

ACT 2

S.B. NO. 119

A Bill for an Act Relating to the Continuing Education of Design Professionals.

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

SECTION 1. The continual evolution of knowledge on how to construct buildings with increased resistance to natural forces, energy efficiency, environmental sustainability, indoor air quality, building security, and accessibility for persons with disabilities makes it imperative that architects continually upgrade their knowledge and be aware of changes to ensure that future construction in Hawaii meets high standards of health and public safety. By requiring licensed architects to fulfill a continuing education program in order to renew their license, reciprocal licensing of architects among jurisdictions that are increasingly adopting mandatory continuing education requirements would be facilitated. A progressively-educated architectural profession will strengthen Hawaii's competitive position as an exporter of design services beyond the State and the nation.

The purpose of this Act is to require every architect licensed in the State of Hawaii to fulfill a program of continuing education for license renewal.

SECTION 2. Section 464-9, Hawaii Revised Statutes, is amended to read as follows:

“§464-9 Applications for and certificates of licensure; renewal; fees[-]; continuing education. (a) Application for licensure shall be made upon a form prescribed by the board and shall be signed by the applicant. With each application there shall be paid to the board [~~an~~] a nonrefundable 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 of the board, the candidate shall pay to the board an examination fee; provided where the candidate is eligible to take only that part of the examination pertaining to engineering fundamentals the candidate shall pay the appropriate fee. The fee paid shall not be refundable; provided if a candidate after having paid the fee is unable for any reason beyond the candidate’s 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.

(b) Upon qualifying for licensure, the applicant shall pay a license fee, and upon receipt thereof by the board shall thereupon be licensed as a professional engineer, architect, land surveyor or landscape architect, and shall receive a certificate thereof from the board signed by the chairperson [~~and secretary~~]. Every person licensed 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 the profession shall display the original certificate in a conspicuous manner, in the principal office or place of business.

(c) Every license expires on April 30 of each even-numbered year following its issuance and becomes invalid after that date unless renewed. At least one month in advance of the date of expiration of the license, a notice shall be mailed to every person licensed under this section informing them of the date of expiration and the amount required for the renewal. Licenses that have expired for failure to pay renewal fees on or before the date required in this subsection may be restored within two years of the expiration date upon payment of a fee for each renewal. Any person who fails to restore the person’s license within two years of the date of its expiration shall reapply for licensure[-] as a new applicant and meet the requirements in effect at that time.

(d) The board shall require continuing education to renew a license for architects effective as of the renewal date for a license expiring on April 30, 2008, and for every biennial renewal period thereafter. All continuing education courses shall be relevant to public protection subjects and shall be approved by the board as provided in the board’s rules; provided that:

- (1) Architects initially licensed in the first year of the biennium shall have completed eight continuing education credit hours;
- (2) Architects initially licensed in the second year of the biennium shall not be required to complete any continuing education credit hours;
- (3) All other architects shall have completed sixteen continuing education credit hours;
- (4) The board shall randomly audit an architect’s continuing education courses, and shall establish guidelines for random audits in rules adopted in accordance with chapter 91;
- (5) An architect whose license is not renewed because of failure to comply with the continuing education requirement shall have two years from the expiration date of the license to restore the license by complying with all applicable continuing professional education requirements and paying the appropriate renewal and penalty fees. After the two-year restoration period, the licensee shall be required to apply as a new applicant, and meet the requirements in effect at that time; and

- (6) An architect licensee shall not be subject to the continuing education requirement if the architect otherwise meets all other renewal requirements and:
- (A) Is a member of the armed forces, national guard, or a reserve component on active duty and deployed during a state or national crisis as “state or national crisis” is defined in chapter 436B;
 - (B) Is ill or disabled for a significant period of time as documented by a licensed physician, and is unable to meet the continuing education requirements of this subsection;
 - (C) Can demonstrate undue hardship that prevented the licensee from meeting the continuing education requirements of this subsection; or
 - (D) Is retired from the practice of architecture and is no longer performing or providing architectural services;
- provided that any exemption from the continuing education requirements shall be subject to the board’s approval.”

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, 2005.

(Approved April 8, 2005.)