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# 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 [u]permit to  
14 operate [u] regarding any [~~boiler, pressure~~  
15 ~~system,~~] pressure retaining item, amusement ride,  
16 or elevator and kindred equipment if found to be  
17 safe in accordance with rules adopted pursuant to  
18 chapter 91 [u] and all required fees have been  
19 paid;

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



1 operate<sup>[u]</sup>, or an order prohibiting the use or  
2 operation of [any boiler, pressure system,] a  
3 pressure retaining item, amusement ride, or  
4 elevator and kindred equipment [found] when:

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

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

9            (C) The department [~~shall~~] may reissue a [  ] permit to  
10            operate [  ] to any user, owner, or contractor who  
11            demonstrates that the user, owner, or contractor  
12            is proceeding in good faith to abate all  
13            nonconforming conditions mentioned in department  
14            orders and the [~~boilers, pressure systems,~~]  
15            pressure retaining items, amusement rides, and  
16            elevators and kindred equipment are safe to  
17            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 director [~~may~~] shall prescribe  
7 reasonable fees to be charged for inspection, examination, and  
8 other services rendered, and for permits, certificates, or  
9 licenses, the issuance of which are required by this chapter or  
10 by any rules of the department adopted pursuant to this  
11 chapter [~~and~~]. The fee schedule shall include fees for:

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

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



1 (b) All fees received by the department pursuant to this  
2 section shall be paid into the boiler and elevator revolving  
3 fund.

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

10 ~~SCHEDULE A: Boiler and Pressure System Fees~~

11 ~~Installation, Repair, and Alteration Permit Fees:~~

12 ~~(1) Power boilers (shall pass a hydrostatic test unless~~  
13 ~~indicated otherwise):~~

14 ~~Miniature electric (no hydrostatic test~~

15 ~~required) \$190~~

16 ~~Less than 500 square feet of heating~~

17 ~~surface \$250~~

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

19 ~~than or equal to 3,000 square feet of~~

20 ~~heating surface \$400~~

21 ~~Greater than 3,000 square feet of heating~~



1	surface	\$750
2	<del>(2) Heating boiler</del>	<del>\$190</del>
3	Retrofit	\$160
4	<del>(3) Pressure vessel</del>	<del>\$175</del>
5	Retrofit	\$130
6	<del>(4) Sterilizers and steam kettles</del>	<del>\$150</del>
7	Retrofit	\$110
8	<del>(5) Repair application fee</del>	<del>\$200</del>
9	<del>(6) Alteration application fee</del>	<del>\$500</del>
10	<del>Examination and License Fees:</del>	
11	<del>(1) Boiler inspectors certificate of competency</del>	
12	examination fee	\$300
13	<del>(2) Review of shops and facilities for the</del>	
14	<del>issuance of National Board or American</del>	
15	<del>Society of Mechanical Engineers</del>	
16	certificate of authorization	\$1,500
17	<del>(3) Review of shops and facilities for the</del>	
18	<del>issuance of Non-Boiler External Piping</del>	
19	certificate of authorization	\$750
20	<del>(4) Boiler inspector's Hawaii commission,</del>	
21	initial and renewal	\$75



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



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



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





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





1           ~~and \$600 per day for more than two hours. Fees~~  
2           ~~for overtime hours shall be \$600 per day for up~~  
3           ~~to two hours and \$1,200 per day for more than~~  
4           ~~two hours.] "~~

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

7           "**§397-6 Safety inspection by qualified inspectors.** (a)  
8 All safety inspections required under this chapter of [~~boilers~~  
9 ~~and pressure systems~~] pressure retaining items shall be  
10 performed by deputy boiler inspectors in the employ of the  
11 department who are qualified boiler inspectors and, when  
12 authorized by the director, may be performed by special  
13 inspectors who are qualified boiler inspectors in the employ of  
14 insurance companies insuring [~~boilers or pressure systems~~]  
15 pressure retaining items in this State.

16           (b) A qualified boiler inspector is a person eligible for  
17 or in possession of a valid commission issued by the National  
18 Board of Boiler and Pressure Vessel Inspectors, who has  
19 satisfied the requirements established by the department, and  
20 who has received from the director or the director's authorized  
21 agent briefings and instructions regarding the rules pertaining



1 to [~~boilers and pressure systems~~] pressure retaining items in  
2 this State.

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

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

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

17 SECTION 7. This Act shall take effect upon its approval.



**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. Defines "amusement ride", "permit to operate", and "pressure retaining item". Replaces "boiler, pressure systems" with "pressure retaining items" throughout chapter 397, Hawaii Revised Statutes. (SD1)

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

