

JAN 22 2016

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 buildings, have a proven record of
4 significantly reducing loss of life, injury, and property
5 damage. However, eight out of ten fire deaths occur in the
6 home, and installing both smoke alarms and sprinklers reduces
7 the risk of death in a home by eighty-two per cent. Typically,
8 only the sprinkler head closest to the fire will activate and
9 eighty-five per cent of fires are contained by the operation of
10 just one sprinkler.

11 The legislature also finds that engineered lumber is used
12 as a composite joist or beam as part of today's modern,
13 lightweight construction material. Compared with traditional
14 wood materials in older homes, lightweight construction assembly
15 collapses in six minutes in a fire, in contrast to eighteen
16 minutes for wood. Modern furnishings also reach significantly
17 dangerous temperatures much quicker than legacy furnishings,



1 which places not only occupants, but fire fighters, in extreme
2 peril when a fire occurs in a home without sprinklers.

3 The legislature further finds that California, Maryland,
4 and the District of Columbia require residential sprinklers in
5 all new one- and two-family dwellings. About twenty-two states
6 do not require sprinklers, but allow local jurisdictions to
7 require them. California has not seen any decrease in the
8 residential construction or the sale of new homes.

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

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

18 "CHAPTER

19 NEW HOME BUYER FIRE PROTECTION ACT

20 § -1 Definitions. As used in this chapter:



1 "Builder" means any individual, trustee, partnership,
2 corporation, or other entity contracting with an owner for the
3 construction of a new dwelling.

4 "Buyer" means an individual, trustee, partnership,
5 corporation, or other entity purchasing any estate or interest
6 in a new dwelling.

7 "New dwelling" means a new one- or two-family residential
8 dwelling, not previously occupied, and constructed for
9 residential use.

10 § -2 Disclosure of residential fire sprinkler system
11 benefits and costs. At the time of or prior to agreeing to
12 final pricing for construction of a new dwelling with a buyer, a
13 builder shall provide the buyer with a copy of written materials
14 prepared and adopted by the state fire council, which shall
15 detail the benefits a residential fire sprinkler system. At the
16 same time, a builder shall provide written materials, including
17 the costs 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, the builder, at the buyer's expense, shall install a



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

3 § -3 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 attorney general or the director of commerce and
6 consumer affairs that a person has engaged in, is engaging in,
7 or is about to engage in any act or omission in violation of
8 this chapter, the attorney general or the director of commerce
9 and consumer affairs may institute a court or administrative
10 proceeding against the person.

11 (b) Upon a finding that any person has willfully violated
12 this chapter, the person shall be subject for a first offense to
13 a civil penalty of not less than \$75 or more than \$150 and, for
14 each subsequent offense, a civil penalty of not less than \$100
15 or more than \$250. For the purposes of this chapter, a wilful
16 violation occurs when the person committing the violation knew
17 or should have known that the conduct was of the nature
18 prohibited by this chapter.

19 (c) There shall be no liability or cause of action against
20 a real estate licensee, licensed by the professional and
21 vocational licensing division of the department of commerce and



1 consumer affairs, arising out of or related to a builder failing
2 to provide the information required by this chapter.

3 § -4 Property condition report form. (a) To effectuate
4 this chapter, the Hawaii real estate commission shall develop a
5 standard form or forms to be used as the seller's disclosure of
6 real property condition report for the disclosure of the
7 condition of the residential real property. The form or forms
8 for different circumstances shall be adopted and amended from
9 time to time by the real estate commission, including additional
10 relevant content as the commission deems appropriate.

11 (b) The form for new construction shall include the
12 following text:

13 "An automatic fire sprinkler system or other fire
14 suppression systems may be available. For further
15 information, visit <http://labor.hawaii.gov/sfc/>."

16 SECTION 3. This Act shall take effect upon its approval.
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S.B. NO. 2482

Report Title:

Residences; Fire Sprinkler Systems

Description:

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

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