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# 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.   As used in this chapter:

4       "Appeals board" means the ~~[department of]~~ labor and  
5   industrial relations appeals board~~[.]~~ established by section  
6   371-4.

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

15       "Contractor" means any person, firm, or corporation  
16   installing, repairing, or servicing and responsible for the safe  
17   operation of any boiler, pressure system, amusement ride, ~~[and]~~



1 or elevator and kindred equipment or structure inspected  
2 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.



1 "National Board" means the National Board of Boiler and  
2 Pressure Vessel Inspectors [~~7, 1055 Crupper Avenue, Columbus, Ohio~~  
3 ~~43229~~].

4 "Owner" means any person, firm, or corporation with legal  
5 title to any boiler, pressure system, amusement ride, [~~and~~] or  
6 elevator and kindred equipment inspected pursuant to this  
7 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~~] system" means [~~both~~] either a pressure  
13 [~~vessels and~~] vessel or pressure piping as defined in this  
14 section.

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

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



1 "Vendor" means any person, firm, or corporation that sells  
2 or distributes any boiler, pressure system, amusement ride,  
3 [and] or elevator and kindred equipment required to be inspected  
4 pursuant to this chapter."

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

7 "§397-4 Powers and duties. (a) Administration.

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

12 (2) The department shall:

13 (A) Implement and enforce the requirements of this  
14 chapter; and

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



- 1           (3) The department shall formulate definitions and adopt  
2           and enforce standards and rules pursuant to chapter 91  
3           that may be necessary for carrying out this chapter[-  
4           ~~Definitions and rules adopted in accordance with~~  
5           ~~chapter 91 under the authority of chapter 396, prior~~  
6           ~~to the adoption of this chapter that pertain to~~  
7           ~~boilers, pressure systems, amusement rides, and~~  
8           ~~elevators and kindred equipment required to be~~  
9           ~~inspected pursuant to this chapter, shall be continued~~  
10          ~~in force under the authority of this chapter];~~  
11          (4) Emergency temporary standards may be adopted without  
12          conforming to chapter 91 and without hearings to take  
13          immediate effect upon giving public notice of the  
14          emergency temporary standards or upon another date  
15          that may be specified in the notice. An emergency  
16          temporary standard may be adopted, if the director  
17          determines:  
18          (A) That the public or individuals are exposed to  
19               grave danger from exposure to hazardous  
20               conditions or circumstances; and



1 (B) That the emergency temporary standard is  
2 necessary to protect the public or individuals  
3 from danger.

4 Emergency temporary standards shall be effective until  
5 superseded by a standard adopted under chapter 91, but  
6 ~~[in any case]~~ shall not be effective ~~[æ]~~ longer than  
7 six months;

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

19 (6) Permits.

20 (A) The department shall issue a "permit to operate"  
21 regarding any boiler, pressure system, amusement



1 ride, or elevator and kindred equipment if found  
2 to be safe in accordance with rules adopted  
3 pursuant to chapter 91;

4 (B) The department may immediately revoke any "permit  
5 to operate" of any boiler, pressure system,  
6 amusement ride, or elevator and kindred equipment  
7 found to be in an unsafe condition or where a  
8 user, owner, or contractor ignores prior  
9 department orders to correct specific defects or  
10 hazards and continues to use or operate the  
11 [~~above-mentioned~~] aforementioned apparatus  
12 without abating the hazards or defects;

13 (C) The department shall reissue a "permit to  
14 operate" to any user, owner, or contractor who  
15 demonstrates that the user, owner, or contractor  
16 is proceeding in good faith to abate all  
17 nonconforming conditions mentioned in department  
18 orders and the boilers, pressure systems,  
19 amusement rides, and elevators and kindred  
20 equipment are safe to operate; and



(D) The department shall establish criteria for the periodic reinspection and renewal of the permits to operate, and may provide for the issuance of temporary permits to operate while any noncomplying boiler, pressure system, amusement ride, and elevator and kindred equipment are being brought into full compliance with the applicable standards and rules adopted pursuant to this chapter; provided that the period between an initial safety inspection or the inspection used as a basis for the issuance of a permit to operate, and any subsequent inspection of elevators and kindred equipment shall not exceed one year;

(7) No person shall operate a boiler, pressure system, amusement ride, or elevator and kindred equipment ~~[which]~~ that are required to be inspected by this chapter or by any rule adopted pursuant to this chapter ~~[shall be operated]~~, except as necessary to install, repair, or test, unless a permit to operate



1 has been authorized or issued by the department and  
2 remains valid; and

3 (8) The department, upon the application of any owner,  
4 ~~[or]~~ user, or other person affected thereby, may grant  
5 time that may reasonably be necessary for compliance  
6 with any order. Any person affected by an order may  
7 for cause petition the department for an extension of  
8 time.

9 (b) Inspection and investigation.

10 (1) Authorized representatives of the director shall have  
11 the right to enter without delay during regular  
12 working hours and at other reasonable times any place,  
13 establishment, or premises in which are located  
14 boilers, pressure systems, amusement rides, ~~[and]~~ or  
15 elevators and kindred equipment requiring inspection  
16 pursuant to this chapter~~[-]~~;

17 (2) The department shall inspect for the purpose of  
18 ~~[insuring]~~ ensuring compliance with the purposes and  
19 provisions of this chapter any activity related to the  
20 erection, construction, alteration, demolition, or  
21 maintenance of buildings, structures, bridges,



1 highways, roadways, dams, tunnels, sewers, underground  
2 buildings or structures, underground pipelines or  
3 ducts, and other construction projects or  
4 facilities[-];

5 (3) The department shall review plans and make  
6 inspections, and investigations of boilers[-] and  
7 pressure systems, and the premises appurtenant to each  
8 at times and at intervals determined by the director  
9 for the purpose of [~~insuring~~] ensuring compliance with  
10 the [~~purpose~~] purposes and provisions of this chapter.  
11 This [~~section~~] paragraph shall not apply to single  
12 family dwellings or multiple dwelling units of less  
13 than six living units[-];

14 (4) The department shall review plans and make  
15 inspections, and investigations of elevators and  
16 kindred equipment and the premises appurtenant to each  
17 at times and at intervals determined by the director  
18 for the purpose of [~~insuring~~] ensuring compliance with  
19 the purposes and provisions of this chapter. This  
20 [~~section~~] paragraph shall not apply to single family  
21 dwellings[-];



1       (5) The department shall inspect, at least semi-annually,  
2       all mechanically or electrically operated devices  
3       considered as major rides and used as amusement rides  
4       at a carnival, circus, fair, or amusement park for the  
5       purpose of protecting the safety of the ~~[general]~~  
6       public. This ~~[section]~~ paragraph shall not apply to  
7       any coin operated ride or mechanically or electrically  
8       operated devices considered or known in the amusement  
9       trade as kiddie rides~~[-]~~ ;

10       (6) The department may investigate accidents involving  
11       boilers, pressure systems, amusement rides, and  
12       elevators and kindred equipment inspected under this  
13       chapter and may issue orders and recommendations with  
14       respect to the elimination and control of the cause  
15       factors~~[-]~~ ;

16       (7) The department shall have the right to question any  
17       employer, owner, operator, agent~~,~~ or employee in  
18       investigation, enforcement, and inspection activities  
19       covered by this chapter~~[-]~~ ; and

20       (8) Any employee of the State acting within the scope of  
21       the employee's office, employment, or authority under



1           this chapter shall not be liable in or made a party to  
2           any civil action [~~growing~~] arising out of the  
3           administration and enforcement of this chapter.

4           (c) Education and training.

5           (1) The department may disseminate through exhibitions,  
6           pictures, lectures, pamphlets, letters, notices, and  
7           any other method of publicity, to owners, users,  
8           vendors, architects, contractors, employees, and the  
9           [~~general~~] public information regarding boilers,  
10          pressure systems, amusement rides, and elevators and  
11          kindred equipment required to be inspected pursuant to  
12          this chapter[~~-~~]; and

13          (2) Where appropriate, the department may undertake  
14          programs in training and consultation with owners,  
15          users, property management firms, vendors, architects,  
16          contractors, employees, and the [~~general~~] public  
17          regarding the safety requirements of this chapter and  
18          the rules [~~and regulations-~~] adopted pursuant to this  
19          chapter.

20          (d) Enforcement.



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

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



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

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



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

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



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 [~~the~~] 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  
11 order[~~;~~];

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



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



1 punishment for perjury committed [~~in so~~] while  
2 testifying[-];

3 (6) Where a condition or practice involving any boiler,  
4 pressure system, amusement ride, or elevator and  
5 kindred equipment required to be inspected by this  
6 chapter could reasonably be expected to cause death or  
7 serious physical harm, the department shall have the  
8 right, independent of any other enforcement powers  
9 under this chapter, to:

10 (A) Immediately take steps to obtain abatement by  
11 informing the owners, users, contractors, and all  
12 persons in harms way of [~~such~~] the hazard by  
13 meeting, posted notice, or otherwise;

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

19 (C) Take steps to obtain immediate abatement when the  
20 nature and imminency of the danger or hazard does



1 not permit a search for the owner, user, or  
2 contractor; and

3 (D) Where appropriate, initiate necessary legal  
4 proceedings to require abatement by the owner,  
5 user, or contractor[-]; and

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

12 SECTION 3. Section 397-5, Hawaii Revised Statutes, is  
13 amended by amending subsections (b) and (c) to read as follows:

14 "(b) All fees received by the department pursuant to this  
15 section shall be paid into the boiler and elevator [~~special~~]  
16 revolving fund.

17 (c) Effective July 1, 2012, the fees for inspections,  
18 permits, and examinations of boilers, pressure systems,  
19 elevators, kindred equipment, and amusement rides shall be as  
20 prescribed by the schedules in this section; provided that the



1 director may adopt rules pursuant to chapter 91 to amend the  
2 fees specified in this section.

3 SCHEDULE A: Boiler and Pressure System Fees

4 Installation, Repair, and Alteration Permit Fees:

5 (1) Power boilers (shall pass a hydrostatic test unless  
6 indicated otherwise):

7 Miniature electric (no hydrostatic test

8 required) \$190

9 Less than 500 square feet of heating

10 surface \$250

11 Greater than or equal to 500 and less

12 than or equal to 3,000 square feet of

13 heating surface \$400

14 Greater than 3,000 square feet of heating

15 surface \$750

16 (2) Heating boiler \$190

17 Retrofit \$160

18 (3) Pressure vessel \$175

19 Retrofit \$130

20 (4) Sterilizers and steam kettles \$150

21 Retrofit \$110



1	(5) Repair application fee	\$200
2	(6) Alteration application fee	\$500
3	Examination and License Fees:	
4	(1) Boiler inspectors certificate of competency	
5	examination fee	\$300
6	(2) Review of shops and facilities for the	
7	issuance of National Board or American	
8	Society of Mechanical Engineers	
9	certificate of authorization	\$1,500
10	(3) Review of shops and facilities for the	
11	issuance of Non-Boiler External Piping	
12	certificate of authorization	\$750
13	(4) Boiler inspector's Hawaii commission,	
14	initial and renewal	\$75
15	Internal and External Inspection Fees:	
16	(1) Power boilers:	
17	Without manholes	\$150
18	With manholes but less than or equal to	
19	3,000 square feet of heating surface	\$180
20	With manholes greater than 3,000 and less	
21	than or equal to 10,000 square feet of	



1	heating surface	\$260
2	With manholes and over 10,000 square	
3	feet of heating surface	\$450
4	(2) Heating boilers:	
5	Hot water supply	\$130
6	Steam and water heating without manholes	\$110
7	Steam, over 100 square feet but not over	
8	500 square feet of heating surface	\$140
9	All with manholes and steam over 500	
10	square feet of heating surface	\$170
11	(3) Pressure vessels:	
12	Routine inspections	\$65
13	Internal for air or water service	\$130
14	Ultrasonic testing	\$130
15	(4) For all other types of inspections	
16	an hourly fee is assessed	\$100
17	(5) Hydrostatic test	\$300
18	(6) School "specials" (non-code objects)	\$10
19	Reports and Permit Processing Fees:	
20	(1) Report and permit	\$25
21	(2) Permit reprint	\$20



1	(3) Signed permit card (old issue)	\$10
2	(4) Owner portal	\$5
3	SCHEDULE B: Elevator and Kindred Equipment Fees	
4	Installation and Alteration Permits:	
5	(1) Alteration involving only the replacement of	
6	up to two parts (such as a valve, a jack,	
7	or a cylinder)	\$150
8	(2) Alteration involving only cosmetic changes	
9	(such as car interior modernizations)	\$300
10	(3) Alterations of more than two parts, [ <del>or</del> ]	
11	components, [ <del>and/or</del> ] <u>or</u> subsystems:	
12	1 - 3 floors	\$600
13	4 - 9 floors	\$650
14	10 - 19 floors	\$700
15	20 - 29 floors	\$750
16	30 - 39 floors	\$800
17	40 or more floors	\$900
18	(4) Where alterations to four or more units at	
19	the same location are identical, the fee for	
20	each additional alteration permit shall be	
21	reduced by fifty per cent. The applications	



1 must be submitted at the same time to qualify  
2 for the fee reduction.

3 (5) Installation of new elevators (including material  
4 lifts) and kindred equipment:

5	Dumbwaiter	\$500
6	Escalator, moving walk, or moving ramp	\$500
7	Hand elevator[, <del>manlift,</del> ] or stage lift	\$500
8	Wheelchair or stairway lifts	\$500
9	Elevator, 1 - 3 floors	\$600
10	Elevator, 4 - 9 floors	\$650
11	Elevator, 10 - 19 floors	\$700
12	Elevator, 20 - 29 floors	\$750
13	Elevator, 30 - 39 floors	\$800
14	Elevator, 40 or more floors	\$900
15	<del>[Aerial tramways</del>	<del>\$900]</del>
16	Personnel hoists	\$250
17	Inclined tunnel lifts	\$500

18 (For elevators, such as observation or deep  
19 well elevators, which have considerable rise  
20 but few openings, each ten feet of vertical  
21 rise shall be considered one floor for the



1 purpose of determining installation or  
2 alteration permit fees.)

3 (6) Temporary use permits (construction car) \$450

4 (7) For each valid alteration or installation  
5 permit, the department shall provide one  
6 inspection per unit.

7 (8) The fee for each additional inspection or  
8 witnessing of tests, or both, shall be \$300  
9 per day for up to two hours and \$600 per day  
10 for more than two hours if during the normal  
11 workday. Fees for overtime hours shall  
12 be \$600 per day for up to two hours and  
13 \$1,200 per day for more than two hours.

14 (9) Each installation or alteration permit  
15 shall be valid for up to one year from date  
16 of issuance.

17 Inspection Fees:

18 (1) Permit renewal inspection fees:

19 Dumbwaiter \$140

20 Escalator, moving walk, or moving ramp \$150

21 Hand elevator[~~manlift~~] or stage lift \$150



1	Wheelchair or stairway lifts	\$150
2	Hydraulic elevator - holed	\$150
3	Hydraulic elevator - holeless	\$200
4	Traction elevator:	
5	1 - 3 floor rise	\$225
6	4 - 9 floor rise	\$250
7	10 - 19 floor rise	\$275
8	20 - 29 floor rise	\$325
9	30 - 39 floor rise	\$400
10	40 or more floor rise	\$475
11	<del>[Aerial tramways</del>	<del>\$400]</del>
12	Personnel hoists	\$175
13	Inclined tunnel lifts	\$220
14	(2) Safety, load or internal test (witness fees):	
15	3-year safety test	\$200
16	5-year safety test	\$300
17	Escalator internal	\$100
18	(3) Permit renewal and witness fees are per	
19	inspection, which may constitute one day or	
20	part of the day. If the inspector is required	
21	to return on another day or at another time	



1 on the same day, additional fees shall be  
2 assessed at the rate of \$300 per day for up  
3 to two hours and \$600 per day for more than  
4 two hours. Fees for overtime hours shall be  
5 \$600 per day for up to two hours and \$1,200  
6 per day for more than two hours.

7 Schedule C: Amusement Ride Fees

8 Inspection Fees:

9 (1) Permit renewal inspection fees:

10 Amusement ride \$100

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



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

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

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

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



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



1 appropriation that was made by the general revenues of the State  
2 to the [~~special~~] revolving fund."

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

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

8 SECTION 8. This Act shall take effect on July 1, 2018.



# S.B. NO. 2803 S.D. 2

**Report Title:**

Boiler and Elevator Safety Law; Boiler and Elevator Revolving Fund

**Description:**

Makes housekeeping amendments to Boiler and Elevator Safety Law. Changes name of the boiler and elevator special fund to boiler and elevator revolving fund. 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. (SD2)

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

