

JAN 22 2016

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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, which are commonly installed in most  
3   commercial and high-rise structures, have a proven record of  
4   reducing lost lives, injury, and property damage from fires.  
5   However, eight out of ten fire-related deaths occur in homes  
6   where automatic fire sprinkler systems are not commonly  
7   installed. Installing smoke alarms and an automatic fire  
8   sprinkler system in a home reduces the risk of a fire-related  
9   death by eighty-two per cent.

10           In automatic fire sprinkler systems, only the sprinkler  
11   head nearest to the fire will activate, preventing water damage  
12   to the remainder of the structure and its contents. Eighty-five  
13   per cent of fires are contained by the operation of just one  
14   fire sprinkler head.

15           Today's modern homes, made with engineered lumber and other  
16   lightweight construction materials, are particularly susceptible  
17   to fire damage. Ignited lightweight construction materials have



1 collapsed in six minutes compared to eighteen minutes for  
2 traditional wood. Modern furnishings also reach dangerous  
3 temperatures more rapidly than traditional furnishings. These  
4 conditions increase the danger of a fire for not only occupants,  
5 but also firefighters.

6 California, Maryland, and the District of Columbia require  
7 automatic fire sprinkler systems in all new one- and two-family  
8 dwellings. California has not had a decrease in residential  
9 construction or the sale of new homes due to its automatic fire  
10 sprinkler system requirements.

11 The purpose of this Act is to require contractors to  
12 provide prospective purchasers, seeking to construct a new home,  
13 with information on the benefits of an automatic fire sprinkler  
14 system.

15 SECTION 2. Chapter 132, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18 "§132- New dwelling construction; fire protection  
19 disclosures. (a) Prior to agreeing to the final price for the  
20 construction of a new dwelling with a purchaser, a contractor  
21 shall provide the purchaser with the following:



1       (1) Written materials approved by the state fire council  
2       detailing the benefits of an automatic fire sprinkler  
3       system; and

4       (2) A written quotation detailing the costs associated  
5       with the installation and maintenance of an automatic  
6       fire sprinkler system.

7       (b) The purchaser shall acknowledge receipt of the  
8       materials from the contractor in writing.

9       (c) Upon request of the purchaser, the contractor shall,  
10      at the purchaser's expense, install an automatic fire sprinkler  
11      system or other requested fire suppression system.

12      (d) In addition to any remedies the buyer may have at law  
13      or in equity, whenever it appears to the attorney general or  
14      director of commerce and consumer affairs that a person has  
15      engaged in, is engaging in or is about to engage in any act or  
16      omission in violation of this section, the attorney general or  
17      the director of commerce and consumer affairs may institute a  
18      court proceeding or administrative proceeding in accordance with  
19      this chapter. However, upon a finding that any person has  
20      wilfully violated this section, the person shall pay for the  
21      first offense a civil penalty not less than \$75 nor more than



1 \$150, and for each subsequent offense, a civil penalty not less  
2 than \$100 nor more than \$250. For purposes of this section, a  
3 wilful violation occurs when the person committing the violation  
4 knew or should have known that the conduct was of the nature  
5 prohibited by this section; provided that there shall be no  
6 liability or cause of action against a real estate licensee  
7 licensed under chapter 467 arising out of or related to a  
8 builder failing to provide the information required by this  
9 section or for the content of the information.

10 (e) Definitions. As used in this section:

11 "Contractor" means any individual, trustee, partnership,  
12 corporation, or other entity contracting with a purchaser for  
13 the construction of a new dwelling.

14 "New dwelling" means a new one- or two-family residential  
15 dwelling, not previously occupied, and constructed for  
16 residential use.

17 "Purchaser" means any individual, trustee, partnership,  
18 corporation, or other entity purchasing any estate or interest  
19 in a new dwelling."



# S.B. NO. 2167

1 SECTION 3. Chapter 467, Hawaii Revised Statutes, is  
 2 amended by adding a new section to be appropriately designated  
 3 and to read as follows:

4 "§467- Property condition report form; contents. (a)

5 The commission shall develop a standard form to be used as the  
 6 seller's disclosure of real property condition report for the  
 7 disclosure of the condition of residential real property.

8 (b) The form for new construction shall include the  
 9 following language: "An automatic fire sprinkler system or other  
 10 fire suppression system may be available. For further  
 11 information, visit <http://labor.hawaii.gov/sfc/>."


12 SECTION 4. This Act does not affect rights and duties that  
 13 matured, penalties that were incurred, and proceedings that were  
 14 begun before its effective date.

15 SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_



BY REQUEST



# S.B. NO. 2167

**Report Title:**

Fire Council Package; Automatic Fire Sprinkler Systems; Fire Protection; New Home Construction; Disclosures; State Fire Council; Real Estate Commission

**Description:**

Requires contractors to disclose the benefits of a residential fire sprinkler system to prospective purchasers seeking to construct a new home.

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

