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

4 "Amusement ride" means a mechanically or electrically
5 operated device designed to carry passengers in various modes
6 and used for entertainment and amusement.

7 "Permit to operate" means a certificate issued by the
8 department that indicates that the pressure retaining item,
9 amusement ride, or elevator and kindred equipment has met the
10 required safety inspection and tests required by this chapter
11 and rules adopted under this chapter, and that required fees
12 have been paid as set forth in this chapter.

13 "Pressure retaining item" means a boiler, pressure
14 vessel, or pressure system."

15 SECTION 2. Section 397-4, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Administration.



- 1 (1) The department shall establish a boiler and elevator
2 inspection branch for the enforcement of the rules
3 adopted under this chapter and other duties as
4 assigned;
- 5 (2) The department shall:
- 6 (A) Implement and enforce the requirements of this
7 chapter; and
- 8 (B) Keep adequate and complete records of the type,
9 size, location, identification data, and
10 inspection findings for [~~boilers, pressure~~
11 ~~systems,~~] pressure retaining items, amusement
12 rides, and elevators and kindred equipment
13 required to be inspected pursuant to this
14 chapter;
- 15 (3) The department shall formulate definitions and adopt
16 and enforce standards and rules pursuant to chapter 91
17 that may be necessary for carrying out this chapter;
- 18 (4) Emergency temporary standards may be adopted without
19 conforming to chapter 91 and without hearings to take
20 immediate effect upon giving public notice of the
21 emergency temporary standards or upon another date



1 that may be specified in the notice. An emergency
2 temporary standard may be adopted, if the director
3 determines:

4 (A) That the public or individuals are exposed to
5 grave danger from exposure to hazardous
6 conditions or circumstances; and

7 (B) That the emergency temporary standard is
8 necessary to protect the public or individuals
9 from danger.

10 Emergency temporary standards shall be effective until
11 superseded by a standard adopted under chapter 91, but
12 shall not be effective longer than six months;

13 (5) Variances from standards adopted under this chapter
14 may be granted upon application of an owner, user,
15 contractor, or vendor. Application for variances
16 shall correspond to procedures set forth in the rules
17 adopted pursuant to this chapter. The director may
18 issue an order for variance, if the director
19 determines that the proponent of the variance has
20 demonstrated that the conditions, practices, means,
21 methods, operations, or processes used or proposed to



1 be used will provide substantially equivalent safety
2 as that provided by the standards;

3 (6) Permits.

4 (A) The department shall issue a [~~"permit to~~
5 ~~operate"~~] permit to operate regarding any
6 [~~boiler, pressure system,~~] pressure retaining
7 item, amusement ride, or elevator and kindred
8 equipment if found to be safe in accordance with
9 rules adopted pursuant to chapter 91[~~7~~] and all
10 required fees have been paid;

11 (B) The department may immediately revoke any
12 [~~"permit to operate"~~] permit to operate of any
13 [~~boiler, pressure system,~~] pressure retaining
14 item, amusement ride, or elevator and kindred
15 equipment found to be in an unsafe condition or
16 where a user, owner, or contractor ignores prior
17 department orders to correct specific defects or
18 hazards and continues to use or operate the
19 aforementioned apparatus without abating the
20 hazards or defects[~~7~~]. The department may also
21 revoke or suspend any permit to operate and issue



1 an order prohibiting the use or operation of any
2 pressure retaining item, amusement ride, or
3 elevator and kindred equipment if the owner,
4 user, or contractor of such equipment fails to
5 pay any fee or fine required under this chapter
6 or any rule adopted pursuant to this chapter.

7 The order shall be rescinded when the department
8 has determined the owner, user, or contractor has
9 paid the fee or fine;

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

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



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

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

20 (8) The department, upon the application of any owner,
21 user, or other person affected thereby, may grant time



1 that may reasonably be necessary for compliance with
2 any order. Any person affected by an order may for
3 cause petition the department for an extension of
4 time."

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

7 "**§397-5 Fees.** (a) The director [~~may~~] shall prescribe
8 reasonable fees to be charged for inspection, examination, other
9 services rendered and for permits, certificates, or licenses,
10 the issuance of which are required by this chapter or by any
11 rules of the department adopted pursuant to this chapter, and
12 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 ~~surface _____ \$250~~

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



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



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



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



1	1 - 3 floors	_____	\$600
2	4 - 9 floors	_____	\$650
3	10 - 19 floors	_____	\$700
4	20 - 29 floors	_____	\$750
5	30 - 39 floors	_____	\$800
6	40 or more floors	_____	\$900

7 ~~(4) Where alterations to four or more units at~~
8 ~~the same location are identical, the fee for~~
9 ~~each additional alteration permit shall be~~
10 ~~reduced by fifty per cent. The applications~~
11 ~~must be submitted at the same time to qualify~~
12 ~~for the fee reduction.~~

13 ~~(5) Installation of new elevators (including material~~
14 ~~lifts) and kindred equipment:~~

15	Dumbwaiter	_____	\$500
16	Escalator, moving walk, or moving ramp	_____	\$500
17	Hand elevator or stage lift	_____	\$500
18	Wheelchair or stairway lifts	_____	\$500
19	Elevator, 1 - 3 floors	_____	\$600
20	Elevator, 4 - 9 floors	_____	\$650
21	Elevator, 10 - 19 floors	_____	\$700



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



1 ~~\$1,200 per day for more than two hours.~~

2 ~~(9) Each installation or alteration permit~~
3 ~~shall be valid for up to one year from date~~
4 ~~of issuance.~~

5 ~~Inspection Fees:~~

6 ~~(1) Permit renewal inspection fees:~~

7 ~~Dumbwaiter _____ \$140~~

8 ~~Escalator, moving walk, or moving ramp _____ \$150~~

9 ~~Hand elevator or stage lift _____ \$150~~

10 ~~Wheelchair or stairway lifts _____ \$150~~

11 ~~Hydraulic elevator - holed _____ \$150~~

12 ~~Hydraulic elevator - holeless _____ \$200~~

13 ~~Traction elevator:~~

14 ~~1 - 3 floor rise _____ \$225~~

15 ~~4 - 9 floor rise _____ \$250~~

16 ~~10 - 19 floor rise _____ \$275~~

17 ~~20 - 29 floor rise _____ \$325~~

18 ~~30 - 39 floor rise _____ \$400~~

19 ~~40 or more floor rise _____ \$475~~

20 ~~Personnel hoists _____ \$175~~

21 ~~Inclined tunnel lifts _____ \$220~~



- 1 ~~(2) Safety, load or internal test (witness fees):~~
- 2 ~~3-year safety test _____ \$200~~
- 3 ~~5-year safety test _____ \$300~~
- 4 ~~Escalator internal _____ \$100~~

5 ~~(3) Permit renewal and witness fees are per~~
6 ~~inspection, which may constitute one day or~~
7 ~~part of the day. If the inspector is required~~
8 ~~to return on another day or at another time~~
9 ~~on the same day, additional fees shall be~~
10 ~~assessed at the rate of \$300 per day for up~~
11 ~~to two hours and \$600 per day for more than~~
12 ~~two hours. Fees for overtime hours shall be~~
13 ~~\$600 per day for up to two hours and \$1,200~~
14 ~~per day for more than two hours.~~

15 ~~SCHEDULE C: Amusement Ride Fees~~

16 ~~Inspection Fees:~~

- 17 ~~(1) Permit renewal inspection fees:~~
- 18 ~~Amusement ride _____ \$100~~
- 19 ~~(2) Permit renewal fees are per inspection,~~
20 ~~which may constitute one day or part of the~~
21 ~~day. If the inspector has to return on~~



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 4. Section 397-6, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsection (a) to read:

11 "(a) All safety inspections required under this chapter of
12 ~~[boilers 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 in this
18 State."

19 2. By amending subsection (c) to read:

20 "(c) All safety inspections required under this chapter of
21 elevators and kindred equipment, and amusement rides and the



1 premises appurtenant thereto, shall be performed by deputy
2 elevator inspectors of the department who are qualified elevator
3 inspectors and who are employed primarily for purposes of
4 elevator and related inspection work."

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

7 SECTION 6. This Act shall take effect on January 1, 2050.



Report Title:

Boiler and Elevator Safety Law; Permits to Operate; Fee
Schedule; Fines; Payment

Description:

Authorizes the director of labor and industrial relations to prohibit the operation of pressure retaining items, amusement rides, and elevators and kindred equipment if inspection fees or fines are not timely paid. Deletes the statutory boiler and elevator fee schedule and requires the director to establish the fees by rule. Effective 1/1/2050. (HD1)

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

