



GOV. MSG. NO. 1328

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 6, 2021

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2021, the following bill was signed into law:

HB1004 HD1 SD2

RELATING TO THE BOILER AND ELEVATOR  
SAFETY LAW.  
**ACT 200 (21)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

# A BILL FOR AN ACT

RELATING TO THE BOILER AND ELEVATOR SAFETY LAW.

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

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

3 "[+]§397-2[+] **Findings and purpose.** The legislature finds  
4 that the Hawaii occupational safety and health law does not  
5 adequately provide for the safe operation and use of [~~boilers,~~  
6 ~~pressure systems,~~] pressure retaining items, amusement rides,  
7 and elevators and kindred equipment. The purpose of this law is  
8 to assure the safe operation and use of such apparatus in  
9 Hawaii."

10 SECTION 2. Section 397-3, Hawaii Revised Statutes, is  
11 amended by adding three new definitions to be appropriately  
12 inserted and to read as follows:

13 ""Amusement ride" means a mechanically or electrically  
14 operated device designed to carry passengers in various modes  
15 and used for entertainment and amusement.

16 "Permit to operate" means a certificate issued by the  
17 department that indicates that the pressure retaining item,



1 amusement ride, or elevator and kindred equipment has met the  
2 required safety inspection and tests required by this chapter  
3 and rules adopted under this chapter, and that required fees  
4 have been paid as set forth in this chapter.

5 "Pressure retaining item" means a boiler, pressure  
6 vessel, or pressure system."

7 SECTION 3. Section 397-4, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) Administration.

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

14 (2) The department shall:

15 (A) Implement and enforce the requirements of this  
16 chapter; and

17 (B) Keep adequate and complete records of the type,  
18 size, location, identification data, and  
19 inspection findings for [~~boilers, pressure~~  
20 ~~systems,~~] pressure retaining items, amusement  
21 rides, and elevators and kindred equipment



- 1                   required to be inspected pursuant to this  
2                   chapter;
- 3           (3) The department shall formulate definitions and adopt  
4           and enforce standards and rules pursuant to chapter 91  
5           that may be necessary for carrying out this chapter;
- 6           (4) Emergency temporary standards may be adopted without  
7           conforming to chapter 91 and without hearings to take  
8           immediate effect upon giving public notice of the  
9           emergency temporary standards or upon another date  
10          that may be specified in the notice. An emergency  
11          temporary standard may be adopted, if the director  
12          determines:
- 13               (A) That the public or individuals are exposed to  
14               grave danger from exposure to hazardous  
15               conditions or circumstances; and
- 16               (B) That the emergency temporary standard is  
17               necessary to protect the public or individuals  
18               from danger.
- 19          Emergency temporary standards shall be effective until  
20          superseded by a standard adopted under chapter 91, but  
21          shall not be effective longer than six months;



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

12          (6) Permits.

13           (A) The department shall issue a [~~permit to~~  
14           ~~operate~~] permit to operate regarding any  
15           [~~boiler, pressure system,~~] pressure retaining  
16           item, amusement ride, or elevator and kindred  
17           equipment if found to be safe in accordance with  
18           rules adopted pursuant to chapter 91[+] and all  
19           required fees have been paid;

20           (B) The department may issue an order immediately  
21           [~~revoke~~] revoking or suspending any [~~permit to~~



1           ~~operate~~"] permit to operate, or an order  
2           prohibiting the use or operation of [any boiler,  
3           ~~pressure system,~~] a pressure retaining item,  
4           amusement ride, or elevator and kindred equipment  
5           [~~found~~] when:

6           (i) The department finds the pressure retaining  
7           item, amusement ride, or elevator and  
8           kindred equipment to be in an unsafe  
9           condition [or where a];

10          (ii) A user, owner, or contractor ignores a prior  
11          department [orders] order to correct a  
12          condition, [specific defects or hazards]  
13          defect, or hazard relating to the pressure  
14          retaining item, amusement ride, or elevator  
15          and kindred equipment, and continues to use  
16          or operate the [aforementioned apparatus]  
17          the pressure retaining item, amusement ride,  
18          or elevator and kindred equipment without  
19          abating the [hazards or defects,] condition,  
20          defect, or hazard identified in the order;  
21          or



1            (iii) A user, owner, or contractor fails to pay  
2                            any fee or fine required under this chapter  
3                            or any rule adopted under this chapter.

4            The order may be rescinded when the department has  
5                            determined that the owner, user, or contractor has  
6                            complied with the order to correct the condition,  
7                            defect, or hazard identified in the order or has paid  
8                            all fees or fines imposed by the department;

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

18            (D) The department shall establish criteria for the  
19                            periodic reinspection and renewal of the permits  
20                            to operate, and may provide for the issuance of  
21                            temporary permits to operate while any



1 noncomplying [~~boiler, pressure system,~~] pressure  
2 retaining item, amusement ride, and elevator and  
3 kindred equipment are being brought into full  
4 compliance with the applicable standards and  
5 rules adopted pursuant to this chapter; provided  
6 that the period between an initial safety  
7 inspection or the inspection used as a basis for  
8 the issuance of a permit to operate, and any  
9 subsequent inspection of elevators and kindred  
10 equipment shall not exceed one year;

11 (7) No person shall operate a [~~boiler, pressure system,~~]  
12 pressure retaining item, amusement ride, or elevator  
13 and kindred equipment that [~~are~~] is required to be  
14 inspected by this chapter or by any rule adopted  
15 pursuant to this chapter, except as necessary to  
16 install, repair, or test, unless a permit to operate  
17 has been authorized or issued by the department and  
18 remains valid; and

19 (8) The department, upon the application of any owner,  
20 user, or other person affected thereby, may grant time  
21 that may reasonably be necessary for compliance with



1           any order. Any person affected by an order may for  
2           cause petition the department for an extension of  
3           time."

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

6           "**§397-5 Fees.** (a) [~~The~~] By rules adopted pursuant to  
7 chapter 91, the director [may] shall prescribe reasonable fees  
8 to be charged for inspection, examination, and other services  
9 rendered, and for permits, certificates, or licenses, the  
10 issuance of which are required by this chapter or by any rules  
11 of the department adopted pursuant to this chapter[~~, and~~]. The  
12 fee schedule shall include fees for:

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



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 revolving  
6 fund.

7 ~~[(c) Effective July 1, 2012, the fees for inspections,~~  
8 ~~permits, and examinations of boilers, pressure systems,~~  
9 ~~elevators, kindred equipment, and amusement rides shall be as~~  
10 ~~prescribed by the schedules in this section; provided that the~~  
11 ~~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 ~~surfaee \$250~~

21 ~~Greater than or equal to 500 and less~~



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



1	<del>certificate of authorization</del>	<del>\$750</del>
2	<del>(4) Boiler inspector's Hawaii commission,</del>	
3	<del>initial and renewal</del>	<del>\$75</del>
4	<del>Internal and External Inspection Fees:</del>	
5	<del>(1) Power boilers:</del>	
6	<del>Without manholes</del>	<del>\$150</del>
7	<del>With manholes but less than or equal to</del>	
8	<del>3,000 square feet of heating surface</del>	<del>\$180</del>
9	<del>With manholes greater than 3,000 and less</del>	
10	<del>than or equal to 10,000 square feet of</del>	
11	<del>heating surface</del>	<del>\$260</del>
12	<del>With manholes and over 10,000 square</del>	
13	<del>feet of heating surface</del>	<del>\$450</del>
14	<del>(2) Heating boilers:</del>	
15	<del>Hot water supply</del>	<del>\$130</del>
16	<del>Steam and water heating without manholes</del>	<del>\$110</del>
17	<del>Steam, over 100 square feet but not over</del>	
18	<del>500 square feet of heating surface</del>	<del>\$140</del>
19	<del>All with manholes and steam over 500</del>	
20	<del>square feet of heating surface</del>	<del>\$170</del>
21	<del>(3) Pressure vessels:</del>	



1	<del>Routine inspections</del>	<del>\$65</del>
2	<del>Internal for air or water service</del>	<del>\$130</del>
3	<del>Ultrasonic testing</del>	<del>\$130</del>
4	<del>(4) For all other types of inspections</del>	
5	<del>an hourly fee is assessed</del>	<del>\$100</del>
6	<del>(5) Hydrostatic test</del>	<del>\$300</del>
7	<del>(6) School "specials" (non code objects)</del>	<del>\$10</del>
8	<del>Reports and Permit Processing Fees:</del>	
9	<del>(1) Report and permit</del>	<del>\$25</del>
10	<del>(2) Permit reprint</del>	<del>\$20</del>
11	<del>(3) Signed permit card (old issue)</del>	<del>\$10</del>
12	<del>(4) Owner portal</del>	<del>\$5</del>
13	<del>SCHEDULE B: Elevator and Kindred Equipment Fees</del>	
14	<del>Installation and Alteration Permits:</del>	
15	<del>(1) Alteration involving only the replacement of</del>	
16	<del>up to two parts (such as a valve, a jack,</del>	
17	<del>or a cylinder)</del>	<del>\$150</del>
18	<del>(2) Alteration involving only cosmetic changes</del>	
19	<del>(such as car interior modernizations)</del>	<del>\$300</del>
20	<del>(3) Alterations of more than two parts,</del>	
21	<del>components, or subsystems:</del>	



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



1	<del>Elevator, 20—29 floors</del>	<del>\$750</del>
2	<del>Elevator, 30—39 floors</del>	<del>\$800</del>
3	<del>Elevator, 40 or more floors</del>	<del>\$900</del>
4	<del>Personnel hoists</del>	<del>\$250</del>
5	<del>Inclined tunnel lifts</del>	<del>\$500</del>
6	<del>(For elevators, such as observation or deep</del>	
7	<del>well elevators, which have considerable rise</del>	
8	<del>but few openings, each ten feet of vertical</del>	
9	<del>rise shall be considered one floor for the</del>	
10	<del>purpose of determining installation or</del>	
11	<del>alteration permit fees.)</del>	
12	<del>(6) Temporary use permits (construction car)</del>	<del>\$450</del>
13	<del>(7) For each valid alteration or installation</del>	
14	<del>permit, the department shall provide one</del>	
15	<del>inspection per unit.</del>	
16	<del>(8) The fee for each additional inspection or</del>	
17	<del>witnessing of tests, or both, shall be \$300</del>	
18	<del>per day for up to two hours and \$600 per day</del>	
19	<del>for more than two hours if during the normal</del>	
20	<del>workday. Fees for overtime hours shall</del>	
21	<del>be \$600 per day for up to two hours and</del>	







1 ~~another day or at another time within the~~  
2 ~~same day, additional fees shall be assessed~~  
3 ~~at the rate of \$300 per day for up to two hours~~  
4 ~~and \$600 per day for more than two hours. Fees~~  
5 ~~for overtime hours shall be \$600 per day for up~~  
6 ~~to two hours and \$1,200 per day for more than~~  
7 ~~two hours.] "~~

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

10 "**§397-6 Safety inspection by qualified inspectors.** (a)  
11 All safety inspections required under this chapter of [~~boilers~~  
12 ~~and pressure systems~~] pressure retaining items shall be  
13 performed by deputy boiler inspectors in the employ of the  
14 department who are qualified boiler inspectors and, when  
15 authorized by the director, may be performed by special  
16 inspectors who are qualified boiler inspectors in the employ of  
17 insurance companies insuring [~~boilers or pressure systems~~]  
18 pressure retaining items in this State.

19 (b) A qualified boiler inspector is a person eligible for  
20 or in possession of a valid commission issued by the National  
21 Board of Boiler and Pressure Vessel Inspectors, who has



1 satisfied the requirements established by the department, and  
2 who has received from the director or the director's authorized  
3 agent briefings and instructions regarding the rules pertaining  
4 to [~~boilers and pressure systems~~] pressure retaining items in  
5 this State.

6 (c) All safety inspections required under this chapter of  
7 elevators and kindred equipment, and amusement rides and the  
8 premises appurtenant thereto, shall be performed by deputy  
9 elevator inspectors of the department who are qualified elevator  
10 inspectors and who are employed primarily for purposes of  
11 elevator and related inspection work.

12 (d) A qualified elevator inspector is a person who meets  
13 the criteria of the American Society of Mechanical Engineers and  
14 the standards for the qualification of elevator inspectors of  
15 the American National Standards Institute and has satisfied  
16 requirements established by the department [~~of labor and~~  
17 ~~industrial relations~~]."

18 SECTION 6. Section 397-10, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[+]§397-10[+] **Judicial review.** Except where an order has  
21 already become final for failure to contest, the decision and



1 order of the appeals board shall be final and conclusive, unless  
 2 the director or any party to the proceedings before the appeals  
 3 board obtains a review thereof in the manner provided in chapter  
 4 91 by instituting proceedings in the circuit court of the  
 5 circuit in which the [~~boiler, pressure system,~~] pressure  
 6 retaining item, amusement ride, or elevator and kindred  
 7 equipment is situated or such practice, means, method,  
 8 operation, or process is employed. The hearing on review shall  
 9 be on the record and the department shall be deemed a party to  
 10 any such proceedings. The court shall give precedence to such  
 11 proceedings over all other civil cases."

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

14 SECTION 8. This Act shall take effect upon its approval.

APPROVED this 06 day of JUL , 2021



GOVERNOR OF THE STATE OF HAWAII



HB No. 1004, HD 1, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 22, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: April 13, 2021  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.

  
President of the Senate

  
Clerk of the Senate