

County of Maui
DEPARTMENT OF PUBLIC WORKS
Departmental Policies and Procedures

Subject: HRS 444-9.5 (Electrician License) Enforcement

Procedure No.
DSA 21A.0

Effective Date:
07-01-2011

Supersedes Procedure No./Date:

Approval Date:
05-02-2011

Page:
1 of 4

I. Purpose

This Policy is to assist the State with electrician licensing enforcement and to help ensure electrical construction installations are being done by workers who are properly licensed to perform such installations, or are being done by workers under the immediate supervision of licensed electricians. The intent of this policy is to also reduce the selling of County electrical permits to unlicensed installers.

II. Policy

The County Department of Public Works, Development Services Administration (DSA) Electrical Section staff shall assist with the enforcement of the following Hawaii Revised Statutes (HRS) and Hawaii Administrative Rules (HAR) regulating electrical work:

HRS 444-9.5 *Licensing of electrical or plumbing workers.* (a) *At least half of all individuals performing electrical or plumbing work employed on a construction job site by an electrical or plumbing contractor shall be licensed in accordance with chapter 448E. The board may waive this requirement in any county when there are insufficient licensed electrical or plumbing workers in that county to comply with this section.* (b) *All individuals employed on a construction job site by an electrical or plumbing contractor who are licensed in accordance with chapter 448E shall 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 to determine compliance with this section.*

HRS 448E-9. *Unlicensed Activity.* (a) *No person shall act or assume to act as a journey worker electrician, journey worker specialty electrician, supervising electrician, supervising specialty electrician, journey worker plumber, master plumber, maintenance electrician, journey worker industrial electrician, or supervising industrial electrician, or advertise or hold the person's self out as an electrician or plumber, without a license previously obtained in compliance with this chapter and the rules of the board.*

County of Maui
DEPARTMENT OF PUBLIC WORKS
Departmental Policies and Procedures

Subject: HRS 444-9.5 (Electrician License) Enforcement

Procedure No.
DSA 21A.0

Effective Date:
07-01-2011

Supersedes Procedure No./Date:

Approval Date:
05-02-2011

Page:
2 of 4

II. Policy (continued)

HAR 16-80-4 (7) No electrical work shall be performed in or about 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
(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;

HAR 16-80-3 Definitions.

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

"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.

III. Procedure

- A. DSA Electrical Section shall send out a notice to all Electrical Contractors with active County electrical permits, informing them of the HRS Chapter 444 and Chapter 448E electrician licensing requirements, and the effective date of the procedures set forth herein. The effective date shall allow electrical contractors time to obtain electrician badges or identification tags.
- B. Upon the effective date, all County electrical permit applications will require the licensed electrician's name with their electrician license number to be identified on the Electrical Permit Application.

County of Maui
DEPARTMENT OF PUBLIC WORKS
Departmental Policies and Procedures

Subject: HRS 444-9.5 (Electrician License) Enforcement

Procedure No.
DSA 21A.0

Effective Date:
07-01-2011

Supersedes Procedure No./Date:

Approval Date:
05-02-2011

Page:
3 of 4

III. Procedure (continued)

- C. During construction site inspections, County electrical inspectors shall randomly check individuals observed performing electrical work for license identification. Electrician license names and numbers shall be verified with the State of Hawaii Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division (DCCA/PVL) website.
- Workers with false or expired electrician badges or identification tags shall be reported to the State Regulated Industries Complaints Office (RICO), along with the Electrical Contractor they work for.
- D. County electrical inspectors shall determine if an unlicensed worker is being supervised by a licensed electrician in accordance with HAR 16-80-4 (7) . If an unlicensed worker is found to be working without the supervision of a licensed electrician, the Contractor shall be sent a Warning letter for the 1st occurrence. A copy of the warning letter will be sent to RICO for informational purposes.
- E. When installations fail inspection due to poor workmanship, or lack of adequate code knowledge, or when the County electrical inspector observes electrical work being done by unlicensed workers without supervision, the County electrical inspector shall request the licensed electrician on the permit record, to be present on-site for the next inspection. Failure by the licensed electrician to appear when requested shall result in failure of the inspection.
- F. Upon finding a 2nd occurrence by a contractor for using unsupervised and unlicensed electrical workers, DSA Electrical Section shall submit a formal request to RICO to investigate the Contractor.
- G. Upon finding a 3rd occurrence by the Contractor for using unsupervised and unlicensed electrical workers, DSA Electrical Section shall stop issuing the Contractor any more Electrical permits and shall stop conducting any more site inspections for the Contractor's existing permits, until the County's concerns regarding non-compliance with State statues and rules regulating electrician licensing have been appropriately addressed.

County of Maui
DEPARTMENT OF PUBLIC WORKS
Departmental Policies and Procedures

Subject: HRS 444-9.5 (Electrician License) Enforcement			Procedure No. DSA 21A.0
Effective Date: 07-01-2011	Supersedes Procedure No./Date:	Approval Date: 05-02-2011	Page: 4 of 4

IV. Responsibility

It is the responsibility of the DSA Electrical Section to implement this policy and these procedures. DSA shall support efforts to enforce State statutes and rules regulating electrician licensing by providing documentary and testimonial evidence to the State DCCA relating to possible violations.

V. Scope

These procedures apply to the County Department of Public Works, Development Services Administration employees who are involved in the administration and enforcement of the County Electrical Code.



Director of Public Works