

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Adoption of Chapter 12-44.1
Hawaii Administrative Rules

March 13, 2018

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 to read as follows:

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

§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 to maintain and test portable fire extinguishers, fire protection systems, or fire alarm systems, or any combination of the above.

"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 of the above, 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.

"Water-based fire extinguishing system" means any class I, II, or III standpipe system, and combined standpipe system, automatic sprinkler system, or automatic water spray fixed system utilizing water as an extinguishing agent. [Eff ^{JUL 30 2018}]
 (Auth: HRS §132-16) (Imp: HRS §132-16)

§12-44.1-2 General provisions.

- (a) Certificates of fitness may only be issued to a person 18 years of age or older.
- (b) Certificates of fitness are 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 JUL 30 2018] (Auth: HRS §132-16) (Imp:
HRS §132-16)

§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, or fire alarm systems, or any combination of the above, found on the State Fire Council website, shall be submitted to a county fire department along with copies of the following supporting documents:

- (1) Applicant's driver's license;
- (2) Approved third-party certificate; and
- (3) Proof of applicable training regarding private fire hydrants.

(b) A current listing of approved third-party certifying organizations may 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, or fire alarm systems or any combination of the above.

(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 JUL 30 2018]

(Auth: HRS §132-16) (Imp: HRS §132-16)

§12-44.1-4 Violations. (a) The county fire department may deny or suspend the certificate of fitness for up to one year if it finds that 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, or fire alarm 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, or fire alarm system, or any combination of the above, for which a certificate of fitness is required under this chapter during the suspension 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 the certificate of fitness was suspended during which time the person shall cease all operations as a maintainer and tester of portable fire extinguishers, fire protection systems, or fire alarm systems, or any combination of the above.

[Eff JUL 30 2018] (Auth: HRS §132-16) (Imp: HRS §132-16)

§12-44.1-5 Appeals. (a) 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 20 days after the date of mailing of the denial or suspension. Deposit of an appeal in the mail addressed to the county fire chief from which the denial or suspension was issued with a postmark dated within the 20 days shall be deemed a timely filing.

(b) 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 JUL 30 2018] (Auth: HRS §132-16) (Imp: HRS §132-16)

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

The adoption of chapter 12-44.1, Hawaii Administrative Rules, on the Summary Page dated March 13, 2018, was adopted on March 13, 2018, following a public hearing held on March 13, 2018, after public notice was given in the Honolulu Star Advertiser on February 7, 2018.

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



Leonard Hoshijo, Director
Department of Labor and
Industrial Relations

APPROVED AS TO FORM:



Deputy Attorney General



David Y. Ige
Governor
State of Hawaii

Dated: 07-20-2018

Filed