A BILL FOR AN ACT

RELATING TO CONTRACTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 444-2, Hawaii Revised Statutes, is amended to read as follows:

"§444-2 Exemptions. This chapter shall not apply to:

(1) Officers and employees of the United States, the State, or any county while in the performance of their governmental duties;

(2) Any person acting as a receiver, trustee in bankruptcy, personal representative, or any other person acting under any order or authorization of any court;

(3) A person who sells or installs any finished products, materials, or articles of merchandise that are not actually fabricated into and do not become a permanent fixed part of the structure, or to the construction, alteration, improvement, or repair of personal property;
(4) Any project or operation for which the aggregate contract price for labor, materials, taxes, and all other items is not more than $1,000. This exemption shall not apply in any case where a building permit is required regardless of the aggregate contract price, nor where the undertaking is only a part of a larger or major project or operation, whether undertaken by the same or a different contractor or in which a division of the project or operation is made in contracts of amounts not more than $1,000 for the purpose of evading this chapter or otherwise;

(5) A registered architect or professional engineer acting solely in the person’s professional capacity;

(6) Any person who engages in the activities regulated in this chapter as an employee with wages as the person’s sole compensation;

(7) Owner-builders exempted under section 444-2.5;

(8) Any joint venture if all members thereof hold licenses issued under this chapter;

(9) Any project or operation where it is determined by the board that less than ten persons are qualified to
perform the work in question and that the work does not pose a potential danger to public health, safety, and welfare; [ex]

(10) Any public works project that requires additional qualifications beyond those established by the licensing law and which is deemed necessary and in the public interest by the contracting agency[.] or

(11) Any eleemosynary organization that has been certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended, and intends to engage in a public works project or operation; provided that:

(A) The board determines that:

(i) The project or operation does not pose a potential danger to the public health, safety, or welfare; and

(ii) The organization has performed the same or substantially similar projects or operations for at least ten consecutive years; and
(B) The procurer of the contract deems the project or operation to be necessary and in the public interest."

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.

INTRODUCED BY:

[Signatures]

JAN 22 2019
Report Title:
Contractors; Eleemosynary Organizations

Description:
Exempts an eleemosynary organization that meets certain conditions from the requirement of licensure as a contractor.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.