

2010 Legislative Update – Changes to Chapter 444, HRS

Act 28 – effective April 16, 2010

Requires all licensed electricians and plumbers to visibly display their license on their person while on the construction job site. Only individuals displaying their license at the time of a site inspection shall be counted as a licensee for enforcement purposes.

Act 44 – effective July 1, 2010

Allows owner-builders to sell the permitted structure within a year of completion under the following conditions:

1. Residential properties sold or leased to employees of the owner or lessee;
2. Construction or improvements performed pursuant to an approved building permit with an estimated valuation of less than \$10,000; or
3. Sale or lease caused by an eligible unforeseen hardship as determined by the Contractors License Board.

To apply for a determination of eligibility for the unforeseen hardship exemption, submit an application to the Board. The application (Exemption From Chapter 444, HRS) may be downloaded at: hawaii.gov/dcca/pvl/boards/contractor.

Click on “Application Forms & Publications.”

The Act also requires that the owner-builder be in compliance with the disclosure statement in section 444-9.1, HRS, which includes the following requirements:

1. The structure is for the owner-builder’s personal use;
2. The owner-builder must supervise construction and hire licensed subcontractors;
3. All electrical and plumbing work must be performed by contractors licensed under Chapters 448E & 444, HRS; and
4. Any person working on the structure who is not licensed must be an employee of the owner-builder.

Failure to comply with these requirements may result in a fine of \$5,000 or forty percent of the appraised value of the building, whichever is greater, for the first offense.

Act 185 – effective July 1, 2010, to be repealed June 30, 2013
Authorizes the Contractors License Board to discipline a contractor for knowingly or intentionally employing a person who is not eligible to work in the U.S. on any project or operation.