

# S.B. NO. 2803

JAN 24 2018

## A BILL FOR AN ACT

RELATING TO BOILER AND ELEVATOR SAFETY LAW.

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

1 SECTION 1. Section 397-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+] §397-3 [-] Definitions. [~~"Appeals board" means the~~  
4 ~~department of labor and industrial relations appeals board.~~] As  
5 used in this chapter:

6 "Appeals board" means the labor and industrial relations  
7 appeals board established by section 371-4.

8 "Boiler" means a closed vessel in which water or other  
9 liquid is heated, steam or vapor is generated, steam or vapor is  
10 superheated, or any combination thereof[-]; under pressure for  
11 use external to itself, by the direct application of [heat. ~~The~~  
12 ~~term "boiler" includes fired units for heating or vaporizing~~  
13 ~~liquids other than water where these units are separate from~~  
14 ~~processing systems and complete within themselves.~~] energy from  
15 the combustion of fuels, or from electricity, or solar energy.

16 "Contractor" means any person, firm, or corporation  
17 installing, repairing, or servicing and responsible for the safe  
18 operation of any boiler, pressure vessel, pressure system,

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1 amusement ride, and elevator and kindred equipment or structure  
2 inspected pursuant to this chapter.

3 "Department" means the department of labor and industrial  
4 relations.

5 "Director" means the director of labor and industrial  
6 relations.

7 "Division" means the division of occupational safety and  
8 health.

9 "Elevator" means a hoisting and lowering mechanism  
10 permanently installed in a structure, designed to carry  
11 passengers or authorized personnel, equipped with a car or  
12 platform which moves in fixed guides and serves two or more  
13 fixed landings.

14 "Elevators and kindred equipment" as used in this chapter  
15 means elevators, escalators, dumbwaiters, moving walks, stage  
16 lifts, [~~mechanized parking elevators, manlifts,~~] inclined lifts,  
17 personnel hoists, [~~aerial tramways,~~] permanently installed  
18 material lifts, [~~personal automatic trains~~] and any other  
19 similar mechanized equipment used to convey people in places  
20 other than a public right-of-way."

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1 "National Board" means the National Board of Boiler and  
2 Pressure Vessel Inspectors [~~, 1055 Crupper Avenue, Columbus, Ohio~~  
3 ~~43229~~].

4 "Owner" means any person, firm, or corporation with legal  
5 title to any boiler, pressure vessel, pressure system, amusement  
6 ride, and elevator and kindred equipment inspected pursuant to  
7 this chapter who may or may not be the user.

8 "Pressure piping" means piping systems specified in the  
9 [~~American National Standard Code for Pressure Piping developed~~  
10 ~~and promulgated by the~~] American Society of Mechanical  
11 Engineers[-] Power Piping Code B31.1.

12 "Pressure systems" means both pressure vessels and pressure  
13 piping as defined in this section.

14 "Pressure vessel" means a closed vessel in which pressure  
15 is obtained from an external source or by the direct application  
16 of heat from a direct or indirect source.

17 "User" means any person, firm, or corporation legally in  
18 possession and responsible for the safe operation of any boiler,  
19 pressure vessel, pressure system, amusement ride, and elevator  
20 and kindred equipment inspected pursuant to this chapter.

21 "Vendor" means any person, firm, or corporation that sells  
22 or distributes any boiler, pressure vessel, pressure system,

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1 amusement ride, and elevator and kindred equipment required to  
2 be inspected pursuant to this chapter."

3 SECTION 2. Section 397-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§397-4 Powers and duties. (a) Administration.

6 (1) The department shall establish a boiler and elevator  
7 inspection branch for the enforcement of the rules  
8 adopted under this chapter and other duties as  
9 assigned;

10 (2) The department shall:

11 (A) Implement and enforce the requirements of this  
12 chapter; and

13 (B) Keep adequate and complete records of the type,  
14 size, location, identification data, and  
15 inspection findings for boilers, pressure  
16 vessels, pressure systems, amusement rides, and  
17 elevators and kindred equipment required to be  
18 inspected pursuant to this chapter;

19 (3) The department shall formulate definitions and adopt  
20 and enforce standards and rules pursuant to chapter 91  
21 that may be necessary for carrying out this chapter[-  
22 ~~Definitions and rules adopted in accordance with~~

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1 ~~chapter 91 under the authority of chapter 396, prior~~  
2 ~~to the adoption of this chapter that pertain to~~  
3 ~~boilers, pressure systems, amusement rides, and~~  
4 ~~elevators and kindred equipment required to be~~  
5 ~~inspected pursuant to this chapter, shall be continued~~  
6 ~~in force under the authority of this chapter];~~

7 (4) Emergency temporary standards may be adopted without  
8 conforming to chapter 91 and without hearings to take  
9 immediate effect upon giving public notice of the  
10 emergency temporary standards or upon another date  
11 that may be specified in the notice. An emergency  
12 temporary standard may be adopted, if the director  
13 determines:

14 (A) That the public or individuals are exposed to  
15 grave danger from exposure to hazardous  
16 conditions or circumstances; and

17 (B) That the emergency temporary standard is  
18 necessary to protect the public or individuals  
19 from danger.

20 Emergency temporary standards shall be effective until  
21 superseded by a standard adopted under chapter 91, but

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1            [~~in any case~~] shall not be effective [~~no~~] longer than  
2            six months;

3            (5) Variances from standards adopted under this chapter  
4            may be granted upon application of an owner, user,  
5            contractor, or vendor. Application for variances  
6            shall correspond to procedures set forth in the rules  
7            adopted pursuant to this chapter. The director may  
8            issue an order for variance, if the director  
9            determines that the proponent of the variance has  
10           demonstrated that the conditions, practices, means,  
11           methods, operations, or processes used or proposed to  
12           be used will provide substantially equivalent safety  
13           as that provided by the standards;

14           (6) Permits.

15           (A) The department shall issue a "permit to operate"  
16           regarding any boiler, pressure vessel, pressure  
17           system, amusement ride, or elevator and kindred  
18           equipment if found to be safe in accordance with  
19           rules adopted pursuant to chapter 91;

20           (B) The department may immediately revoke any "permit  
21           to operate" of any boiler, pressure vessel,  
22           pressure system, amusement ride, or elevator and

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1 kindred equipment found to be in an unsafe  
2 condition or where a user, owner, or contractor  
3 ignores prior department orders to correct  
4 specific defects or hazards and continues to use  
5 or operate the [~~above-mentioned~~] above-mentioned  
6 apparatus without abating the hazards or defects;

7 (C) The department shall reissue a "permit to  
8 operate" to any user, owner, or contractor who  
9 demonstrates that the user, owner, or contractor  
10 is proceeding in good faith to abate all  
11 nonconforming conditions mentioned in department  
12 orders and the boilers, pressure vessels,  
13 pressure systems, amusement rides, and elevators  
14 and kindred equipment are safe to operate; and

15 (D) The department shall establish criteria for the  
16 periodic reinspection and renewal of the permits  
17 to operate, and may provide for the issuance of  
18 temporary permits to operate while any  
19 noncomplying boiler, pressure vessel, pressure  
20 system, amusement ride, and elevator and kindred  
21 equipment are being brought into full compliance  
22 with the applicable standards and rules adopted

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1           pursuant to this chapter ; provided that the  
2           period between an initial safety inspection or  
3           the inspection used as a basis for the issuance  
4           of a permit to operate, and any subsequent  
5           inspection of elevators and kindred equipment  
6           shall not exceed one year;

7           (7) No boiler, pressure vessel, pressure system, amusement  
8           ride, or elevator and kindred equipment which are  
9           required to be inspected by this chapter or by any  
10          rule adopted pursuant to this chapter shall be  
11          operated, except as necessary to install, repair, or  
12          test, unless a permit to operate has been authorized  
13          or issued by the department and remains valid; and

14          (8) The department, upon the application of any owner or  
15          user or other person affected thereby, may grant time  
16          that may reasonably be necessary for compliance with  
17          any order. Any person affected by an order may for  
18          cause petition the department for an extension of  
19          time.

20          (b) Inspection and investigation.

21          (1) Authorized representatives of the director shall have  
22          the right to enter without delay during regular

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1 working hours and at other reasonable times any place,  
2 establishment or premises in which are located  
3 boilers, pressure vessels, pressure systems, amusement  
4 rides, and elevators and kindred equipment requiring  
5 inspection pursuant to this chapter.

6 (2) The department shall inspect for the purpose of  
7 insuring compliance with the purposes and provisions  
8 of this chapter any activity related to the erection,  
9 construction, alteration, demolition or maintenance of  
10 buildings, structures, bridges, highways, roadways,  
11 dams, tunnels, sewers, underground buildings or  
12 structures, underground pipelines or ducts, and other  
13 construction projects or facilities.

14 (3) The department shall review plans and make  
15 inspections, and investigations of boilers, pressure  
16 vessels, and pressure systems, and the premises  
17 appurtenant to each at times and at intervals  
18 determined by the director for the purpose of insuring  
19 compliance with the purpose and provisions of this  
20 chapter. This section shall not apply to single  
21 family dwellings or multiple dwelling units of less  
22 than six living units.

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- 1           (4) The department shall review plans and make  
2                   inspections, and investigations of elevators and  
3                   kindred equipment and the premises appurtenant to each  
4                   at times and at intervals determined by the director  
5                   for the purpose of insuring compliance with the  
6                   purposes and provisions of this chapter. This section  
7                   shall not apply to single family dwellings.
- 8           (5) The department shall inspect, at least semi-annually  
9                   all mechanically or electrically operated devices  
10                  considered as major rides and used as amusement rides  
11                  at a carnival, circus, fair, or amusement park for the  
12                  purpose of protecting the safety of the [~~general~~]  
13                  public. This section shall not apply to any coin  
14                  operated ride or mechanically or electrically operated  
15                  devices considered or known in the amusement trade as  
16                  kiddie rides.
- 17          (6) The department may investigate accidents involving  
18                  boilers, pressure vessels, pressure systems, amusement  
19                  rides, and elevators and kindred equipment inspected  
20                  under this chapter and may issue orders and  
21                  recommendations with respect to the elimination and  
22                  control of the cause factors.

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- 1           (7) The department shall have the right to question any  
2           employer, owner, operator, agent or employee in  
3           investigation, enforcement, and inspection activities  
4           covered by this chapter.
- 5           (8) Any employee of the State acting within the scope of  
6           the employee's office, employment, or authority under  
7           this chapter shall not be liable in or made a party to  
8           any civil action growing out of the administration and  
9           enforcement of this chapter.
- 10          (c) Education and training.
- 11          (1) The department may disseminate through exhibitions,  
12          pictures, lectures, pamphlets, letters, notices, and  
13          any other method of publicity, to owners, users,  
14          vendors, architects, contractors, employees, and the  
15          ~~[general]~~ public information regarding boilers,  
16          pressure vessels, pressure systems, amusement rides,  
17          and elevators and kindred equipment required to be  
18          inspected pursuant to this chapter.
- 19          (2) Where appropriate, the department may undertake  
20          programs in training and consultation with owners,  
21          users, property management firms, vendors, architects,  
22          contractors, employees, and the ~~[general]~~ public

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1            regarding the safety requirements of this chapter and  
2            the rules [~~and regulations~~].

3            (d) Enforcement.

4            (1) Whenever right of entry to a place to inspect any  
5            boiler, pressure vessel, pressure system, amusement  
6            ride, or elevator and kindred equipment required by  
7            this chapter to be inspected is refused to an  
8            authorized representative of the director, the  
9            department may apply to the circuit court where such  
10           place exists for a search warrant providing on its  
11           face that the wilful interference with its lawful  
12           execution may be punished as a contempt of court.

13           (2) Whenever the department finds that the construction of  
14           or the operation of any boiler, pressure vessel,  
15           pressure system, amusement ride, or elevator and  
16           kindred equipment required to be inspected by this  
17           chapter is not safe, or that any practice, means,  
18           method, operation or process employed or used is  
19           unsafe or is not in conformance with the rules and  
20           regulations promulgated pursuant to this chapter, the  
21           department shall issue an order to render the  
22           construction or operation safe or in conformance with

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1           this chapter or rules [~~and regulations~~] and deliver  
2           the same to the contractor, owner, or user. Each  
3           order shall be in writing and may be delivered by mail  
4           or in person. The department may in the order direct  
5           that, in the manner and within a time specified such  
6           additions, repairs, improvements, or changes be made  
7           and such safety devices and safeguards be furnished,  
8           provided and used as are reasonably required to insure  
9           compliance with the purposes and provisions of this  
10          chapter. The owner, or user, or contractor shall obey  
11          and observe all orders issued by the department or be  
12          subject to appropriate civil penalties.

13          (3) Whenever in the opinion of the department the  
14          condition of, or the operation of boilers, pressure  
15          vessels, pressure systems, amusement rides, or  
16          elevators and kindred equipment required to be  
17          inspected by this chapter, or any practice, means,  
18          method, operation, or process employed or used, is  
19          unsafe, or is not properly guarded or is dangerously  
20          placed, the use thereof may be prohibited by the  
21          department, an order to that effect shall be posted  
22          prominently on the equipment, or near the place or

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1 condition referred to in the order. The order shall  
2 be removed when a determination has been made by an  
3 authorized representative of the department that the  
4 boilers, pressure vessels, pressure systems, amusement  
5 rides, or elevators and kindred equipment are safe and  
6 the required safeguards or safety devices are  
7 provided.

8 (4) When in the opinion of the department the operation of  
9 boilers, pressure vessels, pressure systems, amusement  
10 rides, or elevators and kindred equipment, required to  
11 be inspected by this chapter or any practice, means,  
12 method, operation or process employed or used  
13 constitutes an imminent hazard to the life or safety  
14 of any person, or to property, the department may  
15 apply to the circuit court of the circuit in which  
16 such boilers, pressure vessels, pressure systems,  
17 amusement rides, or elevators and kindred equipment  
18 are situated or such practice, means, method,  
19 operation or process is employed for an injunction  
20 restraining the use or operation until the use or  
21 operation is made safe. The application to the  
22 circuit court accompanied by an affidavit showing that

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1 the use or operation exists in violation of a  
2 standard, rule, [~~regulation,~~] variance, or order of  
3 the department and constitutes an imminent hazard to  
4 the life or safety of any person or to property and  
5 accompanied by a copy of the standard, rule,  
6 [~~regulation,~~] variance, or applicable order, shall  
7 warrant, in the discretion of the court, the immediate  
8 granting of a temporary restraining order. No bond  
9 shall be required from the department as a  
10 prerequisite to the granting of a restraining order.

11 (5) The director and the director's authorized  
12 representative shall have the same powers respecting  
13 the administering of oaths, compelling the attendance  
14 of witnesses, the production of documentary evidence,  
15 and examining or causing to be examined witnesses as  
16 are possessed by the court and may take depositions  
17 and certify to official acts. The circuit court of  
18 any circuit upon application by the director shall  
19 have the power to enforce by proper proceedings the  
20 attendance and testimony of any witness so subpoenaed.  
21 Subpoena and witness fees and mileage in such cases  
22 shall be the same as in criminal cases in the circuit

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1 courts. Necessary expenses of, or in connection with,  
2 such hearings or investigations shall be payable from  
3 the funds appropriated for expenses of administration  
4 of the department. No person shall be excused from  
5 attending or testifying or producing materials, books,  
6 papers, correspondences, memoranda, and other records  
7 before the director or in obedience to subpoena on the  
8 grounds that the testimony or evidence, documentary or  
9 otherwise, required of the person may tend to  
10 incriminate the person or subject the person to a  
11 penalty or forfeiture; but no individual shall be  
12 prosecuted or subjected to any penalty or forfeiture  
13 for or on account of any transaction, matter, or thing  
14 concerning which the individual is compelled, after  
15 having claimed the individual's privilege against  
16 self-incrimination, to testify or produce evidence,  
17 documentary, or otherwise, except that such  
18 individuals so testifying shall not be exempt from  
19 prosecution and punishment for perjury committed in so  
20 testifying.

21 (6) Where a condition or practice involving any boiler,  
22 pressure vessel, pressure system, amusement ride, or

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1 elevator and kindred equipment required to be  
2 inspected by this chapter could reasonably be expected  
3 to cause death or serious physical harm, the  
4 department shall have the right, independent of any  
5 other enforcement powers under this chapter, to:

6 (A) Immediately take steps to obtain abatement by  
7 informing the owners, users, contractors, and all  
8 persons in harms way of such hazard by meeting,  
9 posted notice, or otherwise;

10 (B) Take steps to immediately obtain abatement  
11 through direct control or elimination of the  
12 hazard if after reasonable search, the user,  
13 owner or contractor or their representative is  
14 not available;

15 (C) Take steps to obtain immediate abatement when the  
16 nature and imminency of the danger or hazard does  
17 not permit a search for the owner, user, or  
18 contractor; and

19 (D) Where appropriate, initiate necessary legal  
20 proceedings to require abatement by the owner,  
21 user, or contractor.

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1           (7) The department may prosecute, defend and maintain  
2           actions in the name of the department for the  
3           enforcement of the provisions of this chapter,  
4           including the enforcement of any order issued by it,  
5           the appeal of any administrative or court decision,  
6           and other actions necessary to enforce this chapter."

7           SECTION 3. Section 397-5, Hawaii Revised Statutes, is  
8           amended to read as follows:

9           "§397-5 Fees. (a) The director may prescribe reasonable  
10          fees to be charged for inspection, examination, other services  
11          rendered and for permits, certificates, or licenses, the  
12          issuance of which are required by this chapter or by any rules  
13          of the department adopted pursuant to this chapter, and for:

14          (1) Inspections by the department of any boiler, pressure  
15          vessel, pressure system, amusement ride, and elevator  
16          and kindred equipment for which a permit or  
17          certificate is required for its installation,  
18          operation, or use, and which is required to be  
19          inspected by this chapter or by any rules of the  
20          department; and

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1           (2) Examination of any person applying for permits,  
2                   certificates, or licenses as required by this chapter  
3                   or by any rules of the department.

4           (b) All fees received by the department pursuant to this  
5 section shall be paid into the boiler and elevator [~~special~~]  
6 revolving fund.

7           (c) Effective July 1, 2012, the fees for inspections,  
8 permits, and examinations of boilers, pressure vessels, pressure  
9 systems, elevators, kindred equipment, and amusement rides shall  
10 be as prescribed by the schedules in this section; provided that  
11 the director may adopt rules pursuant to chapter 91 to amend the  
12 fees specified in this section.

13                   SCHEDULE A: Boiler and Pressure System Fees

14           Installation, Repair, and Alteration Permit Fees:

15           (1) Power boilers (shall pass a hydrostatic test unless  
16                   indicated otherwise):

17           Miniature electric (no hydrostatic test	
18                   required)	\$190
19           Less than 500 square feet of heating	
20                   surface	\$250
21           Greater than or equal to 500 and less	
22                   than or equal to 3,000 square feet of	

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1	heating surface	\$400
2	Greater than 3,000 square feet of heating	
3	surface	\$750
4	(2) Heating boiler	\$190
5	Retrofit	\$160
6	(3) Pressure vessel	\$175
7	Retrofit	\$130
8	(4) Sterilizers and steam kettles	\$150
9	Retrofit	\$110
10	(5) Repair application fee	\$200
11	(6) Alteration application fee	\$500
12	Examination and License Fees:	
13	(1) Boiler inspectors certificate of competency	
14	examination fee	\$300
15	(2) Review of shops and facilities for the	
16	issuance of National Board or American	
17	Society of Mechanical Engineers	
18	certificate of authorization	\$1,500
19	(3) Review of shops and facilities for the	
20	issuance of Non-Boiler External Piping	
21	certificate of authorization	\$750
22	(4) Boiler inspector's Hawaii commission,	

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1	initial and renewal	\$75
2	Internal and External Inspection Fees:	
3	(1) Power boilers:	
4	Without manholes	\$150
5	With manholes but less than or equal to	
6	3,000 square feet of heating surface	\$180
7	With manholes greater than 3,000 and less	
8	than or equal to 10,000 square feet of	
9	heating surface	\$260
10	With manholes and over 10,000 square	
11	feet of heating surface	\$450
12	(2) Heating boilers:	
13	Hot water supply	\$130
14	Steam and water heating without manholes	\$110
15	Steam, over 100 square feet but not over	
16	500 square feet of heating surface	\$140
17	All with manholes and steam over 500	
18	square feet of heating surface	\$170
19	(3) Pressure vessels:	
20	Routine inspections	\$65
21	Internal for air or water service	\$130
22	Ultrasonic testing	\$130

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1	(4) For all other types of inspections	
2	an hourly fee is assessed	\$100
3	(5) Hydrostatic test	\$300
4	(6) School "specials" (non-code objects)	\$10
5	Reports and Permit Processing Fees:	
6	(1) Report and permit	\$25
7	(2) Permit reprint	\$20
8	(3) Signed permit card (old issue)	\$10
9	(4) Owner portal	\$5
10	SCHEDULE B: Elevator and Kindred Equipment Fees	
11	Installation and Alteration Permits:	
12	(1) Alteration involving only the replacement of	
13	up to two parts (such as a valve, a jack,	
14	or a cylinder)	\$150
15	(2) Alteration involving only cosmetic changes	
16	(such as car interior modernizations)	\$300
17	(3) Alterations of more than two parts, or	
18	components, and/or subsystems:	
19	1 - 3 floors	\$600
20	4 - 9 floors	\$650
21	10 - 19 floors	\$700
22	20 - 29 floors	\$750

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1	30 - 39 floors	\$800
2	40 or more floors	\$900
3	(4) Where alterations to four or more units at	
4	the same location are identical, the fee for	
5	each additional alteration permit shall be	
6	reduced by fifty per cent. The applications	
7	must be submitted at the same time to qualify	
8	for the fee reduction.	
9	(5) Installation of new elevators (including material	
10	lifts) and kindred equipment:	
11	Dumbwaiter	\$500
12	Escalator, moving walk, or moving ramp	\$500
13	Hand elevator [ <del>manlift</del> ] or stage lift	\$500
14	Wheelchair or stairway lifts	\$500
15	Elevator, 1 - 3 floors	\$600
16	Elevator, 4 - 9 floors	\$650
17	Elevator, 10 - 19 floors	\$700
18	Elevator, 20 - 29 floors	\$750
19	Elevator, 30 - 39 floors	\$800
20	Elevator, 40 or more floors	\$900
21	<del>[Aerial tramways]</del>	<del>\$900]</del>
22	Personnel hoists	\$250



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1	(1) Permit renewal inspection fees:	
2	Dumbwaiter	\$140
3	Escalator, moving walk, or moving ramp	\$150
4	Hand elevator [ <del>manlift,</del> ] or stage lift	\$150
5	Wheelchair or stairway lifts	\$150
6	Hydraulic elevator - holed	\$150
7	Hydraulic elevator - holeless	\$200
8	Traction elevator:	
9	1 - 3 floor rise	\$225
10	4 - 9 floor rise	\$250
11	10 - 19 floor rise	\$275
12	20 - 29 floor rise	\$325
13	30 - 39 floor rise	\$400
14	40 or more floor rise	\$475
15	<del>[Aerial tramways</del>	<del>\$400]</del>
16	Personnel hoists	\$175
17	Inclined tunnel lifts	\$220
18	(2) Safety, load or internal test (witness fees):	
19	3-year safety test	\$200
20	5-year safety test	\$300
21	Escalator internal	\$100
22	(3) Permit renewal and witness fees are per	

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1 inspection, which may constitute one day or  
2 part of the day. If the inspector is required  
3 to return on another day or at another time  
4 on the same day, additional fees shall be  
5 assessed at the rate of \$300 per day for up  
6 to two hours and \$600 per day for more than  
7 two hours. Fees for overtime hours shall be  
8 \$600 per day for up to two hours and \$1,200  
9 per day for more than two hours.

10 Schedule C: Amusement Ride Fees

11 Inspection Fees:

12 (1) Permit renewal inspection fees:

13 Amusement ride \$100

14 (2) Permit renewal fees are per inspection,  
15 which may constitute one day or part of the  
16 day. If the inspector has to return on  
17 another day or at another time within the  
18 same day, additional fees shall be assessed  
19 at the rate of \$300 per day for up to two hours  
20 and \$600 per day for more than two hours. Fees  
21 for overtime hours shall be \$600 per day for up  
22 to two hours and \$1,200 per day for more than

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1           two hours."

2           SECTION 4. Section 397-6, Hawaii Revised Statutes, is  
3 amended by amending subsection (b) to read as follows:

4           "(b) A qualified boiler inspector is a person eligible for  
5 or in possession of a valid commission issued by the National  
6 Board of Boiler and Pressure Vessel Inspectors and who has  
7 satisfied the requirements established by the department and  
8 ~~[who has]~~ received from the director or the director's  
9 authorized agent briefings and instructions regarding the rules  
10 ~~[and regulations]~~ pertaining to boilers, pressure vessels, and  
11 pressure systems in this State."

12           SECTION 5. Section 397-13, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "~~[+]~~§397-13~~[+]~~ **Boiler and elevator** ~~[special]~~ revolving  
15 **fund; establishment; purposes.** (a) There is established in the  
16 state treasury the boiler and elevator ~~[special]~~ revolving fund,  
17 into which shall be deposited all fees collected pursuant to  
18 section 397-5 and any appropriation from the legislature. All  
19 interest and investment moneys earned on any moneys in the  
20 ~~[special]~~ revolving fund shall become part of the ~~[special]~~  
21 revolving fund.

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1           (b) The purpose of the [~~special~~] revolving fund is to  
2 provide for sufficient operating costs to carry out the purposes  
3 of this chapter. Moneys in the fund may be expended for:

4           (1) Personnel and operating expenses;

5           (2) Staff training and staff certification fees and  
6 expenses;

7           (3) Preparation and dissemination of public information on  
8 safe installation and use of equipment regulated by  
9 this chapter;

10          (4) Preparation of annual reports to the legislature as  
11 required by this chapter; and

12          (5) Reimbursement to the general fund as required by this  
13 section.

14          (c) The director shall submit a report to the legislature  
15 on the status of the boiler and elevator [~~special~~] revolving  
16 fund, including expenditures and program results, not less than  
17 twenty days prior to the convening of each regular session.

18          (d) No later than [~~five~~] ten years from the date of the  
19 establishment of the [~~special~~] revolving fund, the director  
20 shall reimburse the general fund for the amount of any initial  
21 appropriation that was made by the general revenues of the State  
22 to the [~~special~~] revolving fund."

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

4 SECTION 7. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act, upon its approval, shall take effect  
7 on July 1, 2018.

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INTRODUCED BY:

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10

BY REQUEST

# S.B. NO. 2803

**Report Title:**

Boiler and Elevator Safety Law; Boiler and Elevator Revolving Fund

**Description:**

Makes housekeeping amendments to Boiler and Elevator Safety Law; extends the time from five to ten years for the Director of Labor and Industrial Relations to reimburse the general fund from the Boiler and Elevator Revolving Fund.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

**SB. NO. 2803**

DEPARTMENT: Labor and Industrial Relations

TITLE: A BILL FOR AN ACT RELATING TO BOILER AND ELEVATOR SAFETY LAW.

PURPOSE: To make housekeeping amendments to the definition of boilers, elevators and kindred equipment; to make housekeeping amendments in various parts of the chapter pertaining to pressure vessels; to make a housekeeping amendment for the qualification of boiler inspectors; to change the classification of the Boiler and Elevator Special Fund to the Boiler and Elevator Revolving Fund; and to extend the time from five to ten years for the Director to reimburse the general fund from the Boiler and Elevator Revolving Fund.

MEANS: Amend sections 397-3, 397-4, 397-5, 397-6(b), and 397-13, Hawaii Revised Statutes (HRS).

JUSTIFICATION: This proposal makes housekeeping amendments to the definition of elevators and kindred equipment by deleting certain types of equipment from the definition.

Mechanized parking elevators are no longer part of the national consensus standards (American Society of Mechanical Engineers [ASME] A17.1, Safety Code for Elevators and Escalators), therefore, there is no code to adhere to for inspections. In addition, mechanized parking elevators are not intended or designed to move people.

The jurisdiction for manlifts has transitioned to the other branches within the Hawaii Occupational Safety and Health Division (HIOSH) because HIOSH considers manlifts to be hazardous equipment requiring safety training for employees who use them. Furthermore, ASME A17.1, Safety Code for Elevators and Escalators excludes manlifts. There are currently six manlifts in the state.

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Aerial tramways are commonly found in mountainous areas and used for the purposes of accessing remote areas in high elevations and for sightseeing. There are no aerial tramways in the State and Department of Labor and Industrial Relations believes that it is highly unlikely that such equipment would be built for the foreseeable future. Furthermore, the national consensus standards for this type of equipment is not currently covered by the ASME A17.1, Safety Code for Elevators and Escalators.

Personal automatic trains is an antiquated term and DLIR was unable to obtain evidence of their existence by searching the internet.

The national consensus standards adopted by the National Board of Boiler and Pressure Vessel Inspectors contains the term "pressure vessel" in addition to boilers and pressure systems, therefore, this proposal inserts "pressure vessel" in the appropriate sections in the chapter. The proposal also makes a housekeeping amendment for the qualification of boiler inspectors.

The classification of the Boiler and Elevator Special Fund should be changed to a revolving fund to properly align the fund with the statutory definition of a revolving fund found in section 37-62, HRS. "Revolving fund" means a fund from which is paid the cost of goods and services rendered or furnished to or by a state agency and which is replenished through charges made for the goods or services or through transfers from other accounts or funds."

The Conference Committee Rep. No. 168-12 (SLH, 2012) for Act 103 that established the fund reported, "The purpose of this measure is to improve public safety by providing a mechanism for self-sufficiency for the Boiler and Elevator Inspection Branch of the Department of Labor and Industrial Relations."

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Further, this proposal extends the time for the Director to reimburse the general fund from the Boiler and Elevator operating fund from five to ten years, which will help ensure that safety operations can continue while maintaining a feasible repayment schedule.

Impact on the public: This measure will ensure that boiler and elevator safety operations will be adequately funded while maintaining a feasible repayment schedule to the general fund. The public will continue to benefit from adequate enforcement of boiler and elevator safety regulations.

Impact on the department and other agencies: This will ensure that the Boiler and Elevator Revolving Fund will have sufficient reserves to allow for continuing operations, while maintaining a feasible repayment schedule to the general fund.

GENERAL FUND: None.

OTHER FUNDS: Boiler and Elevator Special Fund.

PPBS PROGRAM  
DESIGNATION: LBR143.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: July 1, 2018.