

ACT 49

S.B. NO. 2130

A Bill for an Act Relating to the State Fire Code.

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

SECTION 1. The legislature finds that the state fire code is among the building codes and standards that compose the state building code. The state building code also includes the building, residential, plumbing, electrical, energy, and elevator codes. Pursuant to chapter 107, Hawaii Revised Statutes, the state fire code is first adopted by the state fire council and is then adopted by the state building code council, a body composed of experts representing designers, contractors, industry representatives, and county building, fire, and other state regulatory code officials. The state building code council is administratively attached to the department of accounting and general services. Currently, the department of accounting and general services is required to adopt administrative rules pursuant to chapter 91, Hawaii Revised Statutes, after the building codes are adopted by the state building code council. Section 132-3, Hawaii Revised Statutes, requires the state fire code to be adopted after public hearings are conducted pursuant to chapter 91, Hawaii Revised Statutes. The other building codes that make up the state building code are exempt from the requirement to conduct public hearings. Instead, these other building codes are adopted pursuant to chapter 92, Hawaii Revised Statutes, which requires stakeholders to meet and discuss the various building codes in an open forum. These state codes form

a consistent basis for the adoption of building codes for designers, contractors, and the counties.

Accordingly, the purpose of this Act is to repeal the requirement that the state fire code be adopted after public hearings pursuant to chapter 91, Hawaii Revised Statutes, and instead require that the code be adopted pursuant to chapter 92, Hawaii Revised Statutes, in conformance with all other state building codes.

SECTION 2. Section 132-3, Hawaii Revised Statutes, is amended to read as follows:

“§132-3 Adoption of state fire code. The state fire council shall, ~~[after public hearings pursuant to chapter 91,]~~ pursuant to chapter 92 and exempt from the requirements of chapter 91, adopt a state fire code setting forth minimum requirements relative to the protection of persons and property from fire loss, including without limitation:

- (1) ~~[the]~~ The storage, handling, and use of hazardous substances, materials, and devices; and
- (2) ~~[the]~~ The control of conditions hazardous to life or property in the design, use, or occupancy of buildings and premises.

The state fire code shall become part of the Hawaii state building codes as provided in section 107-25. The state fire council shall meet annually to review and amend the state fire code.”

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 September 15, 2020.)