

## ACT 192

S.B. NO. 2723

A Bill for an Act Relating to Enforcement of Wage Laws.

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

SECTION 1. Section 104-24, Hawaii Revised Statutes, is amended by amending subsections (a) through (c) to read as follows:

“(a) Where the department finds that a first violation of this chapter has been committed, the department shall assess a penalty equal to ~~ten~~ twenty-five per cent of the amount of back wages found due or ~~[\$25]~~ \$250 per offense, up to \$2,500, whichever is greater.

(b) Where the department finds that a second violation of this chapter has been committed, whether on the same ~~[e]ontract~~ or another~~;~~ contract, within two years of the first notification of violation, the department, after proper notice and opportunity for hearing, shall order the person or firm in violation to pay a penalty equal to the amount of back wages found due or ~~[\$100]~~ \$500 for each offense, up to \$5,000, whichever is greater.

(c) Where the department finds that a third violation of this chapter has been committed, whether on the same ~~[e]ontract~~ or another~~;~~ contract, within ~~[two]~~ three years of the second notification of violation, the department, after proper notice and opportunity for hearing, shall order the person or firm in violation:

- (1) To pay a penalty equal to two times the amount of back wages found due or ~~[\$200]~~ \$1,000 for each offense, up to \$10,000, whichever is greater; and
- (2) To be suspended from doing any new work on any public work of a governmental contracting agency for a period of three years except as provided in section 104-25(a)(2). “New work on any public work” includes any public works project in which the suspended person or firm has not begun work at the job site as of the date of the suspension order. The suspension shall be effective on the later of the twenty-first day after the notification of violation has been sent, or upon the issuance of a decision pursuant to section 104-23(c).”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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, 2016.

(Approved July 1, 2016.)