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## A BILL FOR AN ACT

RELATING TO FIRE PROTECTION.

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

1           SECTION 1. The legislature finds that automatic fire  
2   sprinkler systems significantly reduce deaths, injury, and  
3   property damage. Automatic fire sprinkler systems are commonly  
4   installed in commercial high rise buildings, but are not  
5   commonly installed in residential homes where eight out of ten  
6   fire deaths occur. The installation of smoke alarms and  
7   sprinklers is reported to reduce the risk of death in a home by  
8   eighty-two per cent. Eighty-five per cent of fires are  
9   contained by the operation of just one sprinkler head that  
10   activates closest to the fire.

11           Modern, lightweight construction materials, such as  
12   engineered lumber, burn quicker and fail faster in fires  
13   compared with traditional wood materials in older homes.  
14   Lightweight construction materials collapse in six minutes  
15   compared to eighteen minutes for wood. Modern furnishings also  
16   reach significantly dangerous temperatures much quicker than  
17   legacy furnishings. These environments and situations place



1 occupants and fire fighters in extreme peril when a fire occurs  
2 in a home without sprinklers.

3 California, Maryland, and the District of Columbia require  
4 residential sprinklers in all new one- and two-family dwellings.  
5 About twenty-two states do not require sprinklers, but allow  
6 local jurisdictions to require them. California has not  
7 reported a decrease in the residential construction or the sale  
8 of new homes following implementation of its sprinkler  
9 requirement.

10 The purpose of this Act is to require builders of one- and  
11 two-family residential dwellings to provide buyers with  
12 information on the benefits and costs associated with the  
13 installation and maintenance of a residential fire sprinkler  
14 system.

15 SECTION 2. Section 444-1, Hawaii Revised Statutes, is  
16 amended by adding three new definitions to be appropriately  
17 inserted and to read as follows:

18 "Builder" means any individual, trustee, partnership,  
19 corporation, or other entity contracting with a buyer for the  
20 construction of a new dwelling.



1       "Buyer" means any individual, trustee, partnership,  
2 corporation, or other entity purchasing any estate or interest  
3 in a new dwelling.

4       "New dwelling" means a new one- or two-family residential  
5 dwelling, not previously occupied, and constructed for  
6 residential use."

7       SECTION 3. Chapter 444, Hawaii Revised Statutes, is  
8 amended by adding three new sections to be appropriately  
9 designated and to read as follows:

10       "§444-A Disclosure of residential fire sprinkler system  
11 information. Prior to agreeing to final pricing for  
12 construction of a new dwelling with a buyer, a builder shall  
13 provide the buyer with a copy of written materials prepared by  
14 the state fire council that detail the benefits of a residential  
15 fire sprinkler system. At the same time, the builder shall  
16 provide the buyer with written materials that detail the costs  
17 associated with the installation and maintenance of a  
18 residential fire sprinkler system. The buyer shall acknowledge  
19 receipt of the written materials in writing. Upon request of  
20 the buyer and at the buyer's expense, the builder shall install



1 a residential fire sprinkler system or other requested fire  
2 suppression system.

3 §444-B Remedies and penalties. (a) In addition to any  
4 remedies the buyer may have at law or in equity, whenever it  
5 appears to the board that a person has engaged in, is engaging  
6 in, or is about to engage in any act or omission in violation of  
7 section 444-A, the board may initiate an administrative  
8 proceeding in accordance with chapter 91.

9 (b) If the board finds that any person has wilfully  
10 violated section 444-A, the person shall pay an administrative  
11 penalty for the first offense of not less than \$75 nor more than  
12 \$150, and for each subsequent offense, an administrative penalty  
13 of not less than \$100 nor more than \$250.

14 (c) For purposes of this section, a wilful violation  
15 occurs when the person committing the violation knew or should  
16 have known that the conduct was of the nature prohibited by  
17 section 444-A.

18 (d) There shall be no liability or cause of action against  
19 a real estate licensee arising out of or related to a builder's  
20 failure to provide the information required by section 444-A or  
21 for the content of the information.



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1        §444-C Property condition report form. The board shall  
2        adopt a standard form for the disclosures required under section  
3        444-A, by rule pursuant to chapter 91. The form shall contain  
4        the following language, in addition to other content as  
5        determined by the board. "An automatic fire sprinkler system or  
6        other fire suppression system may be available." The form shall  
7        include a link to the state fire council website."

8                SECTION 4. In codifying the new sections added by section  
9        3 of this Act, the revisor of statutes shall substitute  
10       appropriate section numbers for the letters used in designating  
11       the new sections in this Act.

12                SECTION 5. New statutory material is underscored.

13                SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Gregory T. Johnson C/R

JAN 15 2016



# H.B. NO. 1589

**Report Title:**

Residential Fire Sprinkler System; Fire Protection; Disclosure

**Description:**

Requires home builders of one and two-family residential dwellings to provide buyers with information on the benefits and costs associated with the installation and maintenance of a residential fire sprinkler system.

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

