
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. The state building code council was created in
2 2007 to review and adopt a comprehensive suite of the latest
3 editions of nationally recognized building codes and standards
4 for the State of Hawaii. The staff and operating expenses of
5 the council have never been funded, thereby limiting the
6 effectiveness of the work of the nine voting members, who are
7 state and county government regulators and private stakeholders.
8 This Act adds building industry and trade representatives to the
9 council membership, allows for the staggering of the code
10 adoption time frame, defines and clarifies terminology, ensures
11 that the laws governing building contractors do not conflict
12 with the Hawaii state building codes, and makes an appropriation
13 to fund the operations of the council.

14 SECTION 2. Section 107-21, Hawaii Revised Statutes, is
15 amended as follows:

16 1. By adding two new definitions to be appropriately
17 inserted and to read:



1 "Codes and standards" means nationally recognized minimum
2 requirements for design and construction to safeguard life,
3 property, and the general welfare.

4 "Hawaii state building codes" means the building codes and
5 standards that the state building code council adopts under
6 section 107-24."

7 2. By amending the definition of "hurricane resistive
8 criteria" to read:

9 "'Hurricane [~~resistive~~] resistant criteria" means the
10 design criteria for enhanced hurricane protection areas that are
11 capable of withstanding a five hundred-year hurricane event, as
12 developed by the state department of defense for public shelter
13 and residential safe room design criteria."

14 SECTION 3. Section 107-22, Hawaii Revised Statutes, is
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) There is established a state building code council.
17 The council shall be placed within the department of accounting
18 and general services for administrative purposes only. The
19 council shall consist of [~~nine~~] eleven voting members and one
20 nonvoting member, who shall be the comptroller or the
21 comptroller's designee. The council members shall serve four-



1 year terms as defined in paragraphs (1) to [~~(6)~~] (8). The
2 voting members shall include:

3 (1) One county building official from each of the four
4 counties appointed by the mayor;

5 (2) One member representing the state fire council;

6 ~~[(3) One member representing the department of health who
7 has significant experience in building mechanical and
8 sewage disposal systems;~~

9 ~~-(4)]~~ (3) One member representing the department of labor
10 and industrial relations who has significant
11 experience in elevator [~~or fire~~] safety;

12 (4) One member representing the Hawaii state energy office
13 of the department of business, economic development,
14 and tourism;

15 (5) One member representing the Structural Engineers
16 Association of Hawaii; [and]

17 (6) One member representing the American Institute of
18 Architects, Hawaii State Council~~[-]~~;

19 (7) One member representing the Building Industry
20 Association of Hawaii or the General Contractors
21 Association of Hawaii who has significant experience
22 with building codes; and



1 (8) One member representing the Subcontractors Association
2 of Hawaii who has significant experience with building
3 codes.

4 (b) [~~Six~~] Seven voting members shall constitute a quorum.
5 The chairperson of the council shall be elected annually from
6 among its members by a majority vote of the members of the
7 council."

8 SECTION 4. Section 107-23, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[+]~~**§107-23**~~[+]~~ **Executive director and executive assistant.**

11 (a) The council shall appoint, exempt from chapters 76 and 89,
12 an executive director, who shall serve at the pleasure of the
13 council, and who shall have administrative abilities and
14 [~~expertise in engineering or architecture.~~] experience with the
15 building industry. The council shall also appoint, exempt from
16 chapters 76 and 89, an executive assistant, who shall have
17 experience in statutory and administrative rulemaking
18 processes~~[-]~~ to assist in carrying out the duties of the council
19 under section 107-24. Other staff personnel may be appointed,
20 but shall not be exempt from chapters 76 and 89.

21 (b) The budgetary requirements for conducting meetings,
22 training, travel, and other related functions of the council,



1 including salaries of the executive director, executive
2 assistant, and other staff personnel, shall be included in the
3 budget of the department of accounting and general services."

4 SECTION 5. Section 107-24, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~+~~]**\$107-24**[~~+~~] **Authority and duties of the council.** (a)

7 Any law to the contrary notwithstanding, the council shall
8 establish [~~a comprehensive~~] the Hawaii state building [~~code-~~]
9 codes.

10 (b) The council shall appoint a subcommittee [~~comprised~~]
11 composed of the four council members representing county
12 building officials, whose duty shall be to recommend any
13 necessary or desirable state amendments to the [~~model~~] codes[~~-~~]
14 and standards identified in section 107-25. Any recommended
15 state amendments shall require the unanimous agreement of the
16 subcommittee. The council shall designate a staggered schedule
17 for the codes and standards to be adopted, amended, and updated.
18 The frequency of the adoption of any code or standard shall not
19 exceed every three years. Any recommended staggering of
20 adoptions shall be based on a review and evaluation of the
21 utility of each code and standard identified in section 107-25
22 when each edition is published.



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

3 (d) The council shall consult with [~~general~~] building
4 contractor associations and building trade associations to
5 gather information and recommendations on construction practices
6 and training relevant to building codes and standards.

7 (e) The council shall review and adopt, as appropriate,
8 new model building codes within eighteen months of the official
9 publication date.

10 (f) The council may make expenditures for technical
11 references, equipment and supplies, and other operating
12 expenses, and may contract for the conduct of research studies
13 and other technical services.

14 (g) The council [~~shall~~] may provide education and
15 technical training and administrative assistance in the form of
16 services or grants at the state and county levels relating to
17 the implementation and enforcement of the Hawaii state building
18 [~~code~~] codes adopted pursuant to this part.

19 (h) At the close of each fiscal year, the council shall
20 make a written report to the governor on its activities,
21 including the codes and standards established by the council."



1 SECTION 6. Section 107-25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§107-25[+]—State]~~ Hawaii state building ~~[eode]~~ codes;
4 requirements. There ~~[is]~~ are established ~~[a]~~ the Hawaii state
5 building ~~[eode]~~ codes applicable to all construction in the
6 State of Hawaii. The Hawaii state building ~~[eode]~~ codes shall
7 ~~[include]~~ be based upon the following standards:

- 8 (1) The ~~[latest edition of the]~~ state fire code as adopted
9 by the state fire council;
- 10 (2) The ~~[latest edition of the]~~ Uniform Plumbing Code, as
11 copyrighted and published by the International
12 Association of Plumbing and Mechanical Officials,
13 including its appendices;
- 14 (3) The ~~[latest edition of the]~~ International Building
15 Code, the International Residential Code, and the
16 International Energy Conservation Code, as published
17 by the International Code Council;
- 18 (4) The National Electrical Code, as published by the
19 National Fire Protection Association;
- 20 ~~[+]~~ (5) Hawaii design standards implementing the criteria
21 pursuant to Act 5, Special Session Laws of Hawaii~~[7]~~
22 2005, as applicable to:



1 (A) Emergency shelters built to comply with hurricane
2 resistant criteria, including enhanced hurricane
3 protection areas capable of withstanding a five
4 hundred-year hurricane event as well as other
5 storms and natural hazards; and

6 (B) Essential government facilities requiring
7 continuity of operations; and

8 ~~[+5]~~ (6) Code provisions based on nationally published
9 codes or standards that include~~[7]~~ but are not limited
10 to~~[7]~~ residential and hurricane ~~[resistive]~~ resistant
11 standards related to loss mitigation standards in
12 accordance with section 431P-12, [for residential
13 construction, fire,] and elevator, ~~[electrical,~~
14 ~~plumbing,]~~ mechanical, flood and tsunami, existing
15 buildings, ~~[and energy conservation standards for~~
16 ~~building design and construction,]~~ and onsite sewage
17 disposal standards."

18 SECTION 7. Section 107-26, Hawaii Revised Statutes, is
19 amended to read as follows:

20 " ~~[+]§107-26[+]—State]~~ Hawaii state building [code,] codes;
21 prohibitions. In adopting ~~[a]~~ the Hawaii state building [code,]
22 codes, the council shall not adopt provisions that:



1 (1) Relate to administrative, permitting, or enforcement
2 and inspection procedures of each county; or

3 (2) Conflict with ~~[chapter]~~ chapters 444 and 464."

4 SECTION 8. Section 107-27, Hawaii Revised Statutes, is
5 amended by amending its title and subsection (a) to read as
6 follows:

7 "~~[§107-27]~~ ~~Exemptions.~~ Design of state buildings;
8 exemptions. (a) ~~[Upon]~~ No later than one year after adoption
9 of rules under this chapter, the design of all state building
10 construction shall be in compliance with the Hawaii state
11 building ~~[code within one year of its effective date, and]~~
12 codes, except that state building construction ~~[shall be allowed~~
13 ~~to]~~ may be exempted from:

14 (1) County codes that have not adopted the Hawaii state
15 building ~~[code]~~ codes;

16 (2) Any county code amendments that are inconsistent with
17 the minimum performance objectives of the Hawaii state
18 building ~~[code]~~ codes or the objectives enumerated in
19 this part; or

20 (3) Any county code amendments that are contrary to code
21 amendments adopted by another county."



1 SECTION 9. Section 107-28, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~§107-28~~§~~] County [~~building code~~] authority to amend
4 and adopt the Hawaii state [~~model~~] building [~~code~~] codes without
5 [~~state~~] council approval. (a) The governing body of each
6 county shall amend, adopt, and update the Hawaii state building
7 [~~code~~] codes as [~~it applies~~] applicable within its respective
8 jurisdiction, in accordance with section 46-1.5(13), without
9 approval of the council. Each county shall [~~use~~] amend and
10 adopt the [~~model~~] Hawaii state building codes and standards
11 listed in section 107-25, as the referenced [~~model~~] Hawaii state
12 building codes and standards for its respective county building
13 code ordinance, no later than two years after the adoption of
14 [~~the~~] each Hawaii state building code.

15 (b) If a county does not amend the [~~statewide model code~~]
16 Hawaii state building codes within the two-year time frame, the
17 Hawaii state building [~~code~~] codes shall become applicable as an
18 interim county building code [~~until the county adopts the~~
19 ~~amendments~~]."

20 SECTION 10. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much
22 thereof as may be necessary for fiscal year 2014-2015 for the



1 operations of the state building code council, including
2 salaries for staff personnel, training, travel, and technical
3 assistance services.

4 The sum appropriated shall be expended by the department of
5 accounting and general services for the purposes of this Act.

6 SECTION 11. This Act does not affect rights and duties
7 that matured, penalties that were incurred, and proceedings that
8 were begun before its effective date.

9 SECTION 12. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 13. This Act shall take effect on July 1, 2014.



Report Title:

State Fire Council Package; Hawaii State Building Code Council;
Appropriation

Description:

Modifies the composition of the State Building Code Council and adds annual reporting requirements. Allows for the staggering of code adoptions and amends code requirements. Appropriates funds. Effective July 1, 2014. (HB1633 HD1)

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

