

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Adoption of Chapter 12-44.1
Hawaii Administrative Rules

SUMMARY

Chapter 12-44.1, Hawaii Administrative Rules, entitled "Testing, Certifying, and Credentialing Individuals Who Perform Maintenance and Testing of Portable Fire Extinguishers, Fire Protection Systems, and Fire Alarm Systems," is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 12

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 7

BOARDS

CHAPTER 44.1

TESTING, CERTIFYING, AND CREDENTIALING INDIVIDUALS WHO
PERFORM MAINTENANCE AND TESTING OF PORTABLE FIRE
EXTINGUISHERS, FIRE PROTECTION SYSTEMS, AND
FIRE ALARM SYSTEMS

Subchapter 1 Rules of General Applicability

§12-44.1-1	Definitions
§12-44.1-2	General provisions
§12-44.1-3	Application for certificate of fitness
§12-44.1-4	Violations
§12-44.1-5	Appeals

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§12-44.1-1 Definitions. The following definitions shall apply to this chapter.

"Certificate of fitness" means a credential issued by the county fire department to any person for the purpose of granting permission to such person to conduct or engage in any operation or act for which certification to perform maintenance and testing of portable fire extinguishers, fire protection systems and fire alarm systems is required.

"Fire alarm system" means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

"Fire protection system" means any fire alarm device or system, or fire extinguishing device or system, or any combination thereof, that is designed and installed for detecting, controlling, or extinguishing a fire or otherwise alerting occupants or the fire department or both that a fire has occurred.

"Other fire extinguishing system" means any fixed fire extinguishing system which uses an extinguishing agent other than water. They may include dry chemical, foam, halogen-type (including nonhalogenated), carbon dioxide, and special hazard systems.

"Portable fire extinguisher" means a portable device, carried or on wheels and manually operable, containing an extinguishing agent that can be expelled under pressure for suppressing or extinguishing fire.

"Private fire hydrant" means a valved connection on a water supply system having one or more outlets that is used to supply hose and fire department pumpers with water and is located on private property.

"State fire council" means a governing body comprised of the four county fire chiefs or their authorized representatives, which is administratively attached to the Hawaii department of labor and industrial relations.

"Water-based fire extinguishing system" means any class I, II, and III and combined standpipe system, automatic sprinkler system, or automatic water spray fixed system utilizing water as an extinguishing agent. [Eff _____] (Auth: HRS §132-16)(Imp: HRS §132-16; SLH 2014, Act 165)

§12-44.1-2 General provisions.

(a) Certificates of fitness may only be issued to a person eighteen years of age or older.

(b) Certificates of fitness are nonrefundable and nontransferable.

(c) Certificates of fitness are valid for three years.

(d) The holder of a certificate of fitness may only perform maintenance and testing on the type or types of extinguishers or systems for which the certificate of fitness was issued.

[Eff] (Auth: HRS §132-16)(Imp: HRS §132-16; SLH 2014, Act 165)

§12.44.1-3 Application for certificate of fitness. (a) An application for a certificate of fitness to maintain and test portable fire extinguishers, fire protection systems, and fire alarm systems shall be submitted to the a county fire department along with copies of the following supporting documents:

- (1) Applicant's driver's license;
- (2) Third party certifications; and
- (3) Other applicable training or certificates.

(b) A person submitting documentation to the county fire department must have current certificate of training from a certifying organization approved by the SFC, which can be found on the State Fire Council website.

(c) The county fire departments shall issue certificates of fitness to persons who are qualified to maintain and test portable fire extinguishers, fire protection systems, and fire alarm systems

(d) The county fire departments shall collect applicable fees.

(e) The fee for each certificate of fitness is payable by check or money order to the county fire department and is nonrefundable. Cash will

not be accepted. [Eff _____]
(Auth: HRS §132-16)(Imp: HRS §132-16; SLH 2014,
Act 165)

§12-44.1-4 Violations. (a) The county fire department may deny, revoke, or suspend the certificate of fitness for up to one year if, it finds the holder of the certificate of fitness:

- (1) Violated any portion of the state fire code in maintaining and testing portable fire extinguishers, fire protection systems, and fire alarms systems;
- (3) Falsified any record required to be maintained by the state fire code;
- (4) Falsely obtained or attempted to obtain a certificate of fitness; or
- (5) Engaged in testing and maintaining a portable fire extinguisher, fire protection system and/or fire alarm system for which a permit is required under this chapter during the suspension, revocation, or expiration of any certificate of fitness.

(b) No new certificate of fitness shall be issued to a person for a period of up to one year from the date of the certificate of fitness revocation during which time the person shall cease all operations as a maintainer and tester of portable fire extinguishers, fire protection systems, and fire alarm systems. [Eff _____] (Auth: HRS §132-16)(Imp: HRS §132-16; SLH 2014, Act 165)

APPEALS

§12-44.1-5 Appeal of a certificate of fitness application denial or suspension must be in writing and filed with the county fire chief from which the denial or suspension was issued within twenty days after the date of mailing of the denial or suspension.

The fire chief of the county from which the denial or suspension was issued may for good cause shown extend the period within which to file the appeal if a request for extension of time to file an appeal is received in writing setting forth the reasons for the request. The request for extension of time to file an appeal shall be filed with county fire chief from which the denial or suspension was issued within the twenty days to file an appeal. Deposit of an appeal or request for extension of time in the mail, addressed to the county fire chief from which the denial or suspension was issued, with a postmark dated within the twenty days shall be deemed a timely filing. A hearing shall be held in accordance with chapter 91, Hawaii Revised Statutes. Computation of time shall be in accordance with section 1-29, Hawaii Revised Statutes. [Eff _____] (Auth: RCH §4-105; HRS §91-2)(Imp: HRS §91-9)

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

The adoption of chapter 12-44.1, Hawaii Administrative Rules, on the Summary Page dated _____, was adopted on _____, following a public hearing held on _____, after public notice was given in the Honolulu Star Advertiser on _____.

The adoption of chapter 12-44.1 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Manuel P. Neves, Chairperson
State Fire Council

Linda Chu Takayama, Director
Department of Labor and
Industrial Relations

APPROVED AS TO FORM:

Deputy Attorney General

David Y. Ige
Governor
State of Hawaii

Dated: _____

Filed