

ACT 81

S.B. NO. 1425

A Bill for an Act Relating to Contractor Licensing Requirements During a State of Emergency or Disaster.

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

SECTION 1. Section 444-10.6, Hawaii Revised Statutes, is amended to read as follows:

“[~~§444-10.6~~] State of emergency or disaster; [~~acting-as-a-contractor without a license; penalty.~~] emergency licensure; penalties. (a) Notwithstanding any other provision of law to the contrary, the board may issue emergency contractor’s licenses during a state of emergency or disaster duly declared by the governor under chapter 209 upon a determination by the board that a shortage of Hawaii licensed contractors exists.

(b) To qualify for an emergency contractor’s license, an applicant shall:

- (1) Provide proof of licensure as a contractor in another state with similar contractor licensing requirements as those in this State, that the license is current, and that it has been in good standing for the past two years;**
- (2) Provide proof of liability and property damage insurance, obtained through an insurer authorized to do business in this State or other insurer acceptable to the board;**
- (3) Submit proof of workers’ compensation insurance as specified in the board’s rules;**
- (4) Submit a current financial statement prepared by a certified public accountant and applicable credit reports as specified in the board’s rules;**
- (5) Pay all applicable application and license fees, including recovery fund and education fund fees;**
- (6) Submit a state tax clearance statement; and**

(7) Provide proof of bond in the amount and in such form as set forth in section 444-16.5.

(c) The classifications of emergency contractor's licenses issued and the duration of the emergency contractor's licenses shall be determined by the board based on the nature and duration of the state of emergency or disaster, and the needs and best interests of the public.

(d) The board may delegate the issuance of emergency contractor's licenses to its administrative staff; provided that the applicant shall be required to meet all of the requirements specified in this section before the issuance of the license.

(e) Any person who violates section 444-9, in connection with the offer or performance of repairs to a residential or nonresidential structure for damage caused by a natural disaster in a political subdivision for which a state of emergency or disaster is proclaimed by the governor, may be punished by a fine of up to \$10,000, [ø] imprisonment up to one year, or both, in addition to all other remedies or penalties."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 21, 2007.)