
A BILL FOR AN ACT

RELATING TO THE HAWAII STATE BUILDING CODES.

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 staffing and operating expenses of
5 the council, however, have never been funded, thereby limiting
6 the effectiveness of the work of the nine voting members, who
7 consist of state and county government regulators and private
8 stakeholders. This Act adds building industry and trade
9 representatives to the membership of the council; allows
10 staggering in the timeframe of the adoption of the codes;
11 defines and clarifies terminology; ensures the laws governing
12 building contractors do not conflict with chapter 107, Hawaii
13 Revised Statutes; and makes an appropriation to fund the
14 operations of the council.

15 SECTION 2. Part II of chapter 107, Hawaii Revised
16 Statutes, is amended by amending its title to read:

17 "PART II. [~~STATE BUILDING CODE AND DESIGN STANDARDS~~]
18 HAWAII STATE BUILDING CODES"



1 SECTION 3. Section 107-21, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding two new definitions to be appropriately
4 inserted and to read:

5 "Codes and standards" means nationally recognized minimum
6 requirements for design and construction to safeguard life,
7 property, and the general welfare.

8 "Hawaii state building codes" means the building codes and
9 standards that the state building code council adopts under
10 section 107-24."

11 2. By amending the definition of "hurricane resistive
12 criteria" to read:

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

18 SECTION 4. Section 107-22, Hawaii Revised Statutes, is
19 amended by amending subsections (a) and (b) to read as follows:

20 "(a) There is established a state building code council.
21 The council shall be placed within the department of accounting
22 and general services for administrative purposes only. The



1 council shall consist of [~~nine~~] eleven voting members and one
2 nonvoting member, who shall be the comptroller or the
3 comptroller's designee. The council members shall serve four-
4 year terms as defined in paragraphs (1) to [~~(6)~~] (8). The
5 voting members shall include:

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

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

9 [~~(3)~~] ~~One member representing the department of health who~~
10 ~~has significant experience in building mechanical and~~
11 ~~sewage disposal systems;~~

12 ~~(4)~~] (3) One member representing the department of labor
13 and industrial relations who has significant
14 experience in elevator [~~or fire~~] safety;

15 (4) One member representing the Hawaii state energy office
16 of the department of business, economic development,
17 and tourism;

18 (5) One member representing the Structural Engineers
19 Association of Hawaii; [~~and~~]

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



1 (7) One member representing the Building Industry
 2 Association of Hawaii or the General Contractors
 3 Association of Hawaii who has significant experience
 4 with building codes; and

5 (8) One member representing the Subcontractors Association
 6 of Hawaii who has significant experience with building
 7 codes.

8 (b) [~~Six~~] Seven voting members shall constitute a quorum.

9 The chairperson of the council shall be elected annually from
 10 among its members by a majority vote of the members of the
 11 council."

12 SECTION 5. Section 107-23, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 "[~~§~~107-23[~~§~~] **Executive director and executive**
 15 **assistant.** (a) The council shall appoint, exempt from chapters
 16 76 and 89, an executive director, who shall serve at the
 17 pleasure of the council, and who shall have administrative
 18 abilities and [~~expertise in engineering or architecture.~~]
 19 experience with the building industry. The council shall also
 20 appoint, exempt from chapters 76 and 89, an executive assistant,
 21 who shall have experience in statutory and administrative
 22 rulemaking processes[~~-~~] to assist in carrying out the duties of



1 the council under section 107-24. Other staff personnel may be
2 appointed, but they shall not be exempt from chapters 76 and 89.

3 (b) The budgetary requirements for conducting meetings,
4 training, travel, and other related functions of the council,
5 including the salaries of the executive director, executive
6 assistant, and other staff personnel, shall be included in the
7 budget of the department of accounting and general services."

8 SECTION 6. Section 107-24, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~+~~**§107-24**~~+~~ **Authority and duties of the council.** (a)
11 Any law to the contrary notwithstanding, the council shall
12 establish ~~[a-comprehensive]~~ the Hawaii state building ~~[code-]~~
13 codes.

14 (b) The council shall appoint a subcommittee ~~[comprised~~
15 ~~of]~~ comprising the four council members representing county
16 building officials, whose duty shall be to recommend any
17 necessary or desirable state amendments to the ~~[model]~~ codes~~[-]~~
18 and standards identified in section 107-25. Any recommended
19 state amendments shall require the unanimous agreement of the
20 subcommittee. The council shall designate the staggering of the
21 adoption of the codes and standards to be adopted, amended, and
22 updated. The frequency of the adoption of any code or standard



1 shall not exceed every six years. Any recommended staggering of
2 the adoption of codes and standards shall be based on a review
3 and evaluation of the utility of each code and standard
4 identified in section 107-25 when each edition is published.

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

7 (d) The council shall consult with [~~general~~] building
8 contractor associations and building trade associations to
9 gather information and recommendations on construction practices
10 and training relevant to building codes and standards.

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

14 (f) The council may make expenditures for technical
15 references, equipment and supplies, and other operating
16 expenses, and may contract for the conduct of research studies
17 and other technical services.

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



1 (h) At the close of each fiscal year, the council shall
 2 submit a written report to the governor on its activities,
 3 including the codes and standards established by the council."

4 SECTION 7. Section 107-25, Hawaii Revised Statutes, is
 5 amended to read as follows:

6 "~~§107-25~~ Hawaii state building codes;
 7 requirements. There ~~is~~ are established ~~a~~ the Hawaii state
 8 building ~~code~~ codes applicable to all construction in the
 9 State of Hawaii. The Hawaii state building ~~code~~ codes shall
 10 ~~include~~ be based upon:

11 (1) The ~~latest edition of the~~ state fire code as adopted
 12 by the state fire council;

13 (2) The ~~latest edition of the~~ Uniform Plumbing Code, as
 14 copyrighted and published by the International
 15 Association of Plumbing and Mechanical Officials,
 16 including its appendices;

17 (3) The ~~latest edition of the~~ International Building
 18 Code, the International Residential Code, and the
 19 International Energy Conservation Code, as published
 20 by the International Code Council;

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

1 ~~[(4)]~~ (5) Hawaii design standards implementing the criteria
2 pursuant to Act 5, Special Session Laws of Hawaii~~[7]~~
3 2005, as applicable to:

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

9 (B) Essential government facilities requiring
10 continuity of operations; and

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

20 SECTION 8. Section 107-26, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~[§]107-26[§]—State]~~ Hawaii state building [code] codes;
2 prohibitions. In adopting [a] the Hawaii state building [code,]
3 codes, the council shall not adopt provisions that:

- 4 (1) Relate to administrative, permitting, or enforcement
5 and inspection procedures of each county; or
6 (2) Conflict with [~~chapter~~] chapters 444 and 464."

7 SECTION 9. Section 107-27, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~[§]107-27[§]—Exemptions.]~~ Design of state buildings.

10 (a) [~~Upon~~] No later than one year after the adoption of rules
11 under this chapter, the design of all state building
12 construction shall be in compliance with the Hawaii state
13 building [~~code within one year of its effective date, and]~~
14 codes, except that state building construction shall be allowed
15 to be exempted from:

- 16 (1) County codes that have not adopted the Hawaii state
17 building [~~code,]~~ codes;
18 (2) Any county code amendments that are inconsistent with
19 the minimum performance objectives of the Hawaii state
20 building [~~code]~~ codes or the objectives enumerated in
21 this part; or



1 (3) Any county code amendments that are contrary to code
2 amendments adopted by another county.

3 (b) Exemptions shall include county ordinances allowing
4 the exercise of indigenous Hawaiian architecture adopted in
5 accordance with section 46-1.55."

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

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

20 (b) If a county does not amend the ~~statewide model code~~
21 Hawaii state building codes within the two-year time frame, the
22 Hawaii state building codes shall become applicable as an



1 interim county building code [~~until the county adopts the~~
2 ~~amendments~~]."

3 SECTION 11. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$250,000 or so much
5 thereof as may be necessary for fiscal year 2014-2015 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2015-2016 for the operations of the state building code council,
8 including salaries for staff personnel, training, travel, and
9 technical assistance services.

10 The sums appropriated shall be expended by the department
11 of accounting and general services for the purposes of this Act.





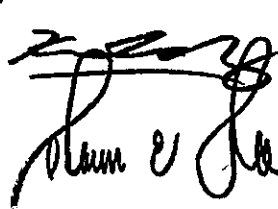


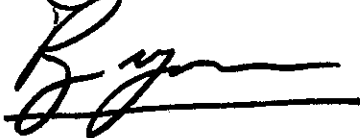
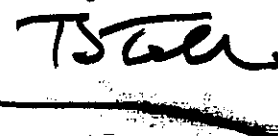

12 SECTION 12. This Act does not affect the rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 13. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 14. This Act shall take effect on July 1, 2014.

18

INTRODUCED BY:



H.B. NO. 2366

Report Title:

Hawaii State Building Codes

Description:

Modifies the composition of the State Building Code Council. Allows staggering of the code-adoption timeframe. Defines and clarifies terminology to ensure laws governing building contractors do not conflict with Chapter 107, HRS. Makes an appropriation to fund the operations of the Council. Effective July 1, 2014.

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

