Approved by the Governor
on MAY 21 2007

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

ACT 082

S.B. NO. 795 S.D. 2 H.D. 1 C.D. 1

A BILL FOR AN ACT

RELATING TO BUILDING CODES.

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

SECTION 1. The legislature finds that the State has traditionally allowed the individual counties to establish their own building codes. The counties have adopted various portions of the Uniform Building Code, but the code differs from county to county. The status of fragmented building requirements in Hawaii is of serious concern to those involved in building ownership, design, construction, and insurance. Over forty states have adopted some form of a statewide building code.

The adoption of a uniform set of statewide building codes applicable to one and two family dwellings, all other residential uses, and commercial and industrial buildings, and state buildings would make it possible for building owners, designers, contractors, and code enforcers within the State to apply consistent standards. The International Building Code is currently being considered for adoption by all counties. The health and safety considerations related to the codes are of

statewide interest, especially relating to emergency disaster preparedness.

The purpose of this Act is to require the department of accounting and general services to establish and implement a state building code.

SECTION 2. Chapter 107, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART II. STATE BUILDING CODE AND DESIGN STANDARDS

§107-A Definitions. As used in this part:

"Council" means the state building code council.

"Department" means the department of accounting and general services.

"Hurricane resistive criteria" means the design criteria for enhanced hurricane protection areas that are capable of withstanding a five hundred-year hurricane event, as developed by the state department of defense for public shelter and residential safe room design criteria.

"State building construction" means any building construction project or program initiated by a state agency or requiring the use of state funds.

1 **§107-B State building code council.** (a) There is
2 established a state building code council. The council shall be
3 placed within the department of accounting and general services
4 for administrative purposes only. The council shall consist of
5 nine voting members and one nonvoting member, who shall be the
6 comptroller or the comptroller's designee. The council members
7 shall serve four-year terms as defined in paragraphs (1) to (6).
8 The voting members shall include:
9 (1) One county building official from each of the four
10 counties appointed by the mayor;
11 (2) One member representing the state fire council;
12 (3) One member representing the department of health who
13 has significant experience in building mechanical and
14 sewage disposal systems;
15 (4) One member representing the department of labor and
16 industrial relations who has significant experience in
17 elevator or fire safety;
18 (5) One member representing the Structural Engineers
19 Association of Hawaii; and
20 (6) One member representing the American Institute of
21 Architects, Hawaii State Council.

(b) Six voting members shall constitute a quorum. The chairperson of the council shall be elected annually from among its members by a majority vote of the members of the council.

(c) Members shall serve without compensation, but shall be reimbursed for expenses, including travel expenses necessary for the performance of their duties.

§107-C Executive director and executive assistant. The council shall appoint, exempt from chapters 76 and 89, an executive director, who shall serve at the pleasure of the council, and who shall have administrative abilities and expertise in engineering or architecture. The council shall also appoint, exempt from chapters 76 and 89, an executive assistant, who shall have experience in statutory and administrative rulemaking processes.

§107-D Authority and duties of the council. (a) Any law to the contrary notwithstanding, the council shall establish a comprehensive state building code.

(b) The council shall appoint a subcommittee comprised of the four council members representing county building officials, whose duty shall be to recommend any necessary or desirable state amendments to the model codes. Any recommended state

1 amendments shall require the unanimous agreement of the
2 subcommittee.
3 (c) The council may appoint other investigative, technical
4 expertise committees, which may include council members.
5 (d) The council shall consult with general building
6 contractor associations and building trade associations to
7 gather information and recommendations on construction practices
8 and training relevant to building codes and standards.
9 (e) The council shall review and adopt, as appropriate,
10 new model building codes within eighteen months of the official
11 publication date.
12 (f) The council may make expenditures for technical
13 references, equipment and supplies, and other operating
14 expenses, and may contract for the conduct of research studies
15 and other technical services.
16 (g) The council shall provide education and technical
17 training and administrative assistance in the form of services
18 or grants at the state and county levels relating to the
19 implementation and enforcement of the state building code
20 adopted pursuant to this part.

1 **§107-E State building code; requirements.** There is
2 established a state building code applicable to all construction
3 in the State of Hawaii. The state building code shall include:
4 (1) The latest edition of the state fire code as adopted
5 by the state fire council;
6 (2) The latest edition of the Uniform Plumbing Code, as
7 copyrighted and published by the International
8 Association of Plumbing and Mechanical Officials,
9 including its appendices;
10 (3) The latest edition of the International Building Code,
11 as published by the International Code Council;
12 (4) Hawaii design standards implementing the criteria
13 pursuant to Act 5, Special Session Laws of Hawaii,
14 2005, as applicable to:
15 (A) Emergency shelters built to comply with hurricane
16 resistant criteria, including enhanced hurricane
17 protection areas capable of withstanding a five
18 hundred year hurricane event as well as other
19 storms and natural hazards; and
20 (B) Essential government facilities requiring
21 continuity of operations; and

(5) Code provisions based on nationally published codes or standards that include, but are not limited to, residential and hurricane resistive standards for residential construction, fire, elevator, electrical, plumbing, mechanical, flood and tsunami, existing buildings, and energy conservation standards for building design and construction, and onsite sewage disposal.

§107-F State building code; prohibitions. In adopting a state building code, the council shall not adopt provisions that:

(1) Relate to administrative, permitting, or enforcement and inspection procedures of each county; or

(2) Conflict with chapter 464.

§107-G Exemptions. (a) Upon adoption of rules under this chapter, the design of all state building construction shall be in compliance with the state building code within one year of its effective date, and state building construction shall be allowed to be exempted from:

(1) County codes that have not adopted the state building code;

(2) Any county code amendments that are inconsistent with the minimum performance objectives of the state building code or the objectives enumerated in this part; or

(3) Any county code amendments that are contrary to code amendments adopted by another county.

(b) Exemptions shall include county ordinances allowing the exercise of indigenous Hawaiian architecture adopted in accordance with section 46-1.55.

§107-H County building code authority to amend the state model building code without state approval. (a) The governing body of each county shall amend the state building code as it applies within its respective jurisdiction, in accordance with section 46-1.5(13), without approval of the council. Each county shall use the model codes and standards listed in section 107-E, as the referenced model building codes and standards for its respective county building code ordinance, no later than two years after the adoption of the state building code.

(b) If a county does not amend the statewide model code within the two-year timeframe, the state building code shall become applicable as an interim county building code until the county adopts the amendments.

1 **§107-I Rules.** The department shall adopt rules pursuant
2 to chapter 91 necessary for the purposes of this part.
3 **§107-J Annual report.** The department shall report to the
4 legislature, no later than twenty days prior to the convening of
5 each regular legislative session, on the council's activities
6 and accomplishments.
7 **§107-K State building code; compliance.** The design of all
8 state building construction shall be in compliance with the
9 state building code within one year of its effective date."
10 SECTION 3. Chapter 107, Hawaii Revised Statutes, is
11 amended by designating sections 107-1 to 107-11 as part I,
12 entitled:
13 "PART I. GENERAL PROVISIONS"
14 SECTION 4. There is appropriated out of the interest
15 earned from the principal in the Hawaii hurricane relief fund,
16 the sum of $250,000 or so much thereof as may be necessary for
17 fiscal year 2007-2008 and the same sum, or so much thereof as
18 may be necessary for fiscal year 2008-2009 for the operations of
19 the state building code council, including technical assistance
20 services, and training and administrative assistance as
21 required.

The sums appropriated shall be expended by the department of accounting and general services for the purposes of this Act.

SECTION 5. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 7. This Act shall take effect on July 1, 2007.

GOVERNOR OF THE STATE OF HAWAII

Approved this day: MAY 21 2007