

A Bill for an Act Relating to Factory-Built Housing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 359L-7, Hawaii Revised Statutes, is amended to read as follows:

"**[§359L-7 Rules [and regulations].]** The department shall prescribe and enforce rules [and regulations] which protect the health, safety, and property of the people of this State by assuring that all factory built housing is structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. Such rules [and regulations] shall be reasonably consistent with recognized and accepted principles of safety and structural soundness and in promulgating such rules [and regulations] the department shall consider, so far as practicable, the standards and specifications contained in: The uniform building code (1967), published by the international conference of building officials; the uniform plumbing code (1967), published by the international association of plumbing and mechanical officials; the uniform mechanical code (1967), published by the international conference of building officials and the international association of plumbing and mechanical officials; and the national electrical code (1968), published by the national fire protection association. Updated issues of these codes and amendments to such codes shall be considered by the department.

The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of this chapter."

SECTION 2. Section 359L-8, Hawaii Revised Statutes, is amended to read as follows:

"**§359L-8 Approval by other states.** If the director of the department determines that the standards for construction and inspection of factory built housing prescribed by statute, rule, or regulation of another state are at least equal to the [regulations] rules prescribed under this chapter, and that such standards are actually enforced by such other state, [he] the director may provide by [regulation] rule that factory built housing which has been inspected and approved by such other state shall be deemed to have been approved by the department.

If the director does not so determine, [he] the director may approve such factory built housing if the manufacturer: (1) certifies in writing that the standards for construction and inspection of factory built housing prescribed by statute, rule, or regulation of another state are at least equal to the [regulations] rules prescribed under this chapter, and that such standards are actually enforced by such other state, and (2) files with the director of the department a bond to be approved by [him] the director in which the manufacturer shall be the obligor, in the sum of \$50,000 with one or more sureties whose liability as sureties need not exceed the sum in aggregate. The bond shall run to the State for the use of the State and of any person or persons who may have cause of action against the obligor of the bond under this chapter. The bond shall be conditioned that the obligor will faithfully conform to and abide by such standards for construction and inspection of such other state, and will pay to the State and to any person or persons all moneys that may become due

or owing to the State or to any person or persons from the obligor under and by virtue of [his] the obligor's failure to faithfully conform to and abide by such standards for construction and inspection of such other state."

SECTION 3. Section 359L-9, Hawaii Revised Statutes, is amended to read as follows:

"~~[[~~**§359L-9 Misdemeanor.**~~]]~~ Any person who violated any of the provisions of this chapter or any [rules or regulations] rule adopted pursuant to this chapter is guilty of a misdemeanor, punishable by a fine not exceeding \$500 or by imprisonment not exceeding thirty days, or by both such fine and imprisonment."

SECTION 4. Section 359L-6, Hawaii Revised Statutes, is repealed.

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect upon its approval.

(Approved June 8, 1983.)

**Note**

1. Edited pursuant to HRS §23G-16.5.