

ACT 199

H.B. NO. 1998

A Bill for an Act Relating to Occupational Safety and Health Programs for State Construction Contracts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 103D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§103D- Safety and health programs for construction. Contracts awarded for construction in excess of \$100,000 shall comply with section 396- .”

SECTION 2. Chapter 396, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§396- Safety and health programs for contractors bidding on state construction jobs. (a) All bids and proposals in excess of \$100,000 for state construction jobs as defined in section 103D-104 shall include a signed certification from the bidder or offerer that a written safety and health plan for the job will be available and implemented by the notice to proceed date of the project. The written safety and health plan shall include:

- (1) A safety and health policy statement reflecting management commitment;
 - (2) A description of the safety and health responsibilities of all levels of management and supervisors on the job and a statement of accountability appropriate to each;
 - (3) The details of:
 - (A) The mechanism for employee involvement in job hazard analysis;
 - (B) Hazard identification, including periodic inspections and hazard correction and control;
 - (C) Accident and “near-miss” investigations; and
 - (D) Evaluations of employee training programs;
 - (4) A plan to encourage employees to report hazards to management as soon as possible and to require management to address these hazards promptly; and
 - (5) A certification by a senior corporate or company manager that the plan is true and correct.
- (b) Failure to submit the required certification may be grounds for disqualification of the bid or proposal.
- (c) Failure to have available on site or failure to implement the written safety and health plan by the project’s notice to proceed date shall be considered wilful noncompliance and be sufficient grounds to disqualify the award and terminate the contract.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 19, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.