chair Yamashita, and Members of the Committee:

**SUBJECT: H.B. 2102 Relating to Contractors**

My name is Gregg Serikaku, and I am the Executive Director of the Plumbing and Mechanical Contractors Association of Hawaii. Our Association represents the plumbing and mechanical contractors who are signatory to the collective bargaining agreement with the Plumbers and Fitters UA Local 675.

The Association for which I speak supports the intent of H.B. 2102.

This bill, which requires licensed electricians and plumbers to visibly display their license on their person while on the construction job site, will allow government agencies, inspectors, and homeowners to readily identify licensed individuals, and will be very helpful in enforcing compliance with section 444-9.5 HRS. This section requires at least half of all individuals performing electrical or plumbing work on a job site be licensed electricians or licensed plumbers, and was enacted to ensure quality work and the safety of the general public, and to facilitate the proper training and experience for future licensees.

We support passage of H.B. 2102.

Thank you very much for this opportunity to testify.

Respectfully yours,

Gregg S. Serikaku  
Executive Director