

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 80

ELECTRICIANS AND PLUMBERS

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-80-1 Objective. This chapter adopted by the board of electricians and plumbers, hereafter referred to as "board," is intended to clarify and implement chapter 448E, Hawaii Revised Statutes, and to insure the safety and welfare of the general public. [Eff 5/27/73; am and ren §16-80-1, 7/30/81; am and comp 11/24/89; comp 10/22/07] (Auth: HRS §448E-4) (Imp: HRS §448E-4)

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§16-80-2 Scope. (a) The provisions of this chapter shall apply to all persons who act as an electrician or plumber and who are required by chapter 448E, HRS, to be licensed by the board. Pursuant to chapter 448E, HRS, those persons who are required to be licensed by the board are as follows:

- (1) Journey worker electrician;
 - (2) Journey worker industrial electrician;
 - (3) Journey worker specialty electrician;
 - (4) Maintenance electrician;
 - (5) Supervising electrician;
 - (6) Supervising industrial electrician;
 - (7) Supervising specialty electrician;
 - (8) Journey worker plumber; and
 - (9) Master plumber.
- (b) The provisions of this chapter shall not apply to persons who:
- (1) While employed, are regulated by the public utilities commission;
 - (2) While employed, are under the control and jurisdiction of the United States government;
 - (3) Maintain and repair electrical appliances; or
 - (4) Manufacture or sell plumbing or electrical fixtures, appliances, equipment, or hardware. [Eff 5/27/73; am and ren §16-80-2, 7/30/81; am and comp 11/24/89; am and comp 10/22/07] (Auth: HRS §448E-4) (Imp: HRS §448E-4)

§16-80-3 Definitions.

"Apprentice" means a person who is registered as such in accordance with chapter 372, HRS, and who performs electrical or plumbing work under the supervision of a licensed journey worker or supervising level electrician, or journey worker or master plumber, respectively.

"Electrical appliances" means any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug.

"Electrical equipment" means any wire, appliance, fixture, apparatus, machinery, or material installed in, upon, or about any building or structure in the State for making use of electrical energy for light, heat, power, or any other purpose, except when used in central stations or substations, for the production or control of electrical energy for light or power or where used exclusively for

telephone, call bells, signal systems, or other purposes in connection with which electromotive force does not exceed thirty volts.

"Electrical maintenance work" means the keeping in repair and operation of any and all existing electrical installations, apparatus, and equipment, and any extensions to these installations, apparatus, and equipment that do not exceed one branch circuit capacity for each specific extension; provided that electrical maintenance work shall not include new installations; new branch circuit wiring; additions or modifications to any existing electrical installations, apparatus, and equipment; repairs to electrical service equipment; or any other work that requires a building or electrical permit from the counties; and provided further that any replacements of existing electrical installations, apparatus, and equipment shall be done with the same electrical fixtures, devices, and equipment.

"Electrical wiring" means any electrical conductor, material, device, fitting, apparatus, appliance, fixture, or equipment, constituting a part of or connected to any electrical installation attached or fastened to any building, structure, or premises and which installation or portion thereof is designed, intended or used to generate, transmit, transform, or utilize electrical energy within the scope and purpose of the National Electrical Code, as adopted by each county.

"Electrical work" means the installation, alteration, reconstruction, or repair of electrical wiring.

"Equivalent experience in the trade" for master plumbers as defined in section 448E-5(6), HRS, means, but is not limited to, having been licensed as a journey worker plumber or as a master plumber in another county, state, or country whose requirements for licensure are substantially equivalent to those in force in this State.

"Equivalent experience in the trade" for supervising electricians as used in section 448E-5(3), HRS, means, but is not limited to, having been licensed as a journey worker electrician or as a supervising electrician in another county, state, or country whose requirements for licensure are substantially equivalent to those in force in this State.

"Equivalent experience in the trade" for supervising specialty electricians as defined in section 448E-5(4), HRS, means, but is not limited to, having been licensed as a journey worker specialty electrician or as a supervising specialty electrician in another county, state, or country whose requirements for licensure are substantially equivalent to those in force in this State.

"Experience in the trade" for journey worker electricians as used in section 448E-5(1), HRS, means experience in the installation, alteration, and repair of electrical equipment, wires, and apparatus.

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"Experience in the trade" for journey worker specialty electricians as defined in section 448E-5(2), HRS, means experience in performing electrical work related to installing, repairing, altering, and maintaining but not the attachment of lighting and power circuits to the following: electronic equipment, sound public address systems, and communication systems, other than equipment and systems for a single-family or two-family dwelling; master community radio and television receiving antenna systems; sound recording systems, other than systems for a single-family or two-family dwelling; burglar and fire alarm systems; low voltage remote control, other than a control for a single-family or two-family dwelling; and low voltage communication signal systems.

"Plumbing work" means the business, trade, or work having to do with the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities, venting systems, potable water-supply systems, and fuel systems within or adjacent to any building, or conveyance; also the practice of and materials used in installation, maintenance, or extension of any storm-waste, liquid-waste, sewage, or potable water-supply systems of any premises to their connection with any point of public disposal or other acceptable terminal. However, this provision shall not prohibit other properly licensed contractors from performing any exterior piping work five feet or more outside the building line without licensed plumbers. The Uniform Plumbing Code (UPC) with amendments as adopted by each county is recognized as the minimum requirement and standard of performing plumbing work. [Eff 5/27/73; am and ren §16-80-3, 7/30/81; am and comp 11/24/89; am and comp 10/22/07] (Auth: HRS §448E-4) (Imp: HRS §448E-1)

§16-80-4 Licensure required.

- (1) Any person who directs or supervises electrical work in the State is required to have a supervising electrician's license;
- (2) Any person who performs electrical work in the State is required to have a journey worker electrician's license;
- (3) Any person who performs electrical work related to installing, repairing, altering, and maintaining but not the attachment of lighting and power circuits to the following: electronic equipment, sound public address systems, and communications systems, other than equipment and systems for a single-family or two-family dwelling; master community radio and

television receiving antenna systems; sound recording systems, other than systems for a single-family or two-family dwelling; burglar and fire alarm systems; low voltage remote control, other than a control for a single-family or two-family dwelling; and low voltage communication signal systems, is required to have a journey worker specialty electrician's license;

- (4) Any person who directs and supervises the performance of electrical work related to installing, repairing, altering, and maintaining but not the attachment of lighting and power circuits to the following: electronic equipment, sound public address systems, and communications systems, other than equipment and systems for a single-family or two-family dwelling; master; or community radio and television receiving antenna system; sound recording systems other than systems for a single-family or two-family dwelling; burglar and fire alarm systems; low voltage remote control, other than control for a single-family or two-family dwelling; and low voltage communication signal systems, is required to have a supervising specialty electrical license;
- (5) Any person who directs and supervises the performance of plumbing work or who performs plumbing work is required to have a journey worker plumber's license or a master plumber's license;
- (6) Any person who performs electrical maintenance work in the State is required to have, at minimum, a maintenance electrician's license;
- (7) No electrical work shall be performed in or about the buildings in the State by any person who is not licensed in any of the journey worker electrician or supervising electrician categories provided in chapter 448E, HRS; provided that such work may be performed by an apprentice, electrician's helper, or other unlicensed person so long as such work is performed under the supervision and within the scope of a person licensed in any of the journey worker electrician or supervising electrician categories provided in chapter 448E, HRS; and provided further that while under supervision, the licensee:
 - (A) Oversees, reviews, and is responsible for such electrical work; and

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- (B) Is physically present and available at the project site at all times during which the electrical work is being performed by the apprentice, electrician's helper, or other unlicensed person;
- (8) No plumbing work shall be performed in or within five feet of the buildings in the State by any person who is not licensed as a journey worker plumber or master plumber provided that such work may be performed by an apprentice, plumber's helper, or other unlicensed person so long as such work is performed under the supervision and within the scope of a person licensed as a journey worker plumber or master plumber; and provided further that while under supervision, the licensee:
 - (A) Oversees, reviews, and is responsible for such plumbing work; and
 - (B) Is physically present and available at the project site at all times during which the plumbing work is being performed by the apprentice, plumber's helper, or other unlicensed person; and
- (9) For purposes of this section, "project site" means the location where electrical or plumbing work is being performed. [Eff 5/27/73; am and ren §16-80-4, 7/30/81; am and comp 11/24/89; am and comp 10/22/07] (Auth: HRS §448E-4) (Imp: HRS §448E-9)

§16-80-5 Applications and examinations required.

- (1) No license shall be issued to any person unless such person applies for, takes, and passes a written examination as prescribed by the board for the license applied for;
- (2) An application filed with the board shall be prepared in accordance with and contain the information called for in the application form provided by the board and any instructions which are required by the board with respect to filing;
- (3) The applicant shall submit documentary proof satisfactory to the board that the applicant has the experience as required for examination;
- (4) Applications accompanied with all the required information and documents shall be filed not less than seven days prior to the board meeting date; and

- (5) An application shall be deemed abandoned and shall be destroyed if, after two consecutive years, the applicant fails to provide the board evidence of the applicant's continued efforts to complete the licensure process, which includes but is not limited to the filing of forms or requested documentation, passage of examinations, and payment of fees. [Eff 5/27/73; am and ren §16-80-5, 7/30/81; am and comp 11/24/89; am and comp 10/22/07] (Auth: HRS §448E-4) (Imp: HRS §§436B-9, 448E-4)

§16-80-6 Fees; renewals; restoration. (a) All fees required under chapter 448E, HRS, and this chapter shall be provided in rules adopted by the director pursuant to chapter 91, HRS.

(b) The triennial renewal fee and compliance resolution fund fees shall be paid by plumbers to the board on or before July 1 of every third year effective with the June 30, 2006 renewal.

(c) The triennial renewal fee and compliance resolution fund fees shall be paid by electricians to the board on or before July 1 of every third year effective with the July 1, 1996 renewal.

(d) The failure, neglect, or refusal of any licensee to pay these fees, or to meet the continued competency requirements of section 448E-8.5, HRS, before the renewal date shall constitute a forfeiture of the licensee's license.

(e) Renewal fees paid by mail shall not be considered delinquent if the envelope is postmarked by the United States Postal Service before July 1 of the year in which the fees are due.

(f) Any forfeited license may be restored by filing the form provided by the board, along with all required documents, meeting the continued competency requirements of section 448E-8.5, HRS, and by paying the applicable renewal and penalty fees within one year from the date of forfeiture.

(g) Failure to restore a forfeited license within one year from the date of forfeiture shall require a person to file as a new applicant. The board may waive the requirement to retake the examination where the person failed, for good and valid reasons, to restore a license within the one year after the date of forfeiture. Good and valid reasons shall be determined and approved by the board.

(h) For purposes of this chapter, the dishonoring of any check upon first deposit shall constitute a failure to meet the fee requirements. [Eff and

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comp 10/22/07] (Auth: HRS §448E-4) (Imp: HRS §§448E-8, 448E-8.5)

SUBCHAPTER 2

PRACTICE AND PROCEDURE

§16-80-9 Repealed. [R 11/24/89]

§16-80-10 Administrative practice and procedure. The rules of practice and procedure for electricians and plumbers shall be as provided in chapter 16-201, the rules of practice and procedure of the department, which are incorporated by reference and made part of this chapter. [Eff and comp 11/24/89; comp 10/22/07] (Auth: HRS §91-2) (Imp: HRS §91-2)

SUBCHAPTER 3

ORAL TESTIMONY

§16-80-14 Oral testimony. (a) The board shall accept oral testimony on any item which is on the agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony shall notify the board not later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
- (4) Persons presenting oral testimony at the beginning of the testimony shall identify themselves and the organization, if any, that they represent;
- (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person

testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and

- (6) The board may refuse to hear any testimony which is irrelevant, or immaterial, or unduly repetitious to the agenda item on which it is presented.

- (b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another pending proceeding subject to the hearings relief, declaratory relief, or rule relief provisions of chapter 16-201.

- (c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 11/24/89; am and comp 10/22/07] (Auth: HRS §448E-4(2) (Imp: HRS §92-3)

Amendments to and compilation of chapter 16-80, Hawaii Administrative Rules, on the Summary page dated September 11, 2007, were adopted on September 11, 2007, following a public hearing held on September 11, 2007, after public notices were given in the Honolulu Star-Bulletin, The Garden Island, Hawaii Tribune-Herald, West Hawaii Today, and The Maui News on August 5, 2007.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Norman N. Ahu
NORMAN AHU, Chairman
Board of Electricians and Plumbers

APPROVED AS TO FORM: Date: 10/2/07

/s/ Rodney J. Tam
Deputy Attorney General

APPROVED: Date: 10/3/07

/s/ Lawrence M. Reifurth
LAWRENCE M. REIFURTH, Director
Commerce and Consumer Affairs

APPROVED: Date: 10/11/07

/s/ Linda Lingle
LINDA LINGLE
Governor
State of Hawaii

10/11/07
Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-80
Hawaii Administrative Rules

September 11, 2007

SUMMARY

1. §16-80-2 is amended.
2. §16-80-3 is amended.
3. §16-80-4 is amended.
4. §16-80-5 is amended.
5. A new §16-80-6 is added.
6. §16-80-14 is amended.
7. Chapter 80 is compiled.

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