

CHAPTER 464
PROFESSIONAL ENGINEERS, ARCHITECTS,
SURVEYORS AND LANDSCAPE ARCHITECTS

SECTION

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§464-1 Definitions. As used in this chapter:

"Architect" means a person who holds oneself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or observation of construction, in connection with any private or public buildings, structures, or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when the professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences.

"Landscape architect" means a person who holds oneself out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and observation of construction where the dominant purpose of the services is:

- (1) The preservation and enhancement of land uses and natural land features;
- (2) The location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and
- (3) The design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading.

This practice shall include the location, arrangement, and design of tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities; provided that nothing in this chapter shall empower a landscape architect licensed under this chapter from practicing or offering to practice architecture or engineering in any of its various recognized branches.

"Professional engineer" means a person who holds oneself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, or observation of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of engineering principles and data.

"Surveyor" or "land surveyor" means a person who holds oneself out as able to make, or who does make cadastral surveys of areas for their correct determination and description, either for conveyancing or for the establishment or reestablishment of land boundaries or the plotting of lands and subdivisions thereof.

§464-2 Licensing of practicing engineers, etc. In order to safeguard life, health, and property, no person except those exempted by sections 464-3 and 464-5 shall practice professional engineering, architecture, land surveying or landscape architecture in the State unless the person is duly licensed under this chapter.

§464-3 Persons exempt from licensure. Persons practicing professional engineering, architecture, land surveying, or landscape architecture solely as officers or employees of the United States shall be exempted from the provisions of this chapter.

§464-4 Public works. (a) Notwithstanding any other provision to the contrary, public works projects involving:

- (1) Alteration or new construction shall be required to have:
 - (A) Plans or specifications prepared by or under the supervision of an appropriately licensed professional engineer, architect, or landscape architect. The licensed professional engineer, architect, or landscape architect, as the case may be, shall stamp the plans or specifications, and indicate that the licensee has prepared or supervised the preparation of the plans or specifications; and
 - (B) A licensed professional engineer, architect, or landscape architect designated by the State, county, or political subdivision that is undertaking the public works project to observe the alteration or new construction. For the observation of construction of these types of public works projects, the

licensed professional engineer, architect, or landscape architect, as the case may be, shall not be required to stamp the plans or specifications.

(2) Maintenance work shall:

(A) Not be required to have plans or specifications prepared by or under the supervision of an appropriately licensed professional engineer, architect, or landscape architect; and

(B) Be required to have a licensed professional engineer, architect, or landscape architect designated by the State, county, or political subdivision that is undertaking the public works project to observe the maintenance work. For the observation of construction of this type of public works project, the licensed professional engineer, architect, or landscape architect, as the case may be, shall not be required to stamp the plans or specifications.

(b) All land surveys involving property boundaries for public purposes or plans thereof shall be made or supervised by a licensed land surveyor. The licensed land surveyor shall stamp the land surveys or plans, and indicate that the licensee has prepared or supervised the preparation of the land surveys or plans.

(c) For purposes of this section:

"Maintenance" means minor repairs or replacement work which do not affect or involve the structural integrity of the public works project.

"Public works projects" means projects undertaken by the State, counties, or any political subdivisions thereof.

§464-5 Limitation upon application of chapter. Nothing in this chapter shall prevent any person from engaging in engineering, architectural, or landscape architectural work and undertakings upon property owned or exclusively controlled or possessed by that person, or from hiring any person to do the work and undertakings, unless the work and undertakings involve the safety or health of the public, nor shall anything in this chapter prevent any person from engaging in land surveying upon property owned or exclusively controlled or possessed by that person or from hiring any person to do the work, unless the work involves a common boundary. Nothing in this chapter shall be construed as applying to the business conducted in this State by any agriculturist, horticulturist, tree expert, arborist, forester, gardenshop operator, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape contractor, landscape designer, landscape consultant, garden or lawn caretaker, or cultivator of land, as these terms are generally used, except that no person shall use the designation "landscape architect", "landscape architectural", or "landscape architecture" unless licensed under the provisions of this chapter.

All engineering work, architectural work, and landscape architectural work in which the public safety or health is involved shall be designed by and the construction observed by a duly licensed professional engineer, architect, or landscape architect, respectively.

§464-6 Board of professional engineers, etc., members; appointment; tenure; qualifications. There shall be a state board of professional engineers, architects, surveyors, and landscape architects hereinafter called "the board". The board shall consist of fourteen members, including at least four professional engineers, three professional architects, two professional surveyors, two professional landscape architects and three public members. Each county shall be represented by at least one member who is a resident of the county. Each member shall hold over after the expiration of the member's term until the member's successor is duly appointed and qualified.

Each member shall have been a resident of the State for at least three years. A member representing the profession shall have been engaged in the practice of the member's profession for at least five years immediately preceding the date of the member's appointment. Any member of the board who incurs expenses in connection with the preparation and grading of examination papers shall be reimbursed for those expenses with the approval of the department.

§464-7 Powers and duties of board; secretary; records. In addition to any other powers and duties authorized by law, the board may compel the attendance of witnesses upon subpoena, administer oaths, take testimony, and do all other things necessary and proper to carry out this chapter in all matters within its jurisdiction. It shall adopt and have an official seal and adopt, subject to chapter 91 and with the approval of the governor and the director of commerce and consumer affairs, rules for the performance of its duties and the carrying on of its business and the enforcement of this chapter, including, but not limited to, rules which define the branches of engineering in which licensure shall be offered, clarify the qualifications needed for licensure, and set forth practice requirements. It shall have a chairperson, a vice-chairperson, and a secretary, and a quorum shall consist of not less than six members.

The board shall keep a record of its proceedings and all applicants for licensure as engineers, architects, surveyors, or landscape architects, the date of application, name, educational and other qualifications, address, whether or not an examination was required, and whether or not the applicant was licensed and a certificate issued to the applicant and the date of the action. The records shall be prima facie evidence of all matters therein contained.

§464-8 Qualifications for licensure. (a) No person shall be eligible for licensure as a professional engineer unless:

- (1) The person is the holder of an unexpired license issued to the person by any jurisdiction, domestic or foreign, in which the requirements for licensure at the time the person was first licensed are of a standard satisfactory to the board; provided that if the board is in doubt as to whether the standards are satisfactory, or as to whether the holder was required to fully comply with them, it shall require that the holder successfully pass a written examination, prescribed by the board and designed to test the holder's knowledge, skill, and competency in the profession of engineering;
- (2) The person is the holder of a masters degree in engineering from an institution of higher education approved by the board; is a graduate of a school or college

- approved by the board as of satisfactory standing and has completed an engineering curriculum of four years or more; has had three years of full-time lawful experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering;
- (3) The person is the holder of a masters degree in engineering from an institution of higher education approved by the board; has had four years of full-time lawful experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering;
 - (4) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed an engineering curriculum of four years or more; has had four years of full-time lawful experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering;
 - (5) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed an engineering technology or arts and science curriculum of four years or more; has had eight years of full-time lawful experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering; or
 - (6) The person has had twelve years of full-time lawful experience in engineering work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of engineering.
- (b) No person shall be eligible for licensure as a professional architect unless:
- (1) The person is the holder of an unexpired license in architecture issued to the person by any jurisdiction, domestic or foreign, and the person meets the requirements of this chapter and the rules of the board;
 - (2) The person is the holder of a bachelor's, master's, or higher degree in architecture from a school or college approved by the board as of satisfactory standing; has had three years of full-time lawful experience in architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a professional written examination,

prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture;

- (3) The person is a graduate of a school or college approved by the board as of satisfactory standing and has completed an architectural curriculum of four years or a pre-architecture or arts and science curriculum of four years or more; has had five years of full-time lawful experience in architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture;
- (4) The person is a graduate of a community college or other technical training school approved by the board as of satisfactory standing, and has completed an architectural technology curriculum of two years or more; has had eight years of full-time lawful experience in architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture;
or
- (5) The person has had eleven years of full-time lawful experience in architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed a professional written examination, prescribed by the board and designed to test the person's knowledge, skill, and competency in the profession of architecture;

provided that those persons who qualify under paragraphs (2) through (5), as of June 30, 2000, shall be required to fulfill the requirements of the intern development program of the National Council of Architectural Registration Boards or of any similar program satisfactory to the board, and approved by the board. For paragraph (2), the intern development program shall fulfill the experience requirement. For paragraphs (3), (4), and (5), time participating in the intern development program shall be credited toward the experience requirement.

(c) No person shall be eligible for licensure as a professional land surveyor unless:

- (1) (A) The person is the holder of an unexpired license issued to the person by any jurisdiction, domestic or foreign, in which the requirements for licensure at the time the person was first licensed are of a standard satisfactory to the board; provided that if the board is in doubt as to whether the standards are satisfactory, or as to whether the holder was required to fully comply with them, it shall require that the holder successfully pass the national land surveyor licensing examinations and a written, multiple-choice examination on the subject of Hawaii land matters and Hawaii land description;
- (B) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed a geo-science, civil engineering, or general engineering curriculum of four years or more; has had three years of full-time lawful experience in land surveying of a character satisfactory to the board, or part-time experience which the

board finds to be the equivalent thereof; and has successfully passed the national land surveyor licensing examinations and a written, multiple-choice examination on the subject of Hawaii land matters and Hawaii land description;

- (C) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed a civil engineering technology (survey option) curriculum of two years or more or arts and sciences curriculum of four years or more; has had seven years of full-time lawful experience in land surveying of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed the national land surveyor licensing examinations and a written, multiple-choice examination on the subject of Hawaii land matters and Hawaii land description; or
 - (D) The person has had eleven years of full-time lawful experience in land surveying of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed the national land surveyor licensing examinations and a written, multiple-choice examination on the subject of Hawaii land matters and Hawaii land description; and
- (2) Any applicant shall certify on the application that the applicant has read, understood, and agrees to comply with the laws and rules that the board determines are required for licensure.
 - (d) No person shall be eligible for licensure as a professional landscape architect unless:
 - (1) The person is the holder of an unexpired license issued to the person by any jurisdiction, domestic or foreign, in which the requirements for licensure at the time the person was first licensed are of a standard satisfactory to the board; provided that if the board is in doubt as to whether the standards are satisfactory, or as to whether the holder was required to fully comply with them, it shall require that the holder successfully pass the national landscape architect licensing examination and a written examination, prescribed by the board designed to test the holder's knowledge of the State's climatic conditions, native plants and native ecosystems, land use ordinance and special management area requirements, and cultural and historical conditions affecting landscape architecture;
 - (2) The person is the holder of a masters degree in landscape architecture from an institution of higher education approved by the board; is a graduate of a school or college approved by the board as of satisfactory standing and has completed a landscape architectural curriculum of four years or more; has had two years of full-time lawful experience in landscape architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed the national landscape architect licensing examination and a written examination, prescribed by the board designed to test the person's knowledge of the State's climatic conditions, native plants and

native ecosystems, land use ordinance and special management area requirements, and cultural and historical conditions affecting landscape architecture;

- (3) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed a landscape architectural curriculum of four years or more; has had three years of full-time lawful experience in landscape architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed the national landscape architect licensing examination and a written examination, prescribed by the board designed to test the person's knowledge of the State's climatic conditions, native plants and native ecosystems, land use ordinance and special management area requirements, and cultural and historical conditions affecting landscape architecture;
- (4) The person is a graduate of a school or college approved by the board as of satisfactory standing, and has completed a pre-landscape architecture or arts and science curriculum of four years or more; has had five years of full-time lawful experience in landscape architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed the national landscape architect licensing examination and a written examination, prescribed by the board designed to test the person's knowledge of the State's climatic conditions, native plants and native ecosystems, land use ordinance and special management area requirements, and cultural and historical conditions affecting landscape architecture; or
- (5) The person has had twelve years of full-time lawful experience in landscape architecture work of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has successfully passed the national landscape architect licensing examination and a written examination, prescribed by the board designed to test the person's knowledge of the State's climatic conditions, native plants and native ecosystems, land use ordinance and special management area requirements, and cultural and historical conditions affecting landscape architecture.
- (6) The applicant shall also certify on the application that the applicant has read, understood, and agrees to comply with the laws and rules that the board determines are required for licensure.

In addition to the foregoing requirements, the board, in its discretion, may also require additional proof that the applicant is competent to practice professionally, and whenever the board is not fully satisfied from the results of an examination that any applicant is competent to practice professionally, it may give the applicant a further examination or examinations.

No person shall be eligible for licensure as a professional engineer, architect, land surveyor, or landscape architect if the person does not possess a history of honesty, truthfulness, financial integrity, and fair dealing.

§464-8.5 REPEALED.

§464-9 Applications for and certificates of licensure; renewal; fees; continuing education. (a) Application for licensure shall be made upon a form prescribed by the board and shall be signed by the applicant. With each application there shall be paid to the board a nonrefundable application fee.

For each examination, or repetition thereof in whole or in part as shall be limited or permitted by the rules of the board, the candidate shall pay to the board an examination fee; provided where the candidate is eligible to take only that part of the examination pertaining to engineering fundamentals the candidate shall pay the appropriate fee. The fee paid shall not be refundable; provided if a candidate after having paid the fee is unable for any reason beyond the candidate's control to participate in the examination, the board may extend the time of the candidate's participation to the next regular examination date and credit the candidate the amount of the fee paid.

(b) Upon qualifying for licensure, the applicant shall pay a license fee, and upon receipt thereof by the board shall thereupon be licensed as a professional engineer, architect, land surveyor or landscape architect, and shall receive a certificate thereof from the board signed by the chairperson. Every person licensed who, as an individual or as a member of a firm or corporation, conducts an office or other place of business for the practice of the profession shall display the original certificate in a conspicuous manner, in the principal office or place of business.

(c) Every license expires on April 30 of each even-numbered year following its issuance and becomes invalid after that date unless renewed. At least one month in advance of the date of expiration of the license, a notice shall be mailed to every person licensed under this section informing them of the date of expiration and the amount required for the renewal. Licenses that have expired for failure to pay renewal fees on or before the date required in this subsection may be restored within two years of the expiration date upon payment of a fee for each renewal. Any person who fails to restore the person's license within two years of the date of its expiration shall reapply for licensure as a new applicant and meet the requirements in effect at that time.

(d) The board shall require continuing education to renew a license for architects effective as of the renewal date for a license expiring on April 30, 2008, and for every biennial renewal period thereafter. All continuing education courses shall be relevant to public protection subjects and shall be approved by the board as provided in the board's rules; provided that:

- (1) Architects initially licensed in the first year of the biennium shall have completed eight continuing education credit hours;
- (2) Architects initially licensed in the second year of the biennium shall not be required to complete any continuing education credit hours;
- (3) All other architects shall have completed sixteen continuing education credit hours;
- (4) The board shall randomly audit an architect's continuing education courses, and shall establish guidelines for random audits in rules adopted in accordance with chapter 91;
- (5) An architect whose license is not renewed because of failure to comply with the continuing education requirement shall have two years from the expiration date of the license to restore the license by complying with all applicable continuing

professional education requirements and paying the appropriate renewal and penalty fees. After the two-year restoration period, the licensee shall be required to apply as a new applicant, and meet the requirements in effect at that time; and

- (6) An architect licensee shall not be subject to the continuing education requirement if the architect otherwise meets all other renewal requirements and:
- (A) Is a member of the armed forces, national guard, or a reserve component on active duty and deployed during a state or national crisis as "state or national crisis" is defined in chapter 436B;
 - (B) Is ill or disabled for a significant period of time as documented by a licensed physician, and is unable to meet the continuing education requirements of this subsection;
 - (C) Can demonstrate undue hardship that prevented the licensee from meeting the continuing education requirements of this subsection; or
 - (D) Is retired from the practice of architecture and is no longer performing or providing architectural services;

provided that any exemption from the continuing education requirements shall be subject to the board's approval.

§464-10 Licensees; suspension or revocation of licenses; fines; hearings. In addition to any other actions authorized by law, the board may revoke, suspend, or refuse to renew the license of any licensee for any cause authorized by law, including but not limited to fraud or deceit in obtaining the license or gross negligence, incompetency, or misconduct in the practice of the profession, or violating this chapter or the rules of the board. Any person may prefer charges in writing with the executive secretary of the board against any person holding a license. In every case where it is proposed to impose any penalty under this section, the board shall give the licensee concerned notice and hearing in conformity with chapter 91. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen days before the hearing.

In all proceedings before it, the board and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses, as are possessed by circuit courts. In case of disobedience by any person of any order of the board or of any member thereof, or of any subpoena issued by it or by a member, or the refusal of any witness to testify to any matter regarding which the person may be questioned lawfully, any circuit judge, on application by the board or a member thereof, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

Any licensee who violates this chapter or the rules adopted pursuant thereto may also be fined not less than \$500 nor more than \$1,000 per violation. Each day of violation or failure to comply shall constitute a separate offense.

§464-11 Contents of certificates; use of seal mandatory when. Each certificate of licensure issued hereunder shall bear the date of the original license and shall specify whether the

person to whom it is issued is authorized by the board to practice professional engineering, architecture, land surveying or landscape architecture.

In the case of a certificate issued to a person authorizing the person to practice professional engineering, the certificate shall furthermore indicate the major branch or branches of engineering in which the person has especially qualified.

Every licensee may use a seal or rubber stamp of the design authorized by the board bearing the licensee's name and the words "licensed professional engineer", "licensed architect", "licensed land surveyor", or "licensed landscape architect", or otherwise as may be authorized by the board.

All plans, specifications, maps, and reports prepared by or under the supervision of a licensed engineer, architect, surveyor, or landscape architect shall be stamped with such seal or stamp when filed with public officials. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the license has expired or has been revoked or suspended unless such license has been renewed or reissued.

No official of the State nor of any political subdivision thereof, charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a licensed architect or with the seal of a licensed engineer who has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted from this chapter, and no map or survey shall be filed in the land court unless stamped with the seal of a licensed land surveyor.

§464-12 Corporations and partnerships. A corporation or copartnership may engage in the practice of professional engineering, architecture, surveying, or landscape architecture in the State if the person or persons connected with the corporation or copartnership directly in charge of the professional work is duly licensed.

§464-13 Structures exempted from provisions of chapter. (a) The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied building, dwelling, or structure, the estimated cost of which does not exceed \$40,000, nor to any privately controlled two-storied building, dwelling, or structure, the estimated cost of which does not exceed \$35,000. However, no structure, dwelling, or building in which the principal structural members consist of reinforced concrete or structural steel having riveted, bolted, or welded connections shall be exempted from this chapter.

(b) The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied structure, which is used primarily as a residence, the estimated cost of which does not exceed \$50,000, nor to any privately owned or privately controlled two-storied structure, which is used primarily as a residence, the cost of which does not exceed \$45,000.

(c) Whenever the exemption provided for in subsection (b) is applied to the construction of a new building, it shall be noted and recorded with the bureau of conveyances.

§464-14 Unlicensed activity; penalties. (a) Any person who practices, offers to practice, or holds oneself out as authorized and qualified to practice professional engineering, architecture, land surveying, or landscape architecture in the State, except as provided in sections 464-3 and 464-5; or who uses the title "engineer", "architect", "land surveyor" or "landscape architect", or any title, sign, card, or device to indicate that such person is practicing professional engineering, architecture, land surveying or landscape architecture, or is a professional engineer, architect, land surveyor or landscape architect, without having first acquired a license in accordance with this chapter and without having a valid unexpired license; or who uses or attempts to use as the person's own the seal, certificate or license of another, or who falsely impersonates any duly licensed practitioner hereunder, or who uses or attempts to use an expired, suspended, or revoked license shall be fined not more than \$500 or imprisoned not more than one year, or both.

(b) Any corporation or copartnership which advertises that it furnishes architectural, engineering, land surveying, or landscape architectural services in the making of plans or specifications or in the construction of any building or other structure, without first complying with section 464-12; or any corporation or copartnership which furnishes or offers to furnish architectural, engineering, land surveying, or landscape architectural services for the construction of any building, structure, project, or utility in the State, without first complying with section 464-12, shall be fined not more than \$1,000. Notwithstanding any law to the contrary, persons, corporations, or copartnerships working on structures exempted in section 464-13 shall not be affected by this subsection.

[§464-15] Remedies or penalties cumulative. Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State.

§464-16 REPEALED.