
A BILL FOR AN ACT

RELATING TO THE STATE BUILDING CODE.

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

1 SECTION 1. Section 107-22, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established a state building code council.
4 The council shall be placed within the department of accounting
5 and general services for administrative purposes only. The
6 council shall consist of [~~nine~~] eleven voting members [~~and one~~
7 ~~nonvoting member, who shall be the comptroller or the~~
8 ~~comptroller's designee~~]. The council members shall serve four-
9 year terms as defined in paragraphs (1) to [~~+6~~] (11). The
10 voting members shall include:

- 11 (1) One county building official from each of the four
12 counties appointed by the mayor;
- 13 (2) One member representing the state fire council;
- 14 (3) One member representing the department of health who
15 has significant experience in building mechanical and
16 sewage disposal systems;



- 1 (4) One member representing the department of labor and
2 industrial relations who has significant experience in
3 elevator or fire safety;
- 4 (5) One member representing the department of business,
5 economic development, and tourism Hawaii state energy
6 office;
- 7 [+5] (6) One member representing the Structural Engineers
8 Association of Hawaii; [~~and~~]
- 9 [+6] (7) One member representing the American Institute of
10 Architects, Hawaii State Council[-];
- 11 (8) One member representing the Building Industry
12 Association of Hawaii;
- 13 (9) One member representing the General Contractors
14 Association of Hawaii;
- 15 (10) One member representing the Hawaii Construction
16 Alliance; and
- 17 (11) One member representing the Subcontractors'
18 Association of Hawaii."

19 SECTION 2. Section 107-24, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "[+]§107-24[+] **Authority and duties of the council.** (a)

22 Any law to the contrary notwithstanding, the council shall



1 establish a recommended comprehensive model state building
2 code[~~]~~ that shall be a part of a loss reduction plan that
3 complies with the development of loss mitigation standards in
4 accordance with section 431P-12.

5 (b) The council shall [~~appoint a subcommittee comprised of~~
6 ~~the four council members representing county building officials,~~
7 ~~whose duty shall be to]~~ recommend any necessary or desirable
8 state amendments to the model codes[~~. Any recommended state~~
9 ~~amendments shall require the unanimous agreement of the~~
10 ~~subcommittee.] and standards identified in section 107-25, and
11 shall designate the staggering of the adoption of the codes and
12 standards to be adopted, amended, and updated at a frequency of
13 no later than every six years in accordance with section 107-28.~~

14 (c) The council may appoint other investigative, technical
15 expertise committees, which may include council members.

16 (d) The council shall consult with [~~general]~~ building
17 contractor associations and building trade associations to
18 gather information and recommendations on construction practices
19 and training relevant to building codes and standards.

20 (e) The council shall review the codes and standards
21 identified in section 107-25 and adopt[~~]~~ recommended state
22 amendments, as appropriate, [new model building codes] pursuant



1 to section 107-24(b), within eighteen months of the official
2 publication date[-] of the respective code or standard. At
3 least every two years, the council shall disseminate an itemized
4 report of the substantially uniform code amendments adopted by
5 at least three counties.

6 (f) The council may make expenditures for technical
7 references, equipment and supplies, and other operating
8 expenses, and may contract for the conduct of research studies
9 and other technical services.

10 (g) The council [~~shall~~] may provide education and
11 technical training and administrative assistance in the form of
12 services or grants at the state and county levels relating to
13 the implementation and enforcement of the state building code
14 [~~adopted pursuant to this part.~~] and loss mitigation standards
15 in accordance with section 431P-12."

16 SECTION 3. Section 107-25, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[~~§~~107-25[~~]~~—~~State~~] Hawaii state building code;
19 **requirements.** There is established a Hawaii state building code
20 applicable to all construction in the State of Hawaii. The
21 Hawaii state building code shall include[+] the following codes



1 as amended by the substantially uniform code amendments adopted
2 by at least three counties:

3 (1) The [~~latest edition of the~~] state fire code as adopted
4 by the state fire council;

5 (2) The [~~latest edition of the~~] Uniform Plumbing Code, as
6 copyrighted and published by the International
7 Association of Plumbing and Mechanical Officials,
8 including its appendices;

9 (3) The [~~latest edition of the~~] International Building
10 Code, the International Residential Code, and the
11 International Energy Conservation Code, as published
12 by the International Code Council;

13 (4) The National Electrical Code, as published by the
14 National Fire Protection Association;

15 [~~4~~] (5) Hawaii design standards implementing the criteria
16 pursuant to Act 5, Special Session Laws of Hawaii,
17 2005, as applicable to:

18 (A) Emergency shelters built to comply with hurricane
19 resistant criteria, including enhanced hurricane
20 protection areas capable of withstanding a five
21 hundred year hurricane event as well as other
22 storms and natural hazards; and



1 (B) Essential government facilities requiring
 2 continuity of operations; and
 3 ~~[(5)]~~ (6) Code provisions based on nationally published
 4 codes or standards that include, but are not limited
 5 to, residential and hurricane resistive standards for
 6 residential construction, ~~[fire,]~~ elevator,
 7 ~~[electrical, plumbing,]~~ mechanical, flood and tsunami,
 8 and existing buildings ~~[, and energy conservation~~
 9 ~~standards for building design and construction, and~~
 10 ~~onsite sewage disposal]."~~

11 SECTION 4. Section 107-27, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "~~[(1)]§107-27[(1) Exemptions.]~~ Design of state buildings. (a)
 14 Upon adoption of ~~[rules]~~ substantially uniform code amendments
 15 by at least three counties under ~~[this chapter,]~~ section 107-28,
 16 and as reported by the council under section 107-24(e), the
 17 design of all state building construction shall be in compliance
 18 with the Hawaii state building code within one year ~~[of its~~
 19 ~~effective date, and],~~ except that state building construction
 20 shall be allowed to be exempted from~~[-~~

21 ~~(1) County codes that have not adopted the state building~~
 22 ~~code;~~



1 ~~(2) Any] any~~ county code amendments that are
 2 inconsistent with the minimum performance objectives
 3 of the Hawaii state building code or the objectives
 4 enumerated in this part~~[-or~~

5 ~~(3) Any county code amendments that are contrary to~~
 6 ~~code amendments adopted by another county.~~

7 ~~(b) Exemptions shall include county ordinances allowing~~
 8 ~~the exercise of indigenous Hawaiian architecture adopted in~~
 9 ~~accordance with section 46-1.55]."~~

10 SECTION 5. Section 107-28, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 "~~[+]~~§107-28~~[+]~~ **County building code authority to amend and**
 13 **adopt the [state] model state building [code] codes without**
 14 **state approval.** (a) The governing body of each county shall
 15 amend, adopt, and update the model state building code as it
 16 applies within its respective jurisdiction, in accordance with
 17 section 46-1.5(13), without approval of the council. Each
 18 county shall ~~[use]~~ amend and adopt the model state codes and
 19 standards listed in section 107-25, as the referenced model
 20 building codes and standards for its respective county building
 21 code ordinance, no later than two years after the adoption of



1 ~~[the state building code.]~~ each of the model codes by the state
2 building code council pursuant to section 107-24.

3 (b) If a county does not amend the ~~[statewide]~~ model
4 ~~[code]~~ state codes and standards within the two-year time frame,
5 the model state building ~~[code]~~ codes defined in section 107-
6 24(e) shall become applicable as an interim county building code
7 until the county adopts ~~[the]~~ its amendments."

8 SECTION 6. Section 107-29, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[+]~~§107-29~~[+]~~ **Rules.** The department shall adopt rules
11 pursuant to chapter 91 as may be necessary for the purposes of
12 defining the Hawaii state building code to consist of the codes
13 and standards identified in section 107-25 and any substantially
14 uniform amendments adopted by at least three counties in
15 accordance with this part."

16 SECTION 7. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 8. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 9. This Act, upon its approval, shall take effect
22 on July 1, 2013.



Report Title:

Hawaii State Building Code

Description:

Modifies the composition of the Hawaii State Building Code Council and revises the State Building Code. Effective July 1, 2013. (HB763 HD1)

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

