

ACT 226

H.B. NO. 3529

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

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

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

**“§464-1 Definitions.** As used in this chapter:

- [(1) “Professional engineer” means a person who engages in the practice of professional engineering as hereinafter defined;
- (2) “Architect” means a person who engages in the practice of architecture as hereinafter defined;
- (3) “Surveyor” or “land surveyor” means a person who engages in the practice of land surveying as hereinafter defined;
- (4) “Landscape architect” means a person who engages in the practice of landscape architecture as hereinafter defined;
- (5) A person practices “professional engineering” who holds oneself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health, or property is concerned or involved when such professional service requires the application of engineering principles and data;
- (6) A person practices “architecture” who holds oneself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures, or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved,

when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences;

- (7) A person practices "land surveying" who holds oneself out as able to make, or who does make cadastral surveys of areas for their correct determination and description, either for conveyancing or for the establishment or reestablishment of land boundaries or the plotting of lands and subdivisions thereof;
- (8) A person practices "landscape architecture" who holds oneself out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is: (A) the preservation and enhancement of land uses and natural land features; (B) the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and (C) design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly 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.

This chapter shall not empower a landscape architect, registered under this chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches.]

"Architect" means a person who holds oneself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or observation of construction, in connection with any private or public buildings, structures, or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when the professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences.

"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 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 under this chapter from practicing or offering to practice architecture or engineering in any of its various recognized branches.

“Professional engineer” means a person who holds oneself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, or observation of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of engineering principles and data.

“Surveyor” or “land surveyor” means a person who holds oneself out as able to make, or who does make cadastral surveys of areas for their correct determination and description, either for conveyancing or for the establishment or re-establishment of land boundaries or the plotting of lands and subdivisions thereof.”

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

**“§464-4 Public works[, plans, etc., for and supervision of].** 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 [supervised] observed by a professional engineer, architect, or landscape architect duly registered 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 land surveyor.”

SECTION 3. 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 [such] the work and undertakings, unless the [same] 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 [such] the work, unless the [same] 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, gardeshop 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 [such] person shall use the designation “landscape architect”, “landscape architectural”, or “landscape architecture” unless registered 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 [supervised] observed by a duly registered professional engineer, architect, or landscape architect, respectively.”

SECTION 4. 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, [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 the applicant and the date of [such] the action. The records shall be prima facie evidence of all matters therein contained.”

SECTION 5. Section 464-8, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) The person is the holder of an unexpired certificate of registration issued to the person by any jurisdiction, domestic or foreign, in which the requirements for registration at the time the person was first registered were of a standard satisfactory to the board; provided that [this paragraph shall apply only to professional engineering, architecture, and landscape architecture; and provided further 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 [for which registration is desired;] 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, 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

- [(2)] (4) 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 four years of full-time lawful experience in engineering [or three years of full-time lawful experience in 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 examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession [for which registration is desired;] of engineering; or
- [(3)] (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[, all as the case may be]; [and also] has had eight years of full-time lawful experience in engineering 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 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 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 examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of landscape architecture; or]
- [(5)] (6) 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 examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession [for which registration is desired; or] of engineering.

(b) No person shall be eligible for registration as a professional architect

unless:

- (1) The person is the holder of an unexpired certificate of registration issued to the person by any jurisdiction, domestic or foreign, in which the requirements for registration at the time the person was first registered 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
- [(6)] (A) 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 examination, prescribed by the board and designed to test the person'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
- [(B)] (3) The person [holds a bachelors degree in architecture from] 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; [and also] has had [two] three years of full-time lawful experience in architecture work of a character satisfactory to the board; and has [also] 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
- [(7)] (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; [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 professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture; or
- [(8)] (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; [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 professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture; or
- [(9)] (6) 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 professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture[; or].

(c) No person shall be eligible for registration as a professional land surveyor

unless:

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

- [(10)] (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; [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 examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of land surveying; or
- [(11)] (3) The person is a graduate of a [community] 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; [and] or arts and sciences curriculum of four years or more; 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 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
- [(12)] (4) 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 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 as a professional landscape architect unless:

- (1) The person is the holder of an unexpired certificate of registration issued to the person by any jurisdiction, domestic or foreign, in which the requirements for registration at the time the person was first registered 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, 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 as a professional engineer, architect, land surveyor, or landscape architect who is not of good character and reputation."

SECTION 6. Section 464-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) 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, at least one month in advance of the date of expiration of the certificate of registration, shall mail a notice to every person registered 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 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 within one year of the date of its expiration shall reapply for registration."

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 8, 1988.)