

JAN 17 2020

---

---

# 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 have a proven record of significantly reducing  
3           property damage, injuries, and deaths in residential fires.  
4           Installing both smoke alarms and sprinklers in the home reduces  
5           the risk of fire-related deaths by eighty-two per cent.  
6           Typically, only the sprinkler head closest to the fire will  
7           activate, and eighty-five per cent of fires are contained by the  
8           operation of just one sprinkler.

9           The legislature also finds that new dwellings are  
10          especially susceptible to residential fires. The engineered  
11          lumber used as composite joists or beams in newly constructed  
12          homes burns and collapses much more quickly than traditional  
13          wood. Modern furnishings also reach higher temperatures much  
14          more quickly than antique furnishings. A home without  
15          sprinklers places not only the occupants but also fire fighters  
16          in extreme danger.



1           Accordingly, the purpose of this Act is to require builders  
2 of new one- and two-family dwellings to provide buyers with  
3 information on the benefits and costs associated with installing  
4 and maintaining a residential fire sprinkler system.

5           SECTION 2. The Hawaii Revised Statutes is amended by  
6 adding a new chapter to title 26 to be appropriately designated  
7 and to read as follows:

8                                       **"CHAPTER**

9                                       **NEW HOME BUYER FIRE PROTECTION ACT**

10           **§ -1 Definitions.** As used in this chapter:

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

14           "Buyer" means an individual, trustee, partnership,  
15 corporation, or other entity purchasing any estate or interest  
16 in a new dwelling.

17           "New dwelling" means a new one- or two-family residential  
18 dwelling, not previously occupied, and constructed for  
19 residential use.

20           **§ -2 Disclosure of residential fire sprinkler system**  
21 **benefits and costs.** At the time of or prior to agreeing to



1 final pricing for construction of a new dwelling, the builder  
2 shall provide to the buyer a copy of written materials prepared  
3 and adopted by the state fire council that detail the benefits  
4 of residential fire sprinkler systems. The builder shall also  
5 provide a written estimate of the costs associated with  
6 installing and maintaining a residential fire sprinkler system.  
7 The buyer shall acknowledge receipt of the materials in writing  
8 on a form provided by and filed with the department of commerce  
9 and consumer affairs professional licensing division. Upon  
10 request of the buyer, the builder shall install a residential  
11 fire sprinkler system or other requested fire suppression system  
12 at the buyer's expense.

13       **§ -3 Remedies and penalties.** Upon a finding that any  
14 person has wilfully violated this chapter, the person shall be  
15 subject for a first offense to a civil penalty of not less than  
16 \$75 or more than \$150 and, for each subsequent offense, a civil  
17 penalty of not less than \$100 or more than \$250. For the  
18 purposes of this chapter, a wilful violation occurs when the  
19 person committing the violation knew or should have known that  
20 the conduct was of the nature prohibited by this chapter.



1           **§ -4 Residential fire sprinkler cost estimate form. (a)**

2 To effectuate this chapter, the department of consumer affairs  
3 professional and vocational licensing division shall develop a  
4 standard form or forms to be used to confirm the buyer's receipt  
5 of the written materials required by section -2. The form  
6 or forms may be amended from time to time by the department of  
7 commerce and consumer affairs.

8           (b) The form shall include:

- 9           (1) An acknowledgement that the buyer received a copy of  
10           written materials prepared and adopted by the state  
11           fire council that detail the benefits of residential  
12           fire sprinkler systems;
- 13           (2) The cost estimate provided by the builder for  
14           installing and maintaining a residential fire  
15           sprinkler system; and
- 16           (3) An indication of whether the buyer accepted or  
17           rejected the installation of a residential fire  
18           sprinkler system or other fire suppression system."



1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY:           *M. D. V.*            
By Request



# S.B. NO. 2128

**Report Title:**

State Fire Council Package; Fire Protection; Mandatory Disclosure; DCCA

**Description:**

Requires the builders of new dwellings to provide buyers with information on the benefits and costs associated with installing and maintaining a residential fire sprinkler system. Requires the Department of Commerce and Consumer Affairs Professional and Vocational Licensing Division to develop a standard form for this purpose.

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

