

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Repeal of Chapter 12-45.2

Hawaii Administrative Rules

June 20, 2014

SUMMARY

Chapter 12-45.2, Hawaii Administrative Rules, entitled "State Fire Code", is repealed.

TITLE 12

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

CHAPTER 45.2

STATE FIRE CODE

Repealed

§§12-45.2-1 to 12-45.2-145 Repealed. [AUG 15 2014]

12-45.3-2

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Adoption of Chapter 12-45.3

Hawaii Administrative Rules

AUG 15 2014

SUMMARY

Chapter 12-45.3, Hawaii Administrative Rules, entitled "State Fire Code", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 12

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 7

BOARD OF FIRE

BOARDS

CHAPTER 45.3

STATE FIRE COUNCIL

STATE FIRE CODE

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Historical Note: Chapter 12-45.3 is based substantially upon chapter 12-45, subchapter 2. [Eff 6/6/86; am and comp 8/13/87; am and comp 4/18/92;R **AUG 15 2014**]

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§12-45.3-1 Purpose. The purpose of this chapter is to adopt the state fire code as required by section 132-3, Hawaii Revised Statutes (HRS). [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-2 Scope. This chapter sets forth minimum requirements relative to the protection of persons and property from fire loss. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-3 Definitions. In this chapter, unless the context otherwise requires:

"Annex" means the annex attached to the NFPA 1, Fire Code.

"Authority having jurisdiction" or "AHJ" means an organization, office, or individual responsible for enforcing the requirements of a

code or standard, or for approving equipment, materials, an installation, or a procedure.

"Building code" means the currently adopted, respective county building code.

"Chapter" means chapter of the NFPA 1, Fire Code.

"NFPA" means the National Fire Protection Association.

"NFPA 1, Fire Code" means the NFPA 1, Fire Code, 2012 edition, as copyrighted by the National Fire Protection Association.

"Section" means a section of a chapter of the NFPA 1, Fire Code.
[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-4 Adoption of the 2012 NFPA 1, Fire Code. The NFPA 1, Fire Code, 2012 edition is made a part of this chapter, subject to the amendments provided in this chapter. The annexes to the NFPA 1, Fire Code are not adopted except as provided in this chapter. The following annex is specifically adopted: Annex E, Fire Hydrant Locations and Distribution. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-5 Permit Authorization. Each county may, by ordinance, require that a permit be obtained from the AHJ for any area regulated by this chapter. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

SUBCHAPTER 2

AMENDMENTS TO THE NFPA 1, FIRE CODE

§12-45.3-6 Title. Section 1.1.2 is amended to read as follows: 1.1.2 Title. This code shall be known as the State Fire Code, may be cited as such, and will be referred to in this chapter as this code. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-7 Conflicts. Section 1.3.3.3 is added to read as follows: 1.3.3.3 When a difference occurs in the requirements for design and construction for new construction of buildings between this code and the building code, the building code shall apply.

Exception: This code does not apply to new construction except when this code is specifically referenced from the building code.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-8 Building Code. Section 1.3.6.3 is amended to read as follows: 1.3.6.3 Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform with the building code.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-9 Powers and Duties. Section 1.6 is amended to read as follows: 1.6 Powers and duties. The general powers and duties of the AHJ are set forth in chapter 132, HRS. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-10 Inspection. Section 1.7.6.7 is added to read as follows: 1.7.6.7 Inspections are authorized by and shall be made in accordance with sections 132-5 and 132-6, HRS and this code. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-11 Investigations. Section 1.7.10.5 is added to read as follows: 1.7.10.5 Investigations are authorized by and shall be made in accordance with sections 132-4, 132-4.5 and 132-5, HRS and this code. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-12 Plans Submissions. Section 1.7.11.11 is added to read as follows: 1.7.11.11 Submission of building plans are authorized by and shall be made in accordance with sections 132-9, HRS and this code. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-13 Appeals. Section 1.10.7 is added to read as follows: 1.10.7 Appeals are authorized and established by section 132-6, HRS and this code. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-14 Records and Reports. Section 1.11.5 is added to read as follows: 1.11.5 Upon the AHJ's request, every company or agent transacting the business of fire insurance in this State shall be required to file with the AHJ in each county a monthly record of fire losses paid or incurred on forms prescribed, permitted, or furnished by the AHJ. These forms shall contain information on each fire loss such as the name of the insured, name of the adjuster, date and time of fire, construction of building or structure burned, amount of insurance paid, and apportionment of the loss where more than one company insured the risk.

The current National Fire Incident Reporting System (NFIRS) report forms may be used. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-15 Permit Required. Section 1.12.8 and Tables 1.12.8(a), (b), (c), and (d) are deleted in their entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-16 Building Code. Section 3.3.54.1 is amended to read as follows: 3.3.54.1 Building Code. The building code is the building code adopted by the county. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-17 Electrical Code. Section 3.3.54.2 is amended to read as follows: 3.3.54.2 Electrical Code. The electrical code is the electrical code adopted by the county. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-18 Mechanical Code. Section 3.3.54.3 is amended to read as follows: 3.3.54.3 Mechanical Code. The mechanical code is the mechanical code adopted by the county. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-19 Plumbing Code. Section 3.3.54.4 is amended to read as follows: 3.3.54.4 Plumbing Code. The plumbing code is the plumbing code adopted by the county. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-20 Fire Watch. Section 3.3.126 is amended to read as follows: 3.3.126 Fire Watch. The assignment of a person or persons to an area for the express purpose of notifying the fire department, the building occupants, or both of an emergency; preventing a fire from occurring; extinguishing small fires; and protecting the public from fire or life safety dangers. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-21 Maintenance. Section 4.5.8.1 is amended to read as follows: 4.5.8.1 Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or any other feature is required for compliance with the provisions of this Code, such device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable NFPA requirements and the building code or requirements developed as part of a performance-based design, or as directed by the AHJ. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-22 Means of Egress. Section 5.3.4 is amended to read as follows: 5.3.4 Means of Egress. The design shall comply with the following building code requirements in addition to the performance criteria of Section 5.2 and the methods of Section 5.4 through Section 5.7:

1. Changes in level in means of egress: Building Code
2. Guards: Building Code
3. Door Openings: Building Code
4. Stairs: Building Code
5. Ramps: Building Code
6. Fire escape ladders: Building Code
7. Alternating tread devices: Building Code
8. Capacity of means of egress: Building Code
9. Impediments to egress: Building Code
10. Illumination of means of egress: Building Code
11. Emergency lighting: Building Code

12. Marking of means of egress: Building Code. [Eff **AUG 15 2014**]
(Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-23 Occupancy Classification. Section 6.1.1.1 is amended to read as follows: 6.1.1.1 Occupancy Classification. For the purposes of enforcing this code, the occupancy of a building or structure, or portion of a building or structure, shall be classified in accordance with 6.1.2 through 6.1.13. Occupancy classification shall be subject to the ruling of the AHJ where there is a question of proper classification in any individual case.
[Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-24 Separated Occupancies. Section 6.1.14.4.1 is amended to read as follows: 6.1.14.4.1 Where separated occupancies are provided, each part of the building comprising a distinct occupancy, as described in this chapter, shall be completely separated from other occupancies by fire-resistive assemblies as specified in the building code. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-25 Required Separation of Occupancies. Tables 6.1.14.4.1 (a) and 6.1.14.4.1 (b) are deleted in their entirety.
[Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-26 Occupancy Separations. Section 6.1.14.4.2 is amended to read as follows: 6.1.14.4.2 Occupancy separations shall be classified in accordance with the building code and comply with all the requirements for walls separating occupancies in accordance with the building code.
[Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-27 Fire Resistance Ratings. Section 6.1.14.4.3 is deleted in its entirety. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-28 Occupancy Separations. Section 6.1.14.4.4 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-29 Fundamental Requirements. Section 10.1.1 is amended to read as follows: 10.1.1 Every building or structure shall be arranged, equipped, maintained, and operated in accordance with this Code so as to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-30 Life Safety Code. Section 10.1.2 is amended to read as follows: 10.1.2 Life Safety Code. Every existing building shall comply with this Code and NFPA 101, Life Safety Code. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-31 Building Code. Section 10.1.3 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-32 Unsafe Buildings. Section 10.2.4 is amended by adding a sentence at the end to read as follows: For abatement of unsafe buildings, see the building code. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-33 On-Premise Firefighting. Section 10.7.1.2 is amended to read as follows: 10.7.1.2 Facilities that have established on-premises fire-fighting organizations and have coordinated and arranged procedures approved by the AHJ shall notify the fire department in accordance with the approved plan. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-34 Open Fires. Sections 10.11.1, 10.11.1.1, 10.11.1.2, 10.11.1.3, and 10.11.1.4 are deleted and replaced with sections 10.11.1 and 10.11.1.1 to read as follows: 10.11.1 Agricultural Burning. See Department of Health, Clean Air Branch, regulation of fires for agricultural burning. For fire safety regulations, see county requirements and 10.11.1.1 below.

10.11.1.1 Open Fires in Counties. Control of the following fires shall be established by each county:

1. Fires for agricultural purposes.
2. Fires for recreational, decorative, or ceremonial purposes.
3. Fires to abate a fire hazard.
4. Fires for prevention or control of disease or pests.
5. Fires for training of fire fighting personnel.
6. Fires for disposal of dangerous materials.
7. Fires for residential bathing purposes.
8. Fires for cooking of food.

Except for closed incinerators approved by the state health department, private incineration is prohibited by state health laws. Clearance by the state health department for and notification of all agricultural fires either by telephone or written notice shall be on file with the AHJ before these fires are permitted.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-35 Prohibition. Section 10.11.2 is amended to read as follows: 10.11.2 The AHJ shall have the authority to prohibit any or all open flames, candles, and open, recreational, and cooking fires or other sources of ignition, or establish special regulations on the use of any form of fire or smoking material where circumstances make such conditions hazardous. Open flame devices utilizing gas or liquid fuel, such as but not limited to tiki torches, shall keep a minimum of 3 feet clearance from the flame to combustibles, and shall maintain a vertical height of 7 feet from grade to flame. The AHJ is authorized to modify these clearances based on site conditions.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-36 Outdoor Fires. Section 10.11.3.1 is amended to read as follows: 10.11.3.1 Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas, without approval from the AHJ.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-37 Open Fires. Section 10.11.4.1 is amended to read as follows: 10.11.4.1 open fires shall be located not less than 50 ft (15 m) from structures or as determined by the AHJ. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-38 Storage on Balconies. Section 10.11.6.2 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-39 Signage. Section 10.19.8 is added to read as follows: 10.19.8 Signage. In storage and mercantile occupancies, a sign shall be posted on the automatic sprinkler riser stating the maximum allowable storage height for the design of the sprinkler system as approved by the AHJ. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-40 Fire Fighters' Emergency Operation. Section 11.3.1 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-41 Number of Cars. Section 11.3.2 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-42 Elevator Machine Rooms. Section 11.3.3 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-43 Maintenance. Section 11.6.2 is amended to read as follows: 11.6.2 Maintenance. Rubbish chutes, laundry chutes, and incinerators shall be maintained in accordance with NFPA 82, *Standard on Incinerators and Waste and Linen Handling Systems and Equipment*, unless such installations are approved existing installations, which shall be permitted to be continued in service. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-44 Emergency Command Center. Section 11.9 is amended to read as follows: 11.9 Emergency Command Center. Where required by the building code, emergency command centers shall comply with Section 11.9.
[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-45 Emergency Command Center. Section 11.9.5 is revised by adding Items 12, 13, and 14 to read as follows:
12. The room shall be accessible from the exterior of the building
13. Control panels in the emergency command center shall be permanently identified as to its function
14. Alarm, supervisory and trouble signals shall be annunciated in compliance with the fire code in the emergency command center by means of an audible and visual indicator [Eff AUG 15 2014]
(Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-46 Photovoltaic Systems. Section 11.12.1 is revised by adding an exception to read as follows:
Exception: New photovoltaic systems for one- and two-family dwellings need not comply with section 11.12.2.2 [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-47 General. Section 12.1 is amended to read as follows:
12.1 General. This chapter shall apply to existing, permanent, or temporary buildings. The provisions of this chapter shall not apply to new construction. For new construction see the building code. Existing buildings shall be maintained to meet the requirements of the building code in effect at the time the structure was built. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-48 Identification. Section 12.4.7 is added to read as follows:
12.4.7 Identification. When required by the AHJ, a sign shall be displayed permanently near or on each required fire door in letters not less than 1 inch (25.4 mm) high. The wording of the required sign can only be modified with prior written approval of the AHJ. The sign shall read as follows:

**FIRE DOOR
DO NOT OBSTRUCT
or
FIRE DOOR
KEEP CLOSED**

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-49 General. Section 13.1 is amended by adding a new first paragraph and exception to read as follows: 13.1 General. The provisions of this chapter for new construction do not apply. For new construction see the building code. Existing buildings shall be maintained to the requirements to which it was built unless specifically indicated it applies to existing facilities.

Exception: When the building code does not require fire alarm systems, fire alarm systems shall be required according to Section 13.7. When the building code does require a fire alarm system, the requirements of the building code shall apply. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-50 Installation Acceptance Testing. Section 13.1.1 is amended by adding a second and third paragraph to read as follows: Fire alarm systems; fire hydrant systems; fire-extinguishing systems; standpipes; and other fire-protection systems and appurtenances required by this code shall be approved by the AHJ as to installation and location and shall be subject to acceptance tests required by the appropriate county agency.

A copy of a system's unsatisfactory inspection and maintenance test report shall be submitted to the AHJ by the testing company within five (5) working days after the completion of the test. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-51 Responsibility. Section 13.1.2 is amended by adding a sentence to the end of the paragraph to read as follows: A written record of the test reports verifying the operational status of these types of systems shall be maintained by the owner and shall be made available on the premises to the AHJ, upon request. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-52 Licenses. Section 13.1.2.1 is added to read as follows:
13.1.2.1 Personnel conducting inspections, testing and maintenance shall be issued a license by the AHJ. Said license shall be valid for three years for the following: 1) Automatic Fire Extinguishing Systems; 2) Class I standpipes; 3) Class II standpipes; 4) Class III standpipes; 5) Combined Systems; 6) Portable Fire Extinguishers.

Exception: Unless said license is suspended or revoked by the AHJ.

Personnel conducting the inspection, testing and maintenance shall be qualified and experienced in inspection, testing and maintenance for the specific type of system prior to conducting inspections, testing and maintenance for the specific type of system.

Procedures to be followed in accomplishing the test and inspections required by section 13.1.2.1 shall be in accordance with the appropriate NFPA standard and as promulgated by the AHJ in rules adopted pursuant to this code and HRS Chapter 91. Procedures to be followed in the issuance, suspension, or revocation for cause of licenses shall be as promulgated by the AHJ in rules adopted pursuant to this code and HRS Chapter 91. [Eff AUG 15 2014]
(Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-53 FDC. Section 13.1.4.2 is added to read as follows:
13.1.4.2 Fire department hose connections serving standpipe and sprinkler systems shall be located within 20 feet of a fire apparatus access road, not less than 18 inches and not more than 4 feet above grade, or as approved by the AHJ. Appropriate identification signs shall be provided as required by the AHJ. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-54 Records. Section 13.1.5 is amended to read as follows:
13.1.5 Detailed records documenting all systems and equipment testing, inspections and maintenance shall be kept by the property owner and shall be made available upon request for review by the AHJ. [Eff AUG 15 2014]
(Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-55 Smoke-Control Systems. Section 13.1.13 is added to read as follows: 13.1.13 Mechanical smoke-control systems, such as those in high-rise buildings, buildings containing atria, covered mall buildings and mechanical ventilation systems utilized in smokeproof enclosures and for smoke-removal systems utilized in high-piled combustible storage occupancies, shall be maintained in an operable condition at all times. A written record of the test

reports verifying the operational status of these types of systems shall be maintained by the owner and shall be made available on the premises to the AHJ, upon request. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-56 Existing Assembly Occupancies. Section 13.3.2.8 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-57 Existing Educational Occupancies. Section 13.3.2.10 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-58 Existing Health Care Occupancies. Section 13.3.2.12 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-59 Existing Detention and Correctional Facilities. Section 13.3.2.14 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-60 Existing Hotels and Dormitories. Section 13.3.2.16 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-61 Existing Residential Board and Care Facilities. Section 13.3.2.22 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-62 Existing Mercantile Occupancies. Section 13.3.2.24 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-63 Existing High-Rise Buildings. Section 13.3.2.26.2 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-64 Positive Alarm Sequence. Section 13.7.1.4.10.4 is amended to read as follows: 13.7.1.4.10.4 When approved by the AHJ and where permitted by Chapter 11 through Chapter 42 of NFPA 101, a positive alarm sequence shall be permitted, provided that it is in accordance with NFPA 72. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-65 General. Sections 13.7.2.3.1 is amended by adding a second paragraph to read as follows: An annunciator panel shall be provided in the office of each school. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-66 General. Sections 13.7.2.4.1 is amended by adding a second paragraph to read as follows: An annunciator panel shall be provided in the office of each school. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-67 Existing Apartment Buildings. Sections 13.7.2.12.1 and 13.7.2.12.2 are deleted in their entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-68 Lodging and Rooming Houses. Sections 13.7.2.13 and 13.7.2.13.1 are deleted in their entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-69 Existing Mercantile Occupancies. Section 13.7.2.18 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-70 Existing Business Occupancies. Section 13.7.2.20 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-71 Tag. Section 13.7.3.2.5 is added to read as follows:
13.7.3.2.5 A tag shall be placed on the fire alarm panel when tested in accordance with section 13.7.3.2. Information on the tag shall include the date of testing, testing company and contact information, technician performing the test, and that the test was satisfactory. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-72 Manual Fire Alarm Boxes. Section 13.7.3.3.6 is amended to add a new sentence at the end to read as follows: The location of manual fire alarm boxes may be modified by the AHJ.
[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-73 Application. Section 14.1 is amended to read as follows:
14.1 Application. Means of egress in existing buildings shall comply with this Code and NFPA 101, Life Safety Code. The provisions of this chapter do not apply for new construction. For new construction see the building code. Existing buildings shall be maintained to meet the requirements of the building code at the time the structure was built, unless specifically indicated for existing facilities. Provisions in this chapter are provided for maintenance purposes.

Exception: Stairway marking requirements set forth in Section 10.12.3 shall apply to new and existing construction.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-74 Additional Doors. Section 14.5.1.4 is amended by adding an exception at the end to read as follows:

Exception: Double-acting screen doors used in conjunction with exit doors having panic hardware in school cafeteriums do not need to comply with this provision. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-75 Latch. Section 14.5.2.13 is added to read as follows:
14.5.2.13 In accordance with the building code, security gates may be permitted across corridors or passageways in school buildings if there is a readily visible durable sign on or adjacent to the gate, stating 'THIS GATE IS TO REMAIN SECURED IN THE OPEN POSITION WHENEVER THIS BUILDING IS IN USE'. The sign shall be in letters not less than one inch high on a contrasting background. The use of this exception may be revoked by the building official for due cause. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-76 Occupant Load Increases. Section 14.8.1.3.1 is amended to read as follows: 14.8.1.3.1 The occupant load in any building or portion thereof shall be allowed to be increased from the occupant load established for the given use in accordance with the building code where all other requirements of this Code are also met, based on such increased occupant load. Occupant load increases shall be approved by the AHJ. The fire department shall be notified of any increase in occupant load. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-77 Determination of Occupant Load. Section 14.8.1.7 is added to read as follows: 14.8.1.7 The number of persons in a building or portion thereof shall not exceed the amounts determined as specified in the building code. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-78 Egress Capacity. Section 14.8.3.1 is amended to read as follows: 14.8.3.1 Egress capacity for approved components of means of egress shall be based on the capacity factors shown in the building code. [Eff **AUG 15 2014**] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-79 Elevator Identification. Add a Section 14.14.8.4 to read as follows: 14.14.8.4 At all elevator locations on each floor level above and

below the floor of exit discharge, there shall be displayed in a conspicuous location a sign reading: 'IN CASE OF FIRE USE EXIT STAIRWAYS. DO NOT USE ELEVATORS'. Lettering shall be not less than 5/8-inch high.

Exception: Signs at least 2-3/4-inches X 2-1/4-inches in overall size with legible wording and approved by the AHJ, may be used as an alternate and shall be affixed at each elevator call button assembly.

Elevator service companies shall have their name and telephone number in the elevator key box. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-80 Water Supply. Section 16.4.3.1.1 is amended to read as follows: 16.4.3.1.1 A water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material is present. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-81 Modifications to Required Access. Section 18.2.3.1.3 is amended to read as follows: 18.2.3.1.3 The provisions of 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions exists:

1. Not more than two one- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1
 2. Not more than two existing one- and two-family dwellings
 3. Private garages having an area not exceeding 400 ft²
 4. Carports having an area not exceeding 400 ft²
 5. Agricultural buildings having an area not exceeding 400 ft²
 6. Sheds and other detached buildings having an area not exceeding 400 ft²
- [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-82 Dimensions. Section 18.2.3.4.1.1 is amended to read as follows: 18.2.3.4.1.1 Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m) or as approved by the AHJ. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-83 Dimensions. Section 18.2.3.4.1.2 is amended to read as follows: 18.2.3.4.1.2 Fire department access roads shall have an unobstructed

vertical clearance of not less than 13 ft 6 in. (4.1 m) or as approved by the AHJ.
[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-84 Bridges or Culverts. Section 18.2.3.4.5.1 is amended to read as follows: 18.2.3.4.5.1 When a bridge or culvert is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with county requirements. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-85 Bridges or Culverts. Section 18.2.3.4.5.2 is amended to read as follows: 18.2.3.4.5.2 The bridge or culvert shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-86 Required Water Supply for Fire Protection. Section 18.3.1 is amended to read as follows: 18.3.1 A water supply approved by the county, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site fire hydrant requirements see section 18.5.1.

Exceptions:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system, the provisions of section 18.3.1 may be modified by the AHJ.
2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in section 18.3.1.1, as amended in this code.
3. When there are not more than two dwellings, or two private garages, carports, sheds and agricultural Occupancies, the requirements of section 18.3.1 may be modified by the AHJ.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-87 Required Installations. Section 18.5.1 is amended to read as follows: 18.5.1 The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on a fire apparatus access road or on the site of the premises or both, in accordance with the appropriate county water requirements.
[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-88 Testing. Section 18.5.4 is amended to read as follows: 18.5.4 Private water supply systems shall be tested and maintained in accordance with NFPA 25 or county requirements as determined by the AHJ.
[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-89 Testing and Maintenance. Section 18.5.6 is amended by adding a paragraph to read as follows: The AHJ shall be notified whenever any fire hydrant is placed out of service or returned to service. Owners of private property required to have hydrants shall maintain hydrant records of approval, testing, and maintenance, in accordance with the respective county water requirements. Records shall be made available for review by the AHJ upon request. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-90 Nonmetallic Containers. Section 19.2.1.2.1 is amended by adding an exception at the end to read as follows:
Exception: Containers used by private residences for refuse pickup.
[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-91 Decorative Materials. Section 20.1.2.1 is amended by adding a new sentence at the end to read as follows: A record of fire-resistant treatment shall be kept on the premises for review by the AHJ.
[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-92 Plan of Exit Ways and Aisles. Section 20.1.5.1.4 is added to read as follows: 20.1.5.1.4 A floor plan indicating the seating

arrangements, location and width of exit ways and aisles shall be submitted to the AHJ for review for places of assembly with an occupant load of 300 or more persons. A copy of the plan shall be kept on display on the premises. An exit plan shall also be posted in a conspicuous location near the main entrance and shall be maintained in a legible condition by the owner or an authorized agent.

Management of the event or business shall be responsible for the inspection before each show or event of all required means of egress from each part of the building, including stairways, egress doors and any panic hardware installed thereon, aisles and corridors. Passageways and similar elements of the means of egress shall be available for immediate use and free of all obstructions before each show or event. Management shall inform all patrons of all required exit locations before each show or event in places of assembly with an occupant load of 300 or more persons. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-93 Overcrowding. Section 20.1.5.1.5 is added to read as follows: 20.1.5.1.5 Overcrowding. Overcrowding and admittance of persons beyond the approved capacity of a place of assembly are prohibited. The AHJ, upon finding overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding a condition which constitutes a serious menace to life, is authorized to cause the performance, presentation, spectacle or entertainment to be stopped until such conditions or obstruction is corrected. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-94 Open Flame Devices and Pyrotechnics. Section 20.1.5.3, Item (1) is amended to read as follows:

- (1) Pyrotechnic special effect devices shall be permitted to be used on stages before proximate audiences for ceremonial or religious purposes, as part of a demonstration in exhibits, or as part of a performance, provided that all of the following criteria are met:
 - (a) Precautions satisfactory to the AHJ are taken to prevent ignition of any combustible material.
 - (b) Use of the pyrotechnic device complies with Section 65.3.
 - (c) Use of pyrotechnic devices indoors shall only be allowed in buildings protected throughout with automatic fire sprinklers.
 - (d) Use of pyrotechnic devices indoors shall only be allowed in buildings where all fire and life safety systems are deemed appropriate as determined by the AHJ. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-95 Open Flame Devices and Pyrotechnics. Section 20.1.5.3 is amended by adding a new item (7) to read as follows:

- (7) When approved by the AHJ, open-flame devices may be used by performers, provided adequate precautions are taken to prevent ignition of combustible materials. Such devices shall not be used except in areas protected by an automatic sprinkler system. In addition, a 20 foot clearance to the viewing audience shall be provided, or a suitable non-combustible net shall be erected to prevent accidental release onto the viewing audience. Performances with fire shall provide a plan for use of fire approved by the AHJ. The plan shall address fuel use and storage, device ignition, device usage and extinguishment procedures.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-96 Open Flame Devices and Pyrotechnics. Section 20.1.5.3 is amended by adding a new item (8) to read as follows:

- (8) Portable heating equipment, not flue-connected, shall be permitted only as follows: Equipment fueled by small heat sources which can be readily extinguished by water, such as candles or alcohol-burning equipment (including solid alcohol) may be used provided adequate precautions satisfactory to the AHJ are taken to prevent ignition of any combustible materials. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-97 Fire Drills. Section 20.2.4.2.3 is amended by adding a new exception at the end to read as follows:

Exception: Fire drills at high schools, middle schools and intermediate schools shall be conducted at least quarterly during school sessions.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-98 Use of School Facilities for Sleeping. Section 20.2.4.6 is added to read as follows: 20.2.4.6 Use of School Facilities for Sleeping.

Educational occupancies that allow sleeping on a temporary basis shall prohibit smoking or open flames and shall be provided with one of the following:

1. Smoke alarms shall be provided in the designated sleeping area. When the facility is provided with a fire alarm system, the smoke alarms shall be connected to the fire alarm system, or

2. An approved fire watch shall be provided. [Eff AUG 15 2014]
(Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-99 Manufactured Housing. Section 20.11.5 is deleted in its entirety. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-100 Scope. Section 25.1.1 is amended by adding an exception at the end to read as follows:

Exception: The provisions of this section do not apply to tents and temporary membrane structures having an area 400 square feet or less. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-101 Guard Posts. Section 42.3.3.7.2 is amended to read as follows: 42.3.3.7.2 Guard posts or other approved means shall be provided to protect tanks and appurtenances that are subject to vehicular damage in accordance with section 60.5.1.9. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-102 Emergency Electrical Disconnects. Section 42.5.7 is amended by adding new sentences at the end to read as follows: Such devices shall be distinctly labeled as EMERGENCY FUEL SHUTOFF DEVICE. Signs shall be provided in approved locations. The signs shall be in red letters on a white background, not less than two inches high, with a ¼ inch stroke. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-103 Age Limitation. Section 42.7.1.1 is added to read as follows: 42.7.1.1 Age Limitation. Persons under the age of 15 years are prohibited from dispensing fuel. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-104 Foreign Objects. Section 42.7.1.2 is added to read as follows: 42.7.1.2 Foreign Objects. The placement of a foreign object(s), that allows the fuel dispensing lever to remain in the open position, is prohibited at all times. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-105 Signs. Section 42.7.2.5.4 is amended to read as follows: 42.7.2.5.4 Signs. Warning signs shall be conspicuously posted in the dispensing area and shall incorporate the following or equivalent wording:

WARNING:

It is unlawful and dangerous to dispense gasoline into unapproved containers.

No smoking.

Stop motor.

No filling of portable containers in or on a motor vehicle.

Place container on ground before filling.

Discharge your static electricity before fueling by touching a metal surface away from the nozzle.

Do not re-enter your vehicle while gasoline is pumping.

If a fire starts, **do not** remove nozzle — back away immediately.

Do not allow individuals under the age of 15 years to use the pump.

The placement of a foreign object(s), that allows the fuel dispensing lever to remain in the open position, is prohibited at all times.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-106 Latch-Open Device. Section 42.7.4.3.2 is added to read as follows: 42.7.4.3.2 The hose nozzle valve shall not be equipped with an integral latch-open device where dispensing of Class I, II or III-A liquids is performed by someone other than a qualified attendant. The placement of a foreign object(s), that allows the fuel dispensing lever to remain in the open position, is prohibited at all times. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-107 Latch-Open Device. Section 42.7.5.4 is amended to read as follows: 42.7.5.4 The hose nozzle valve shall not be equipped with an integral latch-open device where dispensing of Class I, II or III-A liquids is performed by someone other than a qualified attendant. The placement of a foreign object(s), that allows the fuel dispensing lever to remain in the open position, is prohibited at all times. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-108 Acceptance Test. Section 50.4.3.3 is added to read as follows: 50.4.3.3. Prior to the commencement of initial cooking operations, a satisfactory acceptance test of the system shall be made in accordance with the

manufacturer's instructions. The acceptance test shall be of an approved method and witnessed by the AHJ. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-109 Operations and Maintenance. Section 50.5.2.1 is amended to read as follows: 50.5.2.1 Extinguishing systems shall be serviced at least every six months or after activation of the system. Inspections shall be conducted by a qualified individual as approved by the AHJ. A copy of the inspection test report shall be kept on the premises and a copy of the inspection report shall be forwarded to the AHJ within five (5) working days of completion of the required servicing and testing.

The AHJ shall be notified a minimum of four (4) working days prior to the service date by the company conducting the test. The AHJ shall be informed of the name of the business being serviced, date and time of servicing, and the company and the individual conducting the servicing.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-110 Available. Section 60.1.6.1 is revised by adding a sentence to read as follows: The HMMP shall be made available on site.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-111 Protection from Vehicles. Section 60.5.1.9.2, Item (2) is amended to read as follows:

(2) They shall be spaced not more than 3 feet between posts on center.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-112 Protection from Vehicles. Section 60.5.1.9.2, Item (5) is amended to read as follows:

(5) They shall be located not less than 3 feet from the tank.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-113 Attended Delivery. Section 63.4.14.1.2.1 is added to read as follows: 63.4.14.1.2.1 Tank vehicles transporting cryogenic fluids shall not be left unattended on any residential street or within 500 feet of any

residential area, apartment or hotel complex, educational, hospital or care facility at any time; or at any other place or location that would present a hazard to persons or property from fire loss.

Exception: When unattendance is necessary in connection with unloading the vehicle or servicing tanks; or when in case of accident or other emergency, the operator must leave the vehicle to obtain assistance.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-114 Seizure of Fireworks. Section 65.1.3 is added to read as follows: 65.1.3 The AHJ is authorized to require the owner to remove at the expense of the owner, all fireworks offered for sale, stored, or possessed in violation of Chapter 65, or other applicable state or county laws or rules.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-115 Prohibition. Section 65.1.4 is added to read as follows: 65.1.4 Importation, storage, possession, sale, purchase, transfer, public displays and discharge of fireworks shall be in accordance with chapter 132D, HRS

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-116 Permits. Section 65.9.2.2 is deleted in its entirety.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-117 Permits and Plans. Section 66.1.5 is amended to read as follows: 66.1.5 Permits and Plans. Permits, where required, shall comply with Section 1.12 and applications for permits shall be submitted with a proposed site plan. [Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-118 Filling Unpermitted Tanks Prohibited. Section 66.1.5.1 is added to read as follows: 66.1.5.1. No fuel supplier shall fill or cause to be filled, an unpermitted storage tank. It is the supplier's responsibility to request and be presented with a copy of the approved permit issued by the AHJ.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-119 Tanks Abandoned in Place. Section 66.21.7.4.3.3 is amended to read as follows: 66.21.7.4.3.3 Tanks Abandoned in Place. Tanks may be abandoned in place only if a certified structural engineer confirms that the removal of the tank will jeopardize the structural integrity of the existing building. An affidavit attesting to this determination shall be submitted to the AHJ prior to taking abandonment measures. Tanks abandoned in place shall be abandoned as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping,
2. The suction, inlet, gage, vapor return and vapor lines shall be disconnected.
3. The tank shall be filled completely with an approved, inert solid material.
4. Remaining underground piping shall be capped or plugged, and
5. A record of tank size, location and date of abandonment shall be retained by the owner and a copy submitted to the AHJ.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

§12-45.3-120 Authority to Fill. Section 69.1.2.1 is added to read as follows: 69.1.2.1. No fuel supplier shall fill or cause to be filled, an unpermitted storage tank. It is the supplier's responsibility to request and be presented with a copy of the approved permit issued by the authority having jurisdiction.

[Eff AUG 15 2014] (Auth: HRS §132-3)(Imp: HRS §132-3)

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

The repeal of chapter 12-45.2 and the adoption of chapter 12-45.3, Hawaii Administrative Rules, on the Summary Page dated June 20, 2014, was adopted on June 20, 2014, following a public hearing held on June 20, 2014, after public notice was given in the Honolulu Star Advertiser on May 19, 2014.

The repeal of chapter 12-45.2 and the adoption of chapter 12-45.3 shall take effect ten days after filing with the Office of the Lieutenant Governor.



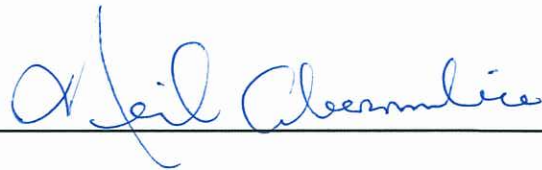
Manuel P. Neves, Chairperson
State Fire Council


FOR
Dwight Takamine, Director
Department of Labor and Industrial
Relations

APPROVED AS TO FORM:



Deputy Attorney General



Neil Abercrombie
Governor
State of Hawaii

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