

ACT 155

H.B. NO. 304

A Bill for an Act Relating to the Board of Registration of Professional Engineers, Architects and Surveyors.

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

SECTION 1. Section 464-3, Hawaii Revised Statutes, is amended to read as follows:

**"§464-3 Persons exempt from registration[; temporary permits].** 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[;].
- [(3) Such nonresident persons as may be granted temporary permits by the board of registration of professional engineers, architects, and surveyors to practice professional engineering, architecture, land surveying or landscape architecture for a limited period. Temporary permits may be issued only to persons who present evidence satisfactory to the board that they possess the same qualifications as are required of applicants for permanent registration, and such temporary permits may be canceled at any time at the pleasure of the board. The fee for each temporary permit shall be \$50.]"

SECTION 2. 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, [and] 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 professional engineers, three professional architects, three 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 his term until his 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 [his] the member's profession for at least nine years immediately preceding the date of [his] 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 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 3. Section 464-7, Hawaii Revised Statutes, is amended to read as follow:

**"§464-7 Powers and duties of board; secretary; records.** The board [of registration of professional engineers, architects, and surveyors] 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, bylaws and rules and regulations 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, one of whom shall be either the chairman or vice-chairman.

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, as engineer, architect, surveyor, or landscape architect, 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 and a certificate issued to him and the date of such action. The record shall be prima facie evidence of all matters therein contained."

SECTION 4. Section 464-8, Hawaii Revised Statutes, is amended to read as follows:

**"§464-8 Qualifications for registration.** No person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect unless:

- (1) [He] The person is the holder of an unexpired certificate of registration issued to [him] the person by any jurisdiction, domestic or foreign, in which the requirements for registration at the time [he] the person was

first registered were of a standard satisfactory to the board of registration of professional engineers, architects, [and]surveyors[;], and landscape architects; provided, this paragraph shall be only applicable to professional engineering, architecture and landscape architecture and 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 [he] the holder successfully pass a written or oral examination, or both, prescribed by the board and designed to test [his] the holder's knowledge, skill, and competency in the profession for which registration is desired; or

- (2) [He] The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed an engineering or landscape architectural curriculum of four years or more, all as the case may be; and also has had three years of full-time lawful experience in engineering or landscape architecture work, as the case may be, of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill, and competency in the profession for which registration is desired; or
- (3) 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; and has also had five years of full-time lawful experience in landscape architectural work of a character satisfactory to the board, and has also successfully passed a professional written or oral examination, or both, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of landscape architecture; or
- [(3)] (4) [He] The person has had twelve years of full-time lawful experience in engineering or landscape architecture work as the case may be, of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill, and competency in the profession for which registration is desired; or
- [(4)] (5) (A) [He] The person holds a masters degree in architecture from an approved institution of higher education with training and education in the field of architecture adequate to the satisfaction of the board; and has also had one year of full-time lawful experience in architecture work of a character satisfactory to the board; and has also successfully passed a professional written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill, and competency in the profession of architecture; or
- (B) [He] The person holds a bachelors degree in architecture from a school or college approved by the board as of satisfactory

standing, and has completed an architectural curriculum of five years; and also had two years of full-time lawful experience in architecture work of a character satisfactory to the board; and has also successfully passed a professional written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill, and competency in the profession of architecture; or

- [(5)] (6) [He] The person is a graduate of a school or college approved by the board as of satisfactory standing and has completed a pre-architecture or arts and science curriculum of four years or more; and has also had five years of full-time lawful experience in architecture work of a character satisfactory to the board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill, and competency in the profession of architecture; or
- [(6)] (7) [He] 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; and has also had eight years of full-time lawful experience in architecture work of a character satisfactory to the board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill, and competency in the profession of architecture; or
- [(7)] (8) [He] The person has had eleven years of full-time lawful experience in architecture work of a character satisfactory to the board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill, and competency in the profession of architecture; or
- [(8)] (9)<sup>1</sup> [He] 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; and has also had three years of full-time lawful experience in land surveying of a character satisfactory to the board; and has also successfully passed a professional written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill,<sup>1</sup> and competence in the profession of land surveying; or
- [(9)] (10) [He] The person is a graduate of a community college approved by the board as of satisfactory standing, and has completed a civil engineering technology (survey option) curriculum of two years or more; and has also had seven years of full-time lawful experience in land surveying of a character satisfactory to the board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the board and

designed to test [his] the person's knowledge, skill,<sup>1</sup> and competency in the profession of land surveying; or

- (10) (11) [He] The person has had eleven years of full-time lawful experience in land surveying of a character satisfactory to the board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the board and designed to test [his] the person's knowledge, skill, and competency in the profession of land surveying.

In addition to the foregoing requirements, the board[,] may, in its discretion, 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 [him] the applicant a further examination or examinations.

No person shall be eligible for registration as a professional engineer, architect, land surveyor, or landscape architect who is not of good character and reputation."

SECTION 5. Section 464-9, Hawaii Revised Statutes, is amended to read as follows:

**"§464-9 Applications for and certificates of registration; renewal.**

Application for registration shall be made upon blanks to be furnished by the board [of registration of professional engineers, architects, and surveyors] and shall be signed and sworn to by the applicant. With each application there shall be paid to the board the sum of \$30 as 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 and regulations of the board, the candidate shall pay to the board a sum of \$25 as an examination fee; provided, where the candidate is eligible to take only that part of the examination pertaining to engineering fundamentals he shall pay \$20. The fee paid shall not be refundable; provided, if a candidate after having paid the fee is unable for any reason beyond his 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.

Upon qualifying for registration, the applicant shall pay the sum of \$15 as a registration fee, and upon receipt thereof by the board shall thereupon be registered 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 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 his profession shall display his original certificate in a conspicuous manner, in his principal office or place of business.

Every certificate of registration 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 shall mail, at least one month in advance of the date of expiration of the certificate of registration, a notice to every person registered hereunder giving the date of expiration and the amount required for the renewal

thereof. The fee for renewal shall be \$30 for each renewal certificate. Certificates of registration which have expired for failure to pay renewal fees on or before the date hereinabove required may be reinstated within one year of the expiration date upon payment of a fee of \$60 for each renewal certificate."

SECTION 6. Section 464-10, Hawaii Revised Statutes, is amended to read as follows:

**"§464-10 Suspension or revocation of certificates; hearings.** The board [of registration of professional engineers, architects, and surveyors] may revoke or suspend the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining the certificate or of gross negligence, incompetency, or misconduct in the practice of his profession or who is convicted of violating this chapter or the rules or regulations of the board. Any person may prefer charges in writing with the secretary of the board against any person holding a certificate.

In every case where it is proposed to revoke or suspend the certificate of registration, the board shall give the person 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 he 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."

SECTION 7. 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 issued hereunder shall bear the date of the original registration and shall specify whether the person to whom it is issued is authorized by the board [of registration of professional engineers, architects, and surveyors] to practice professional engineering, architecture, land surveying or landscape architecture.

In the case of a certificate issued to a person authorizing him 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 may use a seal or rubber stamp of the design authorized by the board bearing his name and the words "registered professional engineer", "registered architect", "registered land surveyor", or "registered 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 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 of the registrant named thereon has expired or has been revoked or suspended unless such certificate 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 architect holding an unexpired certificate or with the seal of a registered engineer holding a certificate on which has been indicated that he 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 land surveyor."

SECTION 8. 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 hereunder, and provided further that the name or names of such person or persons has or have been filed with the board [of registration of professional engineers, architects, and surveyors] by the corporation or copartnership."

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 10. This Act shall take effect upon its approval.

(Approved June 2, 1983.)

**Note**

1. Underscoring missing.