

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO THE STATE BUILDING CODES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that the state fire code  
2 is one of the codes that comprise the suite of building codes  
3 and standards known as the state building code. The codes also  
4 include the building, residential, plumbing, electrical, energy,  
5 and elevator codes. Pursuant to chapter 107, Hawaii Revised  
6 Statutes, the state fire code is first adopted by the state fire  
7 council and is then adopted by the state building code council,  
8 which is made up of expert members representing designers;  
9 contractors; industry representatives; and county building and  
10 fire officials; and other state regulatory code officials. The  
11 state building code council is administratively attached to the  
12 department of accounting and general services, which is the  
13 department required to adopt administrative rules pursuant to  
14 chapter 91, Hawaii Revised Statutes, after the building codes  
15 are adopted by the council. Pursuant to section 132-3, Hawaii  
16 Revised Statutes, the state fire code is required to be adopted  
17 after public hearings. The other building codes, however, are



1 exempt from public hearings and adopted pursuant to chapter 92,  
2 Hawaii Revised Statutes, where stakeholders meet and discuss the  
3 various building codes in an open forum. These states codes  
4 form a consistent basis for the adoption of building codes for  
5 the counties and for designers and contractors.

6 The purpose of this Act is to:

7 (1) Require the department of accounting and general  
8 services to adopt rules for state building codes no  
9 later than two years after the adoption of the codes  
10 by the state building code council or automatic  
11 adoption; and

12 (2) Revise the adoption process for the state fire code to  
13 be in conformance with other state building codes.

14 SECTION 2. Section 107-29, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[+]§107-29[+] Rules. The department shall adopt rules  
17 pursuant to chapter 91 necessary for the purposes of this  
18 part[-]; provided that the department shall adopt rules pursuant  
19 to chapter 91 for the state building codes listed in section  
20 107-25 no later than two years after the adoption of the codes



1 by the council or automatic adoption pursuant to section  
2 107-24."

3 SECTION 3. Section 132-3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§132-3 Adoption of state fire code. The state fire  
6 council shall, [~~after public hearings~~] pursuant to chapter 92  
7 and exempt from the requirements of chapter 91, adopt a state  
8 fire code setting forth minimum requirements relative to the  
9 protection of persons and property from fire loss including  
10 without limitation: (1) the storage, handling and use of  
11 hazardous substances, materials and devices; and (2) the control  
12 of conditions hazardous to life or property in the design, use  
13 or occupancy of buildings and premises. The state fire code  
14 shall become part of the Hawaii state building codes as provided  
15 in section 107-25. The state fire council shall meet annually  
16 to review and amend the state fire code."

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Clarence A. Muthikhan B/R



# S.B. NO. 627

**Report Title:**

State Fire Code; Adoption; Requirements; State Building Codes

**Description:**

Requires the department of accounting and general services to adopt rules for state building codes no later than two years after the adoption of the codes by the state building code council or automatic adoption of the codes. Revises the adoption process for the state fire code to be in conformance with other state building codes.

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