

ACT 105

S.B. NO. 564

A Bill for an Act Relating to Fire Protection.

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

SECTION 1. Section 132-5, Hawaii Revised Statutes, is amended to read as follows:

“§132-5 Right of entry for inspection; unlawful to obstruct. The county fire chief or the chief’s designees, at all reasonable hours may enter any buildings, structures, or premises within the fire chief’s jurisdiction, except the interior of private dwellings, to make any inspection, investigation, or examination that is authorized to be made under this chapter. The county fire chief or the chief’s designees may enter any private dwelling whenever the fire chief or the chief’s designees have reason to believe that dangerous conditions creating a fire hazard exist in the dwelling. The county fire chief or the chief’s designees may enter any private dwelling when a fire has occurred in the dwelling. It shall be unlawful to obstruct, hinder, or delay any person having the right to make the inspection, investigation, or examination in the performance of duty.

The county fire chief or the chief’s designees ~~[shall]~~ are authorized to make an inspection of all ~~[state-owned or county-owned]~~ buildings and facilities, except state-owned airport facilities, the frequency of which shall be made in accordance with section 132-6, and shall make a report to the authorities

responsible for the maintenance of any [~~state-owned or county-owned~~] building or facility when it is found that a building or facility does not meet minimum standards of fire and safety protection.”

SECTION 2. Section 132-6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Each county fire chief, in person or by officers or members of the fire chief’s fire department designated by the fire chief for that purpose, shall inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings and state-owned airport facilities, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of any law, ordinance, rule, or order relating to fire hazard or to the prevention of fires.

(b) The inspection shall be made [~~at~~]:

(1) At least once each year at all public schools~~[, and]; and~~

(2) At least once every [two] five years, or as often as deemed practicable or necessary by the county fire chief~~[,]~~ at all other [facilities] buildings and premises to provide fire prevention and pre-fire planning within the jurisdiction of the county fire chief.

The State shall conduct fire and safety inspections at all state-owned airport facilities at least once a year.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 10, 2009.)