

HAWAII ADMINISTRATIVE RULES

TITLE 16

CHAPTER 115

**PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE
ARCHITECTS**

This rule should be read in conjunction with Hawaii Revised Statutes Chapter 464, PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS, which is distributed separately.

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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-115
Hawaii Administrative Rules

April 24, 2023

SUMMARY

1. §16-115-1 is amended
2. §16-115-2 is amended
3. §16-115-4 is amended
4. §16-115-8 is amended
5. §16-115-9 is amended
6. A new §16-115-10.5 is added
7. §16-115-12 is amended
8. §16-115-21 is amended
9. §16-115-22 is amended
10. §16-115-24 is amended
11. §16-115-31 is amended
12. §16-115-33 is amended
13. §16-115-35 is amended
14. §16-115-37 is amended
15. §16-115-39 is amended
16. A new §16-115-40 is added
17. A new §16-115-40.5 is added
18. §16-115-47 is amended
19. §16-115-49 is amended

20. §16-115-50 is amended
21. §16-115-52 is amended
22. §16-115-54 is amended
23. §16-115-56 is amended
24. §16-115-58 is amended
25. §16-115-59 is amended
26. A new §16-115-60 is added
27. A new §16-115-60.5 is added
28. A new §16-115-61 is added
29. A new §16-115-62 is added
30. §16-115-66 is amended
31. §16-115-69 is amended
32. §16-115-71 is amended
33. §16-115-73 is amended
34. §16-115-75 is amended
35. §16-115-77 is amended
36. §16-115-79 is amended
37. §16-115-87 is amended
38. §16-115-94 is amended
39. §16-115-96 is amended
40. Chapter 115 is compiled

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 115

PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND
LANDSCAPE ARCHITECTS

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Historical note: Chapter 16-115, Professional Engineers, Architects, Surveyors, and Landscape Architects, is based substantially upon chapter 16-82 of the rules of the Professional Engineers, Architects, Surveyors, and Landscape Architects. [Eff 4/18/80; am and ren 2/13/81; am and comp 10/16/82; am and comp 11/22/86; am 2/26/88; R 8/29/94]

SUBCHAPTER 1 GENERAL PROVISIONS

§16-115-1 Objective. This chapter is intended to clarify and implement chapter 464, Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated, and the public interest most effectively served. [Eff 8/29/94; comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §464-7)

§16-115-2 Definitions. As used in this chapter: "Agricultural engineering" means that branch of professional engineering involving the design, construction, and use of specialized equipment, machines, structures, and materials relating to the agricultural industry and economy. It requires knowledge of the engineering sciences relating to physical properties and biological variables of foods and fibers; atmospheric phenomena as they are related to agricultural operations; soil dynamics as related to traction, tillage and plant-soil-water relationships; and human factors relative to safe design and use of agricultural machines. The safe and proper application and use of agricultural chemicals and their effect on the environment are also concerns of the agricultural engineers.

"Architect committee" means members of the board who are professional architects.

"A.R.E." means the architect registration examination administered by the NCARB.

"AXP" means the Architectural Experience Program of NCARB.

"Branch examination" means a professional engineering examination which covers subjects within only one branch of professional engineering. The branches of engineering examined in are agricultural, chemical, civil, electrical, environmental, fire protection, industrial, mechanical, and structural.

"Chemical engineering" means that branch of professional engineering which embraces studies or activities relating to the development and application

of processes in which chemical or physical changes of materials are involved. These processes are usually resolved into a coordinated series of unit physical operations and unit chemical processes. It is concerned with the research, design, production, operational, organizational, and economic aspects of the above.

"Civil engineering" means that branch of professional engineering which embraces studies or activities in connection with fixed works for matters such as irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors (not including piers), municipal improvements, railroads, highways, traffic, non-structurally supported tunnels, airfields and airways, purification of water, geotechnical activities, and sewerage and refuse disposal.

"CLARB" means Council of Landscape Architectural Registration Boards.

"Consultation" means meetings, discussions, written or verbal messages, reports, etc., involving scientific, aesthetic or technical information, facts, or advice for purposes of planning, designing, deciding, or locating construction or alteration of structures, buildings, works, machines, processes, land areas, or projects.

"Design" means any procedure which conveys the plan, location, arrangement, intent, purpose, appearance, and nature of construction or alteration of existing or proposed buildings, structures, works, machines, processes, land areas, or projects.

"Digital signature" means a digital code, generated and authenticated by public encryption, which is attached to an electronically transmitted document to verify its contents and the sender's identity. A digital signature contains encryption protections using a set of algorithms to determine authenticity of a document.

"Direct control" or "directly in charge of the professional work" means personal preparation, or direct supervision of the preparation and personal review, of all instruments of professional service.

"Electrical engineering" means that branch of professional engineering which embraces studies or activities relating to the generation, transmission, and utilization of electrical energy, including the design of electrical, electronic, and magnetic circuits and the technical control of their operation and of the design of electrical gear. It is concerned with research, organizational, and the economic aspects of the above.

"Engineer committee" means members of the board who are professional engineers.

"Environmental engineering" means that branch of engineering which embraces studies of activities relating to wastewater, storm water, potable water, and water resources; air quality systems and pollution control; municipal and industrial solid waste, hazardous waste, medical, radioactive and other waste; site assessment and remediation; and environmental health and safety assessment. Except as otherwise provided above, this definition shall not be construed to permit an environmental engineer to practice any other branch of professional engineering. This definition shall also not be construed to prevent civil engineers from performing the above work within their respective scope of practice, as provided in this chapter and chapter 464, HRS.

"Experience in responsible charge" means that an individual is licensed and in direct control or personal supervision of engineering, architecture, landscape architecture, or land surveying work.

"Evaluation" means careful search, examination, or inquiry to reveal, determine, or estimate the value, worth, merit, effect, efficiency, or practicability of planning, design, location, construction, or alteration of existing or proposed structures, buildings, works, processes, land areas, or projects.

"Fire protection engineering" means that branch of engineering which involves the safeguarding of life and property from fire and fire-related hazards; the identification, evaluation, correction, or prevention of

present or potential fire and fire-related hazards in buildings, groups of buildings, or communities; and the arrangement and use of fire-resistant building materials and design of fire detection suppression and communication systems, devices, and apparatuses in order to protect life and property. Except as otherwise provided above, this definition shall not be construed to permit a fire protection engineer to practice any other branch of professional engineering. This definition shall also not be construed to prevent licensed civil, electrical, or mechanical engineers and architects from performing the above work within their respective scopes of practice, as provided in this chapter and chapter 464, HRS.

"Full-time" means forty hours or more per week.

"Geotechnical activities" means the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations, and other civil engineering works. The activities involve application of the principles of soil mechanics and the earth sciences, and requires a knowledge of engineering laws, formulas, construction techniques, and performance evaluation of civil engineering works influenced by earth materials.

"IDP" means the intern development program of NCARB or other similar program satisfactory to the board.

"Industrial engineering" means that branch of professional engineering involving the investigation, design, and evaluation of systems of persons, materials, and facilities for the purpose of economical and efficient production, use, and distribution. It requires the application of specialized engineering knowledge of the mathematical and physical sciences, together with the principles and methods of engineering analysis and design to specify, predict, and evaluate the results to be obtained from such systems.

"Institution of higher education approved by the board" means an institution approved by the board that

offers curricula leading to a master's degree in engineering, architecture, or landscape architecture.

"Investigation" means careful search, examination, inquiry, or study to reveal or determine scientific, aesthetic, technical information, or facts for the planning, design, location, construction, or alteration of existing or proposed structures, buildings, works, machines, processes, land areas, or projects.

"Land surveyor committee" means members of the board who are professional land surveyors.

"Landscape architect committee" means members of the board who are professional landscape architects.

"Lawful experience" means that type of experience listed in sections 16-115-39, 16-115-58, 16-115-79 and 16-115-98.

"Mechanical engineering" means that branch of professional engineering, which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and also with engineering problems including but not limited to the production of tools, machinery, and their products and to heating, ventilation, refrigeration, and plumbing. It is concerned with the research, design, production, operational, organizational, and economic aspects of the above.

"NCARB" means National Council of Architectural Registration Boards.

"NCEES" means National Council of Examiners for Engineering and Surveying.

"Observation of construction" means making and documenting visits to the site by a licensed engineer, architect, landscape architect, or qualified representatives working under the supervision of a licensed engineer, architect, or landscape architect, as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is not required that they make exhaustive or continuous on-site observations to check the quality or quantity of work nor is it intended that the engineer, architect, or landscape

architect be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the work.

"Part-time" means less than forty hours per week.

"Planning" means careful search, examination, inquiry, study, and the formulation or execution of a statement, outline, draft, map, drawing, diagram, or picture showing arrangement, scheme, schedule, program, or procedure for locating, building, or altering existing or proposed buildings, structures, works, machines, processes, land areas, or projects.

"Prepared by" means that a licensed engineer, architect, surveyor, or landscape architect, as the case may be, personally drafts, draws, or designs the plans, specifications, and other related documents.

"Public officials" means and includes without limitation all federal, state, and county agencies that issue permits.

"School or college approved by the board" means an institution approved by the board and offering curricula leading to degrees in engineering, architecture, geo-science, or landscape architecture accredited by the Accreditation Board for Engineering and Technology, the National Architectural Accreditation Board, Inc., the Landscape Architectural Accreditation Board, or as approved by the board.

"Specifications" means the specifying of material, equipment, projects, or methods to be used in the construction or alteration of buildings, structures, works, machines, processes, land areas, or projects.

"State-produced licensing examination" means and includes a licensing examination administered by states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, as approved by the board.

"Structural engineering" means that branch of professional engineering which deals with the investigation of, the design of, the selection of, and construction observation of the force-resisting and

load-supporting members of structures such as foundations, walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and supervision requires a knowledge of engineering laws, formulae, practice, and knowledge of the methods used in their erection.

"Supervise", "supervision", "supervision of design", or "under the supervision of" means that a licensed engineer, architect, surveyor, or landscape architect, as the case may be, shall:

- (1) Exercise direct control and oversee the subject activity through physical presence or through the use of communication devices; provided the licensee has both direct control and detailed professional knowledge of the work being supervised; or
- (2) Substantially redraft, redraw, redesign, or recalculate the plans, specifications, and other related documents;

and be responsible for all work within the licensee's discipline performed on plans, specifications, and other related documents.

"Written examination" means paper-pencil or computer-assisted examination. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8, 464-11)

§16-115-3 Notification and filing of names, addresses, and changes. A licensee shall file the licensee's mailing address and name with the board and shall immediately notify the board in writing within thirty days of any and all changes of address or name. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-4 Business entities. Pursuant to chapters 428 and 464, HRS, a corporation, partnership, or limited liability company may engage in the practice of professional engineering, architecture, land surveying, or landscape architecture in the State provided the person or persons connected with the business entity directly in charge of the professional work is or are duly licensed under chapter 464, HRS. The person or persons in direct charge shall be full-time employee, principal, officer, partner, member, or manager of the business entity, and shall have been delegated the legal authority to bind the business entity in all matters relating to the professional work. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-12)

§16-115-5 Display of certificate. Every licensee who, as an individual or as a member of a firm, partnership, corporation, or limited liability company, conducts an office or other place of business for the practice of the licensee's profession, shall display the licensee's certificate together with evidence of current validation in a conspicuous manner, in the licensee's principal office or place of business. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

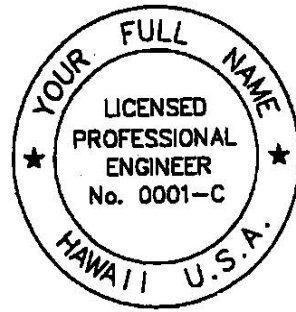
§16-115-6 Lost, destroyed, or mutilated certificate of licensure. Upon request accompanied by affidavit showing loss, destruction, or mutilation of a certificate, a licensee shall be furnished a new certificate. [Eff 8/29/94; comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-7 Biennial renewal. Renewal fees paid by mail shall be considered as paid when due if the envelope bears a postmark of April 30 or earlier. [Eff 8/29/94; comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-8 Seal or stamp. (a) The licensee shall use a seal or stamp that is legible and reproducible of the following design:

- (1) Two circles - a smaller one, 1-1/8" in diameter, within a larger one, 1-1/2" in diameter. The name of the licensee and the words "Hawaii, U.S.A." shall be in the outer or annular space. The words "Licensed Professional Engineer", "Licensed Professional Architect", "Licensed Professional Land Surveyor", or "Licensed Professional Landscape Architect", together with the licensee's license number, shall be inserted in the center space;
- (2) The engineer shall also insert in the center space and after the license number, the abbreviation of the engineering branch in which the engineer has especially qualified; and
- (3) The engineering branch abbreviations shall be:
 - (A) "Ag." - Agricultural;
 - (B) "Ch." - Chemical;
 - (C) "C." - Civil;
 - (D) "E." - Electrical;
 - (E) "En." - Environmental;
 - (F) "FP." - Fire Protection;
 - (G) "I." - Industrial;
 - (H) "M." - Mechanical; and
 - (I) "S." - Structural.

- (4) An example of an acceptable seal or stamp is as follows: 09/22/23



(b) An engineer who is licensed in more than one branch shall have a seal or rubber stamp for each branch.

(c) All plans, specifications, maps, reports, surveys, and descriptions prepared by or under the supervision of a licensed professional engineer, architect, land surveyor, or landscape architect submitted to public officials for approval shall be stamped with the authorized seal or stamp and authenticated as provided in section 16-115-9. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §§464-7, 464-11) (Imp: HRS §§464-7, 464-11)

§16-115-9 Authentication: preparation or supervision of design and observation of construction.

(a) All plans, specifications, maps, reports, surveys, descriptions, and every sheet in a set of design drawings prepared by or under the supervision of a licensed professional engineer, architect, land surveyor, or landscape architect shall be stamped with the authorized seal or stamp when filed with public officials. Below the seal or stamp, the authentication shall state "This work was prepared by me or under my supervision", be signed by the licensee, and state the expiration date of the license, as follows:

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Signature

Expiration Date of the License

Provided that where applicable, the form of authentication shall be as determined by the rules of the land court, the statute relating to file plans, or other legal authorities relating to maps, surveys, descriptions, etc.

(b) In addition to the requirements of subsection (a), when applications are made for building or construction permits involving public safety or health, all plans and specifications in connection therewith shall bear the authorized seal or stamp of the duly licensed professional engineer, architect, or landscape architect charged with observation of construction pursuant to sections 464-4 and 464-5, HRS. Below the seal or stamp, the authentication shall state "Construction of this project will be under my observation", be signed by the licensee, and state the expiration date of the license, as follows:

architect, or landscape architect charged with continuing the construction observation.

(e) All signatures required under this section shall be an original or a digital signature is also acceptable. The use of rubber signature stamps or other facsimile signatures is prohibited. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §§464-7, 464-11) (Imp: HRS §§464-7, 464-11)

§16-115-10 Misconduct in the practice.

Misconduct in the practice of the profession of engineering, architecture, land surveying, or landscape architecture means without limitation the following:

- (1) Acting for licensee's client, or employer, in matters otherwise than as a faithful agent or trustee, or accepting any remuneration other than the licensee's stated recompense for services rendered;
- (2) To knowingly injure or attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects, or practice of another engineer, architect, land surveyor, or landscape architect;
- (3) Advertising in a false, misleading, or deceptive manner;
- (4) "Plan stamping"; i.e. sealing, stamping, or certifying any document which was not prepared by or supervised by the licensee; and
- (5) Misrepresentation, deceit, fraud, gross negligence, and other offenses relating to misconduct of the licensee's practice. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-10, 464-11)

§16-115-10.5 Examination misconduct. (a) Any misconduct by an applicant in applying for, taking, or subsequent to the examination shall be prohibited and shall invalidate any grade earned by an applicant on any section of the examination, and may warrant summary expulsion from the test site, disqualification from taking the examination permanently or for a specified period of time, and other action deemed appropriate by the board. [Eff and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-10)

§16-115-11 Oral testimony. (a) The board shall accept oral testimony on any item which is on the board's agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony is requested to notify the board not later than forty-eight hours prior to the meeting, and at that time, to 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 shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent;
- (5) The board may limit oral testimony to a specified time period; provided that the period is not less than five minutes, and the person testifying 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, 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 hearing's 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 8/29/94; comp 10/26/01; am and comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §92-3)

§16-115-12 Denial. In the event an application for the issuance of a license or for the reinstatement thereof is denied, the board shall notify the applicant by letter of the board's action which shall include a concise statement of the reasons therefor and a statement informing the applicant of the applicant's right to a hearing if the applicant so desires. Where the board has approved an application for licensure subject to the applicant passing an examination, but the applicant fails the examination, notice of failure of the examination shall be deemed sufficient notice under this rule. [Eff 8/29/94; comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 91-2)

§16-115-13 Demand for hearing. Any person whose application for a license or whose application for the reinstatement of a license has been denied by the board shall be entitled to a hearing after notice,

provided that the demand for a hearing is filed with the board within sixty days of the date of mailing of the letter informing the applicant of the denial of applicant's application. [Eff 8/29/94; comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: §§464-7, 91-2)

§16-115-14 Proceedings upon demand for hearing.

If a demand for hearing is filed within the time prescribed, the board shall order a hearing upon notice, which shall be conducted pursuant to chapter 91, HRS, and chapter 16-201, Administrative Practice and Procedure. [Eff 8/29/94; comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 91-9)

§16-115-15 Administrative practice and procedure. The rules of practice and procedure for engineers, architects, surveyors, and landscape architects shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs, which are incorporated by reference and made a part of this chapter. [Eff 8/29/94; comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 91-2)

SUBCHAPTER 2

PROFESSIONAL ENGINEERS

§16-115-21 Branches of engineering. A person may qualify for licensure in the following branches of engineering:

- (1) Agricultural;
- (2) Chemical;
- (3) Civil;
- (4) Electrical;
- (5) Environmental;
- (6) Fire Protection;
- (7) Industrial;
- (8) Mechanical; or
- (9) Structural. [Eff 8/29/94; comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-1, 464-7)

§16-115-22 Forms and instructions. To apply for licensure, a person shall complete and file with the board the appropriate application forms. The following forms are currently in use by the board:

- (1) Application for Licensure-Engineer;
- (2) Additional Experience Form;
- (3) Verification of Lawful Experience; and
- (4) Verification of Experience in Responsible Charge.

The aforementioned forms may be modified from time to time as required. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-24 Licensure by endorsement. (a) The engineer committee shall review a person's qualifications for licensure by endorsement and make recommendations to the board.

(b) To be eligible for licensure by endorsement, a person shall hold a current license from another jurisdiction, currently possess the appropriate

education and lawful experience requirements provided in section 464-8(a)(2) to (6), HRS, and sections 16-115-33(a) and 16-115-39, and shall:

- (1) Have successfully passed the NCEES fundamentals of engineering examination or a similar state-produced licensing examination; provided that this examination requirement may be waived if the person has at least fifteen years of experience in responsible charge of the appropriate branch of engineering work as approved by the board; and
- (2) Have successfully passed the NCEES professional engineering branch or combined examination, or the board-produced structural engineering examination, or a similar state-produced licensing examination.

(c) Every person shall certify on the application that the person has read, understood, and agreed to comply with the laws and rules of the board.

(d) A person applying for licensure by endorsement shall file an Application for Licensure-Engineer. The application shall be accompanied by the application fee, which shall not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school or college approved by the board; provided that if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials;
- (2) Verification of Lawful Experience completed by supervisors who are licensed professional engineers and in the same branch in which the person seeks licensure. For structural engineering applicants from a jurisdiction in which structural engineering is

- considered a part of civil engineering, the applicant shall submit Verification of Lawful Experience completed by supervisors who are licensed professional civil engineers in that jurisdiction; and
- (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional engineers who are in the same branch in which the person seeks licensure. For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, the applicant shall submit Verification of Experience in Responsible Charge completed by licensed professional civil engineers in that jurisdiction. If the applicant operated as a sole proprietorship, the applicant shall complete and submit Verification of Experience in Responsible Charge; or
 - (4) Appropriate NCEES records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-26 Licensure by examination. (a) The engineer committee shall review a person's qualifications for licensure by examination and make recommendations to the board.

(b) To be eligible for licensure by examination, the person shall:

- (1) Meet the qualifications as contained in section 464-8(a)(2) to (6), HRS;
- (2) Have passed the appropriate examinations as contained in section 16 115-27; and
- (3) Certify on the application that the person has read, understood, and agrees to comply with the laws and rules of the board. [Eff

8/29/94; am and comp 10/26/01; comp 5/23/13;
comp 09/22/23] (Auth: HRS §464-7) (Imp:
HRS §§464-7, 464-8)

§16-115-27 Examination requirements for licensure. (a) A person applying for licensure by examination shall be required to pass the following examinations:

- (1) NCEES fundamentals of engineering examination; and
- (2) NCEES professional engineering branch examination.

(b) The board reserves the right to modify or supplement the examinations. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-29 Passing score. The passing score shall be:

- (1) A grade of not less than seventy for the NCEES fundamentals of engineering and professional engineering branch examinations, or a grade of pass for similar state-produced licensing examinations; and
- (2) For structural engineers, a grade of not less than seventy for Part I and a grade of pass for both portions of Part II of the NCEES structural engineering examination, or a grade of not less than seventy or pass for a state-produced structural engineering licensing examination. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-31 Examination-fundamentals of engineering: qualifications, application, fees, required documents. (a) To be eligible for the NCEES fundamentals of engineering examination, the person shall:

- (1) Hold a master's degree in engineering from an institution of higher education approved by the board;
- (2) Be a graduate of a school or college of engineering approved by the board;
- (3) Be a graduate of a school or college approved by the board, have completed an engineering technology curriculum of four years or more or an arts and science curriculum of four years or more with a math, science, or science-related major and have not less than two years of full-time lawful experience or the part-time equivalent in engineering;
- (4) Be in the last year of an engineering curriculum at a school or college approved by the board with graduation expected not later than seven months from the date of application as confirmed by the dean of the applicant's school or college of engineering. If graduation does not occur within the seven-month period, the application shall be void; or
- (5) Have not less than nine years of full-time lawful experience or part-time equivalent in engineering.

(b) A person applying for the NCEES fundamentals of engineering examination shall file an Application for Licensure-Engineer no later than ninety days prior to the examination. The application shall be accompanied by the application fee, which shall not be refunded, the examination fee, which may not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school or college approved

by the board; provided that if the applicant is educated in a foreign institution, school or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials;

- (2) Verification of Lawful Experience completed by supervisors who are licensed professional engineers and in the same branch in which the person seeks licensure. For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, the applicant shall submit Verification of Lawful Experience completed by supervisors who are licensed professional civil engineers in that jurisdiction; and
- (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional engineers who are in the same branch in which the person seeks licensure. For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, the applicant shall submit Verification of Experience in Responsible Charge completed by licensed professional civil engineers in that jurisdiction; or
- (4) Appropriate NCEES records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-33 Examination-professional engineering: qualifications, application, fees, required documents.

(a) To be eligible for the NCEES professional engineering branch examination, the person shall:

- (1) Hold a master's degree in engineering from an institution of higher education approved by the board, be a graduate of a school or college approved by the board, have completed an engineering curriculum of four years or more, and have not less than three years of full-time lawful experience or the part-time equivalent in engineering;
- (2) Hold a master's degree in engineering from an institution of higher education approved by the board and have not less than four years of full-time lawful experience or the part-time equivalent in engineering;
- (3) Be a graduate of a school or college approved by the board, have completed an engineering curriculum of four years or more, and have not less than four years of full-time lawful experience or the part-time equivalent in engineering;
- (4) Be a graduate of a school or college approved by the board, have completed an engineering technology curriculum of four years or more or an arts and science curriculum of four years or more with a math, science, or science-related major, and have not less than eight years of full-time lawful experience or the part-time equivalent in engineering; or
- (5) Have not less than twelve years of full-time lawful experience or part-time equivalent in engineering.

(b) A person applying for the NCEES professional engineering branch examination in the civil, chemical, electrical or mechanical branch shall file an Application for Licensure-Engineer no later than ninety days prior to the examination.

(c) A person applying for the NCEES professional engineering branch examination in the agricultural, industrial or structural branch shall file an Application for Licensure-Engineer no later than ninety days prior to the examination.

(d) The application shall be accompanied by the application fee, which shall not be refunded, the examination fee, which may not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school or college approved by the board; provided that if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials;
- (2) Verification of Lawful Experience completed by supervisors who are licensed professional engineers and in the same branch in which the person seeks licensure. For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, the applicant shall submit Verification of Lawful Experience completed by supervisors who are licensed professional civil engineers in that jurisdiction; and
- (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional engineers who are in the same branch in which the person seeks licensure. For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, the applicant shall submit Verification of Experience in Responsible Charge completed by licensed professional civil engineers in that jurisdiction; or
- (4) Appropriate NCEES records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23]

(Auth: HRS §464-7) (Imp: HRS §§464-7,
464-8)

§16-115-35 Examination-professional engineering (additional branch): qualifications, application, fees, required documents. (a) To be eligible for the NCEES professional engineering branch examination for the additional branch, the person shall:

- (1) Hold a current professional engineer's license; and
- (2) Meet the educational and experience requirements as contained in section 16-115-33(a).

(b) A person applying for the NCEES professional engineering branch examination in the additional civil, chemical, electrical or mechanical branch shall file an Application for Licensure-Engineer no later than ninety days prior to the examination.

(c) A person applying for the NCEES professional engineering branch examination in the additional agricultural, industrial or structural branch shall file an Application for Licensure-Engineer no later than ninety days prior to the examination.

(d) The application shall be accompanied by the application fee, which shall not be refunded, the examination fee, which may not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school or college approved by the board; provided that if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials;
- (2) Verification of Lawful Experience completed by supervisors who are licensed professional engineers and in the same branch in which

- the person seeks licensure. For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, the applicant shall submit Verification of Lawful Experience completed by supervisors who are licensed professional civil engineers in that jurisdiction; and
- (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional engineers who are in the same branch in which the person seeks licensure. For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, the applicant shall submit Verification of Experience in Responsible Charge completed by licensed professional civil engineers in that jurisdiction; or
- (4) Appropriate NCEES records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-37 Reexamination. (a) A person may retake the examination(s) failed.

(b) A person applying to retake the NCEES fundamentals of engineering or the NCEES professional engineering branch examination in the civil, chemical, electrical, or mechanical branch shall file an Application for Reexamination no later than ninety days prior to the examination.

(c) A person applying to retake the NCEES professional engineering branch examination in the agricultural, industrial, or structural branch shall file an Application for Reexamination no later than ninety days prior to the examination.

(d) The application shall be accompanied by the examination fee, which may not be refunded. [Eff 8/29/94; comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-39 Lawful experience. (a) The following may be acceptable lawful experience subject to the evaluation and approval of the board:

- (1) Field, including construction, and office training or experience in engineering under the supervision of licensed professional engineers who are in the same branch in which the person seeks licensure;
- (2) For structural engineering applicants from a jurisdiction in which structural engineering is considered a part of civil engineering, field and office training in structural engineering under the supervision of a licensed professional civil engineer in that jurisdiction; or
- (3) Teaching in an accredited institution, school, or college of engineering. Maximum experience credit for teaching shall be one year of teaching third, fourth, or fifth year courses. One year of teaching shall be considered to be a total teaching load of twenty semester credit hours or thirty quarter credit hours. The teaching credit can be applied only where minimum full-time lawful experience requirements are more than two years.

(b) Lawful experience may only be applied to one branch or profession. For lawful experience to be acceptable, each engagement shall be separate and distinct; dual credit for engagements that overlap shall not be allowed.

(c) The part-time equivalent of full-time lawful experience shall be calculated as follows: divide the

total hours of part-time lawful experience by 173.33 hours to determine the number of months of full-time lawful experience; where:

- (1) 2,080 hours equals one year of full-time lawful experience; and
- (2) 2,080 hours divided by twelve months equals 173.33 hours or one month of full-time lawful experience.

(d) Any amount of time in excess of forty hours per week, whether for one or more supervisors, shall be considered full-time experience and shall not be considered part-time experience.

(e) Experience in responsible charge may be accepted in lieu of lawful experience in the discretion of the board; provided the applicant possesses experience in responsible charge in the ratio of 2:1 of the required lawful experience.

(f) Lawful experience may be compiled only up to the final filing date of the examination.

(g) A degree that is used to satisfy education requirements cannot be applied concurrently with experience credit towards licensure. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-40 Licensure of environmental engineers.

Notwithstanding any provision of this chapter to the contrary, a person may apply for licensure in the environmental branch of engineering by submitting a completed application to the board and shall be required to take and pass an environmental branch examination approved by the board, and comply with the other requirements of this chapter and chapter 464, HRS. [Eff and comp 09/22/23] (Auth: HRS §464-7) (Imp: §§464-1, 464-7)

§16-115-40.5 Licensure of fire protection engineers. Notwithstanding any provision of this chapter to the contrary, a person may apply for licensure in the fire protection branch of engineering by submitting a completed application to the board and shall be required to take and pass a fire protection branch examination approved by the board, and comply with all the other requirements of this chapter and chapter 464, HRS. [Eff and comp 09/22/23] (Auth; HRS §464-7) (Imp: HRS §§464-1, 464-7)

SUBCHAPTER 3

ARCHITECTS

§16-115-45 Forms and instructions. To apply for licensure, a person shall complete and file with the board the appropriate application forms. The following forms are currently in use by the board:

- (1) Application for Licensure-Architect;
- (2) Additional Experience Form;
- (3) Verification of Lawful Experience; and
- (4) Verification of Experience in Responsible Charge.

The aforementioned forms may be modified from time to time as required. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-47 Licensure by endorsement. (a) The architect committee shall review a person's qualifications for licensure by endorsement and make recommendations to the board.

(b) To be eligible for licensure by endorsement, a person shall hold a current license from another jurisdiction, currently possess the appropriate education and lawful experience requirements provided in section 464-8(b)(2) to (5), HRS, and sections 16-115-54(a) and 16-115-58, and shall either:

- (1) Hold a current NCARB certificate; or
- (2) Have successfully passed the NCARB architect registration examination (A.R.E.) or a similar state-produced licensing examination.

(c) Every person shall certify on the application that the person has read, understood, and agreed to comply with the laws and rules of the board.

(d) A person applying for licensure by endorsement shall file an Application for Licensure-Architect. The application shall be accompanied by an application fee, which shall not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school or college approved by the board, provided that if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials; and
- (2) Either of the following, as applicable:
 - (A) Verification of Lawful Experience completed by supervisors who are licensed professional architects;
 - (B) Verification of Experience in Responsible Charge completed by licensed professional architects. If the applicant operated as a sole proprietorship, the applicant shall complete and submit Verification of Experience in Responsible Charge; or

- (C) Appropriate NCARB records that document completion of the IDP or AXP of NCARB or appropriate documentation from a similar program satisfactory to the board.

A person may submit appropriate NCARB records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-49 Licensure by examination. (a) The architect committee shall review a person's qualification for licensure by examination and make recommendations to the board.

(b) To be eligible for licensure by examination, the person shall:

- (1) Meet the qualifications as contained in section 464-8(b)(2) to 5, HRS;
- (2) Have passed the appropriate examinations as contained in section 16-115-50; and
- (3) Certify on the application that the person has read, understood, and agrees to comply with the laws and rules of the board. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-50 Examination requirements for licensure. (a) A person applying for licensure by examination shall be required to pass the A.R.E.

(b) The board reserves the right to modify or supplement the examinations. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-52 Passing score. The passing score shall be a grade of not less than seventy-five or pass for each of the portions of the A.R.E. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-54 Examination: qualifications, application, fees, documents required. (a) To be eligible for the A.R.E., the person shall either:

- (1) Hold a bachelor's, master's, or higher degree in architecture from a school or college approved by the board as of satisfactory standing, and be enrolled in IDP or AXP;
- (2) Be a graduate of a school or college with an architectural curriculum of four years or a pre-architecture or arts and science curriculum of four years or more, have not less than five years of full-time lawful experience or the part-time equivalent in architecture, and have completed IDP or AXP;
- (3) Be a graduate of a community college or other technical training school with an architectural technology curriculum of two years or more, have not less than eight years of full-time lawful experience or the part-time equivalent in architecture and have completed IDP or AXP; or
- (4) Have not less than eleven years of full-time lawful experience or the part time equivalent in architecture and have completed IDP or AXP.

(b) A person applying for the A.R.E. shall file an Application for Licensure-Architect. The application shall be accompanied by the application fee, which shall not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school, or college approved by the board; provided that if the applicant is educated in a foreign institution, school or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials; and
- (2) Appropriate NCARB records that document completion or enrollment in IDP or AXP of NCARB or appropriate documentation from a similar program satisfactory to the board; and if applicable:
 - (A) Verification of Lawful Experience completed by supervisors who are licensed professional architects; and
 - (B) Verification of Experience in Responsible Charge completed by licensed professional architects.
- (3) A person meeting the requirements in subsection (a)(1) may register for the A.R.E. directly with NCARB. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§4647, 464-8)

§16-115-56 Reexamination. (a) A person may retake the failed portions of the A.R.E. every six months or at times specified by NCARB.

(b) The testing agency approved by the board shall send a notice of authorization to retake the failed portions of the A.R.E. to the person prior to the date the examination may be retaken.

(c) A person shall schedule the reexamination with the testing agency approved by the board. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and

comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-58 Lawful experience. (a) The following may be acceptable lawful experience subject to the evaluation and approval of the board:

- (1) Field and office training or experience in architecture under the supervision of licensed professional architects;
- (2) Teaching in an accredited institution, school, or college of architecture. Maximum experience credit for teaching shall be one year of teaching third, fourth, or fifth year courses. One year of teaching shall be considered to be a total teaching load of twenty semester credit hours or thirty quarter credit hours. The teaching credit can be applied only where minimum full-time lawful experience requirements are more than two years;
- (3) IDP or AXP experience approved by the board; or
- (4) Successful completion of the practicum experience component in an architecture doctorate degree program.

(b) Lawful experience may only be applied to one profession. For lawful experience to be acceptable, each engagement shall be separate and distinct; dual credit for engagements that overlap shall not be allowed.

(c) The part-time equivalent of full-time lawful experience shall be calculated as follows: divide the total hours of part-time lawful experience by 173.33 hours to determine the number of months of full-time lawful experience; where:

- (1) 2,080 hours equals one year of full-time lawful experience; and
- (2) 2,080 hours divided by twelve months equals 173.33 hours or one month of full-time lawful experience.

(d) Any amount of time in excess of forty hours per week, whether for one or more supervisors, shall be considered full-time experience and shall not be considered part-time experience.

(e) Experience in responsible charge may be accepted in lieu of lawful experience in the discretion of the board; provided the applicant possesses experience in responsible charge in the ratio of 2:1 of the required lawful experience. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-59 Architectural experience program.

(a) An applicant for examination shall be required to fulfill the training requirements of the current AXP of NCARB as approved by the board.

(b) Completion of the AXP shall fulfill the lawful experience requirement provided in section 16-115-54(a)(1) as approved by the board. For sections 16-115-54(a)(2) to (4), time participating in the AXP shall be credited toward the lawful experience requirement as approved by the board. [Eff and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-60 Continuing education. (a) Continuing education ("CE") shall be required to renew a license for all architects effective as of the biennial renewal date for a license expiring on April 30, 2008, and for every biennial renewal period thereafter. Each licensee shall have completed the CE program requirements for two years preceding the biennial renewal date. All CE courses shall be relevant to public protection subjects, as approved by the board.

(b) Each licensee shall be required to have sixteen CE credit hours for each biennium period as a condition to renew a license, provided that:

- (1) A licensee initially licensed in the first year of the biennium shall complete eight CE credit hours;
- (2) A licensee initially licensed in the second year of the biennium shall not be required to complete any CE credit hours;
- (3) "Credit hours" means one 60-minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour; and
- (4) CE credits earned in excess of the sixteen required for renewal may not be carried forward to apply towards the next renewal period.

(c) Except as provided in section 16-115-62, failure of a licensee to present evidence of compliance with the CE program requirements shall constitute a forfeiture of license, which may be restored pursuant to section 464-9(c), HRS. [Eff and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-60.5 Requirements for approval by the board. (a) Public protection subjects shall be related to the health, safety, and welfare ("HSW") of the public.

- (1) Such subjects include building design, landscape design, environmental or land use analysis, life safety, architectural programming, site planning, site and soils analyses, plant material, accessibility, structural systems considerations, lateral forces, building codes, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, energy conservation, zoning and governance

- policies and procedures, hurricane/high wind safety and design, sustainability, building in coastal requirements, mold mitigation, and the impact of design on human physiology and neurology;
- (2) CE courses shall be structured educational activities in which the teaching methodology consists primarily of the systematic presentation of public protection subjects by qualified individuals or organizations, including monographs; courses of study taught in person or by correspondence (including courses of study taught by distance education via computer, video, or telephone); organized lectures, presentations, or workshops; and other means through which identifiable technical and professional subjects are presented in a planned manner;
 - (3) Teaching or instructing an architectural course, seminar, lecture, presentation, or workshop on a qualifying HSW subject may be used to satisfy the CE requirements of this section, provided that:
 - (A) One credit hour shall be accepted for each hour spent in the actual seminar, lecture, presentation, or workshop;
 - (B) These credits shall only be valid when the course, seminar, lecture, presentation, or workshop is initially taught or instructed and may be acceptable up to a maximum of fifty percent of the required credits; and
 - (C) Teaching credit shall not apply to full-time faculty at a college, university, or other educational institution;
 - (4) Contact hours spent in professional service to the public which draws upon the licensee's professional expertise on boards, commissions, and committees of the State or its political subdivisions (e.g., serving on planning commissions, building code advisory boards, urban renewal boards, code study

committees or regulatory boards) may be acceptable up to a maximum of fifty percent of the required credits; and

(5) The Board shall not pre-approve individual courses or programs.

(b) Licensees shall comply with CE requirements by completing the required number of HSW hours in courses approved or offered by organizations such as the American Institute of Architects (AIA), Construction Specifications Institute (CSI), National Council of Architectural Registration Boards (NCARB), University of Hawaii School of Architecture (UHSoA) or similar organizations devoted to architectural education, design, or construction technology education, as approved by the board. [Eff and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-61 Certification of compliance and audit.

(a) At the time of renewal, each licensee shall certify on the renewal application that the licensee has satisfied all of the CE requirements in this section and chapter.

(b) The Board may audit and shall require any licensee to submit copies of the original documents or evidence of attendance (e.g., certificate of attendance, transcripts, proof of registration, etc.) demonstrating compliance with the CE requirements. The Board may require additional evidence demonstrating the licensee's compliance with the CE requirements.

(c) It shall be the responsibility of each licensee to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least four years following the renewal period for which the CE courses were taken.

(d) A false certification to the board by a licensee shall be deemed a violation of this chapter and chapter 464, HRS, as applicable, and subject the licensee to disciplinary proceedings. [Eff and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-62 Waiver or modification of requirements.

(a) A licensee seeking renewal of license without full compliance of the CE requirements shall submit:

- (1) A written request for waiver or modification of the CE requirements, with an explanation why the waiver or modification is being sought; and
- (2) Other supporting documents.

(b) The board may grant a waiver or modification of the CE requirements for:

- (1) A licensee who is a member of the armed forces, national guard or a reserve component on full-time active duty and deployed for a period of time exceeding one hundred twenty consecutive days during the renewal period, where such activity restricts participation in a CE program;
- (2) A licensee who demonstrates to the satisfaction of the board that meeting these requirements would constitute an undue hardship by reason of a medical disability, illness, or other clearly extenuating circumstances. Such supporting documentation shall be in the form of a sworn statement by the licensee, and a statement from a physician or medical records which show that the disability or illness prevented the licensee's participation in active practice and in the CE program during a substantial part of the renewal period;
- (3) A licensee who has retired from practice but wishes to maintain a license may be exempt from the CE requirement; provided that the licensee has not performed any architectural services and have not sealed or signed any documents in the preceding two-year period. A licensee who is granted a retired status shall not perform any architectural services during the renewal biennial period; or

- (4) A licensee who has been granted an exemption and desires to reenter active practice shall complete CE requirements for each year of inactive practice, not to exceed thirty-two CE credit hours. [Eff and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

SUBCHAPTER 4

LAND SURVEYORS

§16-115-64 Forms and instructions. To apply for licensure, a person shall complete and file with the board the appropriate application forms. The following forms are currently in use by the board:

- (1) Application for Licensure-Land Surveyor;
- (2) Additional Experience Form;
- (3) Verification of Lawful Experience; and
- (4) Verification of Experience in Responsible Charge.

The aforementioned forms may be modified from time to time as required. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-66 Licensure by endorsement. (a) The land surveyor committee shall review a person's qualifications for licensure by endorsement and make recommendations to the board.

(b) To be eligible for licensure by endorsement, a person shall hold a current license from another jurisdiction, currently possess the appropriate

education and lawful experience requirements provided in section 464-8(c)(1)(B) to (D), HRS, and sections 16-115-75(a) and 16-115-79, and shall:

- (1) Have successfully passed the NCEES fundamentals of land surveying examination provided that this examination requirement may be waived if the person has at least 15 years of experience in responsible charge of land surveying work as approved by the board; and
- (2) Have successfully passed the NCEES professional land surveying examination.
- (c) Every person shall be required to pass the board-produced professional land surveying examination and certify on the application that the person has read, understood, and agrees to comply with the laws and rules of the board.

(d) A person applying for licensure by endorsement shall file an Application for Licensure-Land Surveyor. The application shall be accompanied by the application fee, which shall not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school or college approved by the board; provided that if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials;
- (2) Verification of Lawful Experience completed by supervisors who are licensed professional land surveyors; and
- (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional land surveyors. If the applicant operated as a sole proprietorship, the applicant shall complete and submit Verification of Experience in Responsible Charge; or

- (4) Appropriate NCEES records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-68 Licensure by examination. (a) The land surveyor committee shall review a person's qualifications for licensure by examination and make recommendations to the board.

(b) To be eligible for licensure by examination, the person shall:

- (1) Meet the qualifications as contained in section 464-8(c)(1)(B) to (D), HRS;
- (2) Have passed the appropriate examinations as contained in section 16-115-69; and
- (3) Certify on the application that the person has read, understood, and agrees to comply with the laws and rules of the board. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-69 Examination requirements for licensure. (a) A person applying for licensure by examination shall be required to pass the following examinations:

- (1) NCEES fundamentals of land surveying examination;
- (2) NCEES professional land surveying examination; and
- (3) Board-produced professional land surveying examination.

(b) The board reserves the right to modify or supplement the examinations. [Eff 8/29/94; comp

10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-71 Passing score. The passing score shall be:

- (1) A grade of not less than seventy for the NCEES fundamentals of land surveying and professional land surveying examinations, or a grade of pass; and
- (2) A grade of not less than seventy for the board-produced professional land surveying examination. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-73 Examination-fundamentals of land surveying: qualifications, application, fees, required documents. (a) To be eligible for the NCEES fundamentals of land surveying examination, the person shall:

- (1) Be a graduate of a school or college approved by the board and have completed a land surveying, geo-science, civil engineering, or general engineering curriculum of four years or more;
- (2) Be a graduate of a school or college approved by the board, have completed a civil engineering technology (survey option) curriculum of two years or more or arts and science curriculum of four years or more with a math, science, or science-related major and have not less than five years of full-time lawful experience or the part-time equivalent in land surveying;
- (3) Be in the last year of a land surveying, geo-science, civil engineering, or general engineering curriculum at a school or

college approved by the board with graduation expected not later than seven months from the date of application as confirmed by the dean of the applicant's school or college. If graduation does not occur within the seven-month period, the application shall be void; or

- (4) Have not less than nine years of full-time lawful experience or the part-time equivalent in land surveying.

(b) A person applying for the NCEES fundamentals of land surveying examination shall file an Application for Licensure-Land Surveyor no later than ninety days prior to the examination. The application shall be accompanied by the application fee, which shall not be refunded, the examination fee, which may not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school, or college approved by the board; provided that if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials;
- (2) Verification of Lawful Experience completed by supervisors who are licensed professional land surveyors; and
- (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional land surveyors; or
- (4) Appropriate NCEES records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-75 Examination-professional land surveying: qualifications, application, fees, required documents. (a) To be eligible for the NCEES or board-produced professional land surveying examination, the person shall:

- (1) Be a graduate of a school or college approved by the board, have completed a land surveying, geo-science, civil engineering, or general engineering curriculum of four years or more and also have not less than three years of full-time lawful experience or part-time equivalent in land surveying;
- (2) Be a graduate of a school or college approved by the board, have completed a civil engineering technology (survey option) curriculum of two years or more or arts and sciences curriculum of four years or more with a math, science, or science-related major, and also have not less than seven years of full-time lawful experience or the part-time equivalent in land surveying; or
- (3) Have not less than eleven years of full-time lawful experience or the part time equivalent in land surveying.

(b) A person applying for the NCEES or board-produced professional land surveying examination shall file an Application for Licensure-Land Surveyor no later than ninety days prior to the examination. The application shall be accompanied by the application fee, which shall not be refunded, the examination fee, which may not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school, or college approved by the board; provided that if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has

- evaluated the person's foreign educational credentials;
- (2) Verification of Lawful Experience completed by supervisors who are licensed professional land surveyors; and
 - (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional land surveyors; or
 - (4) Appropriate NCEES records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-77 Reexamination. (a) A person may retake the examination(s) failed.

(b) A person applying to retake the NCEES fundamentals of land surveying examination, NCEES professional land surveying examination, and board-produced professional land surveying examination shall file an Application for Reexamination no later than ninety days prior to the examination.

(c) The application shall be accompanied by the examination fee, which may not be refunded. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-79 Lawful experience. (a) The following may be acceptable lawful experience subject to the evaluation and approval of the board:

- (1) Field and office training or experience in land surveying under the supervision of licensed professional land surveyors; or
- (2) Teaching in an accredited institution, school, or college. Maximum experience credit for teaching shall be one year of

teaching third, fourth, or fifth year courses. One year of teaching shall be considered to be a total teaching load of twenty semester credit hours or thirty quarter credit hours. The teaching credit can be applied only where minimum full-time lawful experience requirements are more than two years.

(b) Lawful experience may only be applied to one profession. For lawful experience to be acceptable, each engagement shall be separate and distinct; dual credit for engagements that overlap shall not be allowed.

(c) The part-time equivalent of full-time lawful experience shall be calculated as follows: divide the total hours of part-time lawful experience by 173.33 hours to determine the number of months of full-time lawful experience; where:

- (1) 2,080 hours equals one year of full-time lawful experience; and
- (2) 2,080 hours divided by twelve months equals 173.33 hours or one month of full-time lawful experience.

(d) Any amount of time in excess of forty hours per week, whether for one or more supervisors, shall be considered full-time experience and shall not be considered part-time experience.

(e) Experience in responsible charge may be accepted in lieu of lawful experience in the discretion of the board; provided the applicant possesses experience in responsible charge in the ratio of 2:1 of the required lawful experience.

(f) Lawful experience may be compiled only up to the final filing date of the examination.

(g) A degree that is used to satisfy education requirements cannot be applied concurrently with experience credit towards licensure. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

SUBCHAPTER 5

LANDSCAPE ARCHITECTS

§16-115-85 Forms and instructions. To apply for licensure, a person shall complete and file with the board the appropriate application forms. The following forms are currently in use by the board:

- (1) Application for Licensure-Landscape Architect;
- (2) Additional Experience Form;
- (3) Verification of Lawful Experience; and
- (4) Verification of Experience in Responsible Charge.

The aforementioned forms may be modified from time to time as required. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-9)

§16-115-87 Licensure by endorsement. (a) The landscape architect committee shall review a person's qualifications for licensure by endorsement and make recommendations to the board.

(b) To be eligible for licensure by endorsement, a person shall hold a current license from another jurisdiction, currently possess the appropriate education and lawful experience requirements provided in section 464-8(d) (2) to (5), HRS, and sections 16-115-94(a) and 16-115-98, and shall have successfully passed a CLARB landscape architectural licensing examination.

(c) Every person shall be required to pass the board-produced landscape architectural licensing examination on the State's climatic conditions, native plants and ecosystems, land use ordinances and special

management area requirements, and cultural and historical conditions affecting landscape architecture, and certify on the application that the person has read, understood, and agreed to comply with the laws and rules of the board.

(d) A person applying for licensure by endorsement shall file an Application for Licensure-Landscape Architect. The application shall be accompanied by an application fee, which shall not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation or official transcripts from an institution, school or college approved by the board; provided that if the applicant is educated in a foreign institution, school, or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials;
- (2) Verification of Lawful Experience completed by supervisors who are licensed professional landscape architects; and
- (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional landscape architects. If the applicant operated as a sole proprietorship, the applicant shall complete and submit Verification of Experience in Responsible Charge; or
- (4) Appropriate CLARB records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-89 Licensure by examination. (a) The landscape architect committee shall review a person's

qualifications for licensure by examination and make recommendations to the board.

(b) To be eligible for licensure by examination, the person shall:

- (1) Meet the qualifications as contained in section 464-8(d)(2) to (5);
- (2) Have passed the appropriate examinations as contained in section 16-115-90; and
- (3) Certify on the application that the person has read, understood, and agreed to comply with the laws and rules of the board. [Eff 8/29/94; am and comp 10/26/01; am and comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-90 Examination requirements for licensure. (a) A person applying for licensure by examination shall be required to pass the following examinations:

- (1) CLARB landscape architectural licensing examination; and
- (2) Board-produced landscape architectural licensing examination on the State's climatic conditions, native plants and native ecosystems, land use ordinances and special management area requirements, and cultural and historical conditions affecting landscape architecture.

(b) The board reserves the right to modify or supplement the examinations. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-92 Passing score. The passing score shall be:

- (1) A grade of not less than seventy-five for each section of the CLARB landscape architectural licensing examination, or a

- grade of pass for similar state-produced licensing examination; and
- (2) A grade of not less than seventy-five for the board-produced landscape architectural licensing examination. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-94 Examination: qualifications, application, fees, required documents. (a) To be eligible for the CLARB or board-produced landscape architectural licensing examinations, the person shall:

- (1) Hold a master's degree in landscape architecture from an institution of higher education approved by the board, be a graduate of a school or college approved by the board, have completed a landscape architecture curriculum of four years or more and have not less than two years of full-time lawful experience or the part-time equivalent in landscape architecture;
- (2) Be a graduate of a school or college approved by the board, have completed a landscape architectural curriculum of four years or more and also have not less than three years of full-time lawful experience or the part-time equivalent in landscape architecture;
- (3) Be a graduate of a school or college approved by the board, have completed a pre-landscape architectural or arts and science curriculum of four years or more and also have not less than five years of full-time lawful experience or the part-time equivalent in landscape architecture; or
- (4) Have not less than twelve years of full-time lawful experience or part-time equivalent in landscape architecture.

(b) A person applying for the CLARB or board-produced landscape architectural licensing examination shall file an Application for Licensure-Landscape Architect no later than ninety days prior to the examination. The application shall be accompanied by the application fee, which shall not be refunded, the examination fee, which may not be refunded, and the following applicable documents:

- (1) A certified copy of a diploma or certificate of graduation, or official transcripts from an institution, school, or college approved by the board; provided that if the applicant is educated in a foreign institution, school or college, the applicant shall submit an official report by a professional service approved by the board which has evaluated the person's foreign educational credentials;
- (2) Verification of Lawful Experience completed by supervisors who are licensed professional landscape architects; and
- (3) If applicable, Verification of Experience in Responsible Charge completed by licensed professional landscape architects; or
- (4) Appropriate CLARB records that document any of the above to the satisfaction of the board. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-96 Reexamination. (a) A person may retake the failed portions of the CLARB landscape architectural examination or the board-produced landscape architectural examination.

(b) A person applying to retake the failed portions of the CLARB landscape architectural licensing examination or board-produced landscape architectural licensing examination shall file an

Application for Reexamination no later than ninety days prior to the examination.

(c) The application shall be accompanied by the examination fee which may not be refunded. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; am and comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

§16-115-98 Lawful experience. (a) The following may be acceptable lawful experience subject to the evaluation and approval of the board:

- (1) Field and office training or experience in landscape architecture under the supervision of licensed professional landscape architects; or
- (2) Teaching in an accredited institution, school, or college of landscape architecture. Maximum experience credit for teaching shall be one year of teaching third, fourth, or fifth year courses. One year of teaching shall be considered to be a total teaching load of twenty semester credit hours or thirty quarter credit hours. The teaching credit can be applied only where minimum full-time lawful experience requirements are more than two years.

(b) Lawful experience may only be applied to one profession. For lawful experience to be acceptable, each engagement shall be separate and distinct; dual credit for engagements that overlap shall not be allowed.

(c) The part-time equivalent of full-time lawful experience shall be calculated as follows: divide the total hours of part-time lawful experience by 173.33 hours to determine the number of months of full-time lawful experience; where:

- (1) 2,080 hours equals one year of full-time lawful experience; and

(2) 2,080 hours divided by the twelve months equals 173.33 hours or one month of full-time lawful experience.

(d) Any amount of time in excess of forty hours per week, whether for one or more supervisors, shall be considered full-time experience and shall not be considered part-time experience.

(e) Experience in responsible charge may be accepted in lieu of lawful experience in the discretion of the board; provided the applicant possesses experience in responsible charge in the ratio of 2:1 of the required lawful experience.

(f) Lawful experience may be compiled only up to the final filing date of the examination. [Eff 8/29/94; am and comp 10/26/01; comp 5/23/13; comp 09/22/23] (Auth: HRS §464-7) (Imp: HRS §§464-7, 464-8)

Amendments to and compilation of chapter 16-115, Hawaii Administrative Rules, on the Summary page dated April 24, 2023, were adopted on April 24, 2023, following a public hearing held on April 24, 2023, after public notice was published in the Garden Island, Maui News, West Hawaii Today, Hawaii Tribune-Herald, and Star Advertiser on March 23, 2023.

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

APPROVED:

\s\ Nadine Y. Ando
NADINE Y. ANDO
Director of Commerce and
Consumer Affairs

Date: May 19, 2023

\s\ Josh Green
JOSH GREEN, M.D.
Governor
State of Hawaii

Date: 9/12/2023

APPROVED AS TO FORM:

\s\ Christopher Leong
Christopher Leong
Deputy Attorney General

Filed