

## ACT 165

H.B. NO. 391

A Bill for an Act Relating to Wages and Hours on Public Works.

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

SECTION 1. Section 104-1, Hawaii Revised Statutes, is amended by amending the definition of "overtime compensation" to read as follows:

““Overtime compensation” means compensation based on not less than one and one-half times the laborers or mechanics basic hourly rate of pay plus the cost to an employer of furnishing a laborer or mechanic with fringe benefits as described in the definition of “wages”[-]; provided that if the department determines that a prevailing wage is defined by a collective bargaining agreement, the overtime compensation shall be at the rates set by the applicable collective bargaining agreement.”

SECTION 2. Section 104-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) No laborer or mechanic employed on the job site of any public work of the State or any political subdivision thereof shall be permitted or required to work on Saturday, Sunday, or a legal holiday of the State or in excess of eight hours on any other day unless the laborer or mechanic receives overtime compensation for all hours worked on Saturday, Sunday, and a legal holiday of the State or in excess of eight hours on any other day. The rate for overtime compensation and any other premium rates of pay shall be those rates specified in an applicable collective bargaining agreement when the basic hourly rate is established by a collective bargaining agreement.

For purposes of determining overtime compensation under this subsection, the basic hourly rate of any laborer or mechanic shall not be less than the basic hourly rate determined by the director to be the prevailing basic hourly rate for corresponding classes of laborers and mechanics on projects of similar character in the State.”

SECTION 3. Section 444-16.5, Hawaii Revised Statutes, is amended to read as follows:

“**§444-16.5 Bond.** The contractors license board may require each licensee, applicant, individual or corporate, who is a specialty contractor to put up bond in the sum of not less than \$5,000 executed by the licensee or applicant as principal and by a surety company authorized to do business in the State as surety.

The board may require each licensee, applicant, individual or corporate, who is a general contractor to put up a bond in the sum of not less than \$5,000 executed by the licensee or applicant as principal and by a surety company authorized to do business in the State as surety.

The board, in exercising its discretion, shall take into consideration the licensee's or applicant's financial condition and experience in the field.

The bond shall be in ~~[such]~~ a form as the board may prescribe, conditioned upon the payment of wages, as defined in section ~~[[104-1(7)];~~ 104-1, to the employees of the contractor or any other person or entity entitled to ~~[such]~~ wages when due, and giving employees or any other person or entity entitled to ~~[such]~~ wages who have not been paid a right of action on the bond in their own names; and upon the honest conduct of the business of the licensee, and upon the right of any person injured or damaged by any wrongful act of the licensee to bring an action on the bond; provided that any claim for wages shall have priority over all other claims."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2015.

(Approved June 26, 2015.)