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# A BILL FOR AN ACT

RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL  
APPLICATION PROCESSING.

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

1           SECTION 1. Senate Concurrent Resolution No. 132, S.D. 1  
2           (2009), established a task force to determine the economic  
3           contributions of the construction industry in Hawaii and to  
4           develop a series of proposals for state actions to preserve and  
5           create new jobs in the local construction industry. This Act  
6           implements one of the task force's proposals in conjunction with  
7           the Abercrombie administration's support for state actions to  
8           create new jobs in Hawaii's construction industry.

9           In addition, in 2010, the senate committee on economic  
10          development and technology and the house committee on economic  
11          revitalization, business, and military affairs convened an  
12          informal small business discussion group to address the most  
13          critical issues facing the small business sectors within  
14          Hawaii's economy. Representatives from The Chamber of Commerce  
15          of Hawaii, construction and trades industries, community  
16          nonprofits, the agricultural sector, food and restaurant  
17          industries, retailing, the science and technology sector, the



1 commercial transportation industry, and interested stakeholders  
2 developed a package of bills that address the most pressing  
3 problems facing Hawaii's small business community.

4 The purpose of this Act is to support the findings of the  
5 small business working group and the recommendations proposed by  
6 the construction industry task force to streamline portions of  
7 the review process for permits, licenses, and approvals to  
8 minimize time delays, and to expedite the start of construction  
9 for workforce housing and other projects that will result in the  
10 generation of construction and other related jobs.

11 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
12 by adding a new section to be appropriately designated and to  
13 read as follows:

14 "§46- Third-party permit, license, and approval  
15 processing review. (a) Each county may provide a third party  
16 with permit, license, and approval processing review powers to  
17 increase the efficiency and timeliness of permit, license, or  
18 approval applications submitted to the State or respective  
19 county.

20 Each county may contract with licensed architects and  
21 engineers who:



1       (1) Are qualified by the respective county to certify  
2       compliance with building, electrical, mechanical,  
3       plumbing, and structural codes, as well as land use  
4       ordinances, to review an application for a permit,  
5       license, or approval; and

6       (2) Meet the education and experience standards and  
7       qualifications for preservation professionals, as  
8       specified by standards of the United States Secretary  
9       of the Interior.

10       (b) Third-party reviewers shall be retained by an owner of  
11       the property being reviewed, and all fees and costs for third-  
12       party review services shall be the responsibility of the owner  
13       of the property being reviewed. An owner shall not retain a  
14       third-party reviewer who works for or is employed by the same  
15       person or entity that designed the property.

16       (c) Third-party reviewers shall conduct their review  
17       services for the purpose of certifying that the proposed plans  
18       and specifications are in compliance with applicable federal,  
19       state, or county laws, rules, ordinances, and codes.

20       Certifications by third-party reviewers shall be limited to  
21       those areas authorized by the State or respective county and  
22       those areas in which the third-party reviewer is licensed.



1        (d) Third-party reviewers shall not have the authority to  
2 grant any modifications, variances, waivers, exemptions, or  
3 other discretionary approvals.

4        (e) An individual or entity that provides third-party  
5 review services that are authorized and in accordance with this  
6 section shall be immune from liability, except for acts of the  
7 third-party reviewer that result from the reviewer's intentional  
8 misconduct, gross negligence, or malfeasance."

9        SECTION 3. New statutory material is underscored.

10       SECTION 4. This Act shall take effect on July 1, 3000.

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**Report Title:**

Construction Task Force (2010); Permit Processing; Third-party Review

**Description:**

Authorizes counties to contract with a third-party reviewer to streamline construction permit, license, and other application processing. Effective 7/1/3000. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

