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# A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 PART I

2 SECTION 1. The purpose of this Act is to:

3 (1) Transfer the state fire council, for administrative  
4 purposes, from the department of labor and industrial  
5 relations to the department of commerce and consumer  
6 affairs;

7 (2) Transfer authority over the boiler and elevator safety  
8 law from the department of labor and industrial  
9 relations to the department of commerce and consumer  
10 affairs; and

11 (3) Transfer administration of the human trafficking  
12 victim services fund from the department of labor and  
13 industrial relations to the judiciary.

14 PART II

15 SECTION 2. Section 132-16, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:



1           "(a) There is established a state fire council which shall  
2 be placed within the department of [~~labor and industrial~~  
3 ~~relations~~] commerce and consumer affairs for administrative  
4 purposes. The state fire council shall consist of the fire  
5 chiefs of the counties. The state fire council may appoint an  
6 advisory committee to assist it in carrying out its functions  
7 under this chapter. The advisory committee may include the  
8 heads of the various county building departments, a licensed  
9 architect recommended by the Hawaii Society of the American  
10 Institute of Architects, a licensed electrical engineer and a  
11 licensed mechanical engineer recommended by the Consulting  
12 Engineers Council of Hawaii, a representative of the Hawaii  
13 Rating Bureau, a representative of the Hawaii firefighters  
14 association, representatives of the county fire departments, and  
15 such other members of the public as the state fire council may  
16 determine can best assist it. The state fire council shall  
17 elect a chairperson from among its members."

18           SECTION 3. Section 132-18, Hawaii Revised Statutes, is  
19 amended by amending subsection (c) to read as follows:

20           "(c) The budgetary requirements for conducting meetings  
21 and other related functions of the state fire council, including



1 the salaries of the administrator and administrative assistant,  
2 shall be included in the budget of the department of [~~labor and~~  
3 ~~industrial relations.~~] commerce and consumer affairs."

4 SECTION 4. All rights, powers, functions, and duties of  
5 the department of labor and industrial relations relating to the  
6 state fire council are transferred to the department of commerce  
7 and consumer affairs.

8 All employees who occupy civil service positions and whose  
9 functions are transferred to the department of commerce and  
10 consumer affairs by this part shall retain their civil service  
11 status, whether permanent or temporary. Employees shall be  
12 transferred without loss of salary, seniority (except as  
13 prescribed by applicable collective bargaining agreements),  
14 retention points, prior service credit, any vacation and sick  
15 leave credits previously earned, and other rights, benefits, and  
16 privileges, in accordance with state personnel laws and this  
17 part; provided that the employees possess the minimum  
18 qualifications and public employment requirements for the class  
19 or position to which transferred or appointed, as applicable;  
20 provided further that subsequent changes in status may be made  
21 pursuant to applicable civil service and compensation laws.



1 Any employee who, prior to this Act, is exempt from civil  
2 service and is transferred as a consequence of this part may  
3 retain the employee's exempt status, but shall not be appointed  
4 to a civil service position as a consequence of this part. An  
5 exempt employee who is transferred by this part shall not suffer  
6 any loss of prior service credit, vacation or sick leave credits  
7 previously earned, or other employee benefits or privileges as a  
8 consequence of this part; provided that the employees possess  
9 legal and public employment requirements for the position to  
10 which transferred or appointed, as applicable; provided further  
11 that subsequent changes in status may be made pursuant to  
12 applicable employment and compensation laws. The director of  
13 commerce and consumer affairs may prescribe the duties and  
14 qualifications of these employees and fix their salaries without  
15 regard to chapter 76, Hawaii Revised Statutes.

16 SECTION 5. All appropriations, records, equipment,  
17 machines, files, supplies, contracts, books, papers, documents,  
18 maps, and other personal property heretofore made, used,  
19 acquired, or held by the department of labor and industrial  
20 relations relating to the functions transferred to the



1 department of commerce and consumer affairs shall be transferred  
2 with the functions to which they relate.

3 PART III

4 SECTION 6. The Hawaii Revised Statutes is amended by  
5 adding a new chapter to be appropriately designated and to read  
6 as follows:

7 "CHAPTER  
8 BOILER AND ELEVATOR SAFETY LAW

9 § -1 **Short title.** This chapter shall be known as the  
10 "Boiler and Elevator Safety Law".

11 § -2 **Findings and purpose.** The legislature finds that  
12 the Hawaii occupational safety and health law does not  
13 adequately provide for the safe operation and use of boilers,  
14 pressure systems, amusement rides, and elevators and kindred  
15 equipment. The purpose of this law is to assure the safe  
16 operation and use of such apparatus in Hawaii.

17 § -3 **Definitions.** As used in this chapter:

18 "Appeals board" means the boiler and elevator safety  
19 appeals board established by section -10.

20 "Boiler" means a closed vessel in which water or other  
21 liquid is heated, steam or vapor is generated, steam or vapor is



1 superheated, or any combination thereof under pressure for use  
2 external to itself, by the direct application of energy from the  
3 combustion of fuels, or from electricity or solar energy.

4 "Contractor" means any person, firm, or corporation  
5 installing, repairing, or servicing and responsible for the safe  
6 operation of any boiler, pressure system, amusement ride, or  
7 elevator and kindred equipment or structure inspected pursuant  
8 to this chapter.

9 "Department" means the department of commerce and consumer  
10 affairs.

11 "Director" means the director of commerce and consumer  
12 affairs.

13 "Elevator" means a hoisting and lowering mechanism  
14 permanently installed in a structure, designed to carry  
15 passengers or authorized personnel, equipped with a car or  
16 platform that moves in fixed guides and serves two or more fixed  
17 landings.

18 "Elevators and kindred equipment" means elevators,  
19 escalators, dumbwaiters, moving walks, stage lifts, inclined  
20 lifts, personnel hoists, permanently installed material lifts,



1 and any other similar mechanized equipment used to convey people  
2 in places other than a public right-of-way.

3 "National Board" means the National Board of Boiler and  
4 Pressure Vessel Inspectors.

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

9 "Pressure piping" means piping systems specified in the  
10 American Society of Mechanical Engineers Power Piping  
11 Code B31.1.

12 "Pressure system" means either a pressure vessel or  
13 pressure piping.

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 system, amusement ride, or elevator and kindred  
20 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, or  
3 elevator and kindred equipment required to be inspected pursuant  
4 to this chapter.

5 § -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 systems, amusement rides, and elevators and  
17 kindred equipment required to be inspected  
18 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;



1           (4) Emergency temporary standards may be adopted without  
2           conforming to chapter 91 and without hearings to take  
3           immediate effect upon giving public notice of the  
4           emergency temporary standards or upon another date  
5           that may be specified in the notice. An emergency  
6           temporary standard may be adopted, if the director  
7           determines:

8           (A) That the public or individuals are exposed to  
9           grave danger from exposure to hazardous  
10          conditions or circumstances; and

11          (B) That the emergency temporary standard is  
12          necessary to protect the public or individuals  
13          from danger.

14          Emergency temporary standards shall be effective until  
15          superseded by a standard adopted under chapter 91, but  
16          shall not be effective longer than six months;

17          (5) Variances from standards adopted under this chapter  
18          may be granted upon application of an owner, user,  
19          contractor, or vendor. Application for variances  
20          shall correspond to procedures set forth in the rules  
21          adopted pursuant to this chapter. The director may



1 issue an order for variance, if the director  
2 determines that the proponent of the variance has  
3 demonstrated that the conditions, practices, means,  
4 methods, operations, or processes used or proposed to  
5 be used will provide substantially equivalent safety  
6 as that provided by the standards;

7 (6) Permits.

8 (A) The department shall issue a permit to operate  
9 regarding any boiler, pressure system, amusement  
10 ride, or elevator and kindred equipment if found  
11 to be safe in accordance with rules adopted  
12 pursuant to chapter 91;

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



- 1 (C) The department shall reissue a permit to operate  
2 to any user, owner, or contractor who  
3 demonstrates that the user, owner, or contractor  
4 is proceeding in good faith to abate all  
5 nonconforming conditions mentioned in department  
6 orders and the boilers, pressure systems,  
7 amusement rides, and elevators and kindred  
8 equipment are safe to operate; and
- 9 (D) The department shall establish criteria for the  
10 periodic reinspection and renewal of the permits  
11 to operate, and may provide for the issuance of  
12 temporary permits to operate while any  
13 noncomplying boiler, pressure system, amusement  
14 ride, and elevator and kindred equipment are  
15 being brought into full compliance with the  
16 applicable standards and rules adopted pursuant  
17 to this chapter; provided that the period between  
18 an initial safety inspection or the inspection  
19 used as a basis for the issuance of a permit to  
20 operate, and any subsequent inspection of



1                   elevators and kindred equipment shall not exceed  
2                   one year;

3           (7) No person shall operate a boiler, pressure system,  
4           amusement ride, or elevator and kindred equipment that  
5           are required to be inspected by this chapter or by any  
6           rule adopted pursuant to this chapter, except as  
7           necessary to install, repair, or test, unless a permit  
8           to operate has been authorized or issued by the  
9           department and remains valid; and

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

16          (b) Inspection and investigation.

17          (1) Authorized representatives of the director shall have  
18          the right to enter without delay during regular  
19          working hours and at other reasonable times any place,  
20          establishment, or premises in which are located  
21          boilers, pressure systems, amusement rides, or



1 elevators and kindred equipment requiring inspection  
2 pursuant to this chapter;

3 (2) The department shall inspect for the purpose of  
4 ensuring compliance with this chapter any activity  
5 related to the erection, construction, alteration,  
6 demolition, or maintenance of buildings, structures,  
7 bridges, highways, roadways, dams, tunnels, sewers,  
8 underground buildings or structures, underground  
9 pipelines or ducts, and other construction projects or  
10 facilities;

11 (3) The department shall review plans and make  
12 inspections, and investigations of boilers and  
13 pressure systems, and the premises appurtenant to each  
14 at times and at intervals determined by the director  
15 for the purpose of ensuring compliance with this  
16 chapter. This paragraph shall not apply to single  
17 family dwellings or multiple dwelling units of less  
18 than six living units;

19 (4) The department shall review plans and make  
20 inspections, and investigations of elevators and  
21 kindred equipment and the premises appurtenant to each



1 at times and at intervals determined by the director  
2 for the purpose of ensuring compliance with this  
3 chapter. This paragraph shall not apply to single  
4 family dwellings;

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

14 (6) The department may investigate accidents involving  
15 boilers, pressure systems, amusement rides, and  
16 elevators and kindred equipment inspected under this  
17 chapter and may issue orders and recommendations with  
18 respect to the elimination and control of the cause  
19 factors;

20 (7) The department shall have the right to question any  
21 employer, owner, operator, agent, or employee in



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



1 safety requirements of this chapter and the rules  
2 adopted pursuant to this chapter.

3 (d) Enforcement.

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

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



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

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



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

- 8 (4) When in the opinion of the department the operation of  
9 boilers, pressure systems, amusement rides, or  
10 elevators and kindred equipment required to be  
11 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 property, the department may apply to  
15 the circuit court of the circuit in which the boilers,  
16 pressure systems, amusement rides, or elevators and  
17 kindred equipment are located or the practice, means,  
18 method, operation, or process is employed for an  
19 injunction restraining the use or operation until the  
20 use or 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, variance, or order of the department  
3 and constitutes an imminent hazard to the life or  
4 safety of any person or property and accompanied by a  
5 copy of the standard, rule, variance, or applicable  
6 order, shall warrant, in the discretion of the court,  
7 the immediate granting of a temporary restraining  
8 order. No bond shall be required from the department  
9 as a prerequisite to the granting of a restraining  
10 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



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



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

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

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

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



1 (D) Where appropriate, initiate necessary legal  
2 proceedings to require abatement by the owner,  
3 user, or contractor; and

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

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

17 (1) Inspections by the department of any boiler, pressure  
18 system, amusement ride, and elevator and kindred  
19 equipment for which a permit or certificate is  
20 required for its installation, operation, or use, and



1 which is required to be inspected by this chapter or  
2 by any rules of the department; and

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

6 (b) All fees received by the department pursuant to this  
7 section shall be paid into the boiler and elevator revolving  
8 fund.

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

14

15 SCHEDULE A: Boiler and Pressure System Fees

16 Installation, Repair, and Alteration Permit Fees:

17 (1) Power boilers (shall pass a hydrostatic test unless  
18 indicated otherwise):

19 Miniature electric (no hydrostatic test  
20 required) \$190

21 Less than 500 square feet of heating



1	surface	\$250
2	Greater than or equal to 500 and less	
3	than or equal to 3,000 square feet of	
4	heating surface	\$400
5	Greater than 3,000 square feet of heating	
6	surface	\$750
7	(2) Heating boiler	\$190
8	Retrofit	\$160
9	(3) Pressure vessel	\$175
10	Retrofit	\$130
11	(4) Sterilizers and steam kettles	\$150
12	Retrofit	\$110
13	(5) Repair application fee	\$200
14	(6) Alteration application fee	\$500
15	Examination and License Fees:	
16	(1) Boiler inspectors certificate of competency	
17	examination fee	\$300
18	(2) Review of shops and facilities for the	
19	issuance of National Board or American	
20	Society of Mechanical Engineers	
21	certificate of authorization	\$1,500



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



1	square feet of heating surface	\$170
2	(3) Pressure vessels:	
3	Routine inspections	\$65
4	Internal for air or water service	\$130
5	Ultrasonic testing	\$130
6	(4) For all other types of inspections	
7	an hourly fee is assessed	\$100
8	(5) Hydrostatic test	\$300
9	(6) School "specials" (non-code objects)	\$10
10	Reports and Permit Processing Fees:	
11	(1) Report and permit	\$25
12	(2) Permit reprint	\$20
13	(3) Signed permit card (old issue)	\$10
14	(4) Owner portal	\$5

15

## 16 SCHEDULE B: Elevator and Kindred Equipment Fees

## 17 Installation and Alteration Permits:

18	(1) Alteration involving only the replacement of	
19	up to two parts (such as a valve, a jack,	
20	or a cylinder)	\$150
21	(2) Alteration involving only cosmetic changes	



1	(such as car interior modernizations)	\$300
2	(3) Alterations of more than two parts,	
3	components, or subsystems:	
4	1 - 3 floors	\$600
5	4 - 9 floors	\$650
6	10 - 19 floors	\$700
7	20 - 29 floors	\$750
8	30 - 39 floors	\$800
9	40 or more floors	\$900
10	(4) Where alterations to four or more units at	
11	the same location are identical, the fee for	
12	each additional alteration permit shall be	
13	reduced by fifty per cent. The applications	
14	shall be submitted at the same time to qualify	
15	for the fee reduction.	
16	(5) Installation of new elevators (including material	
17	lifts) and kindred equipment:	
18	Dumbwaiter	\$500
19	Escalator, moving walk, or moving ramp	\$500
20	Hand elevator or stage lift	\$500
21	Wheelchair or stairway lifts	\$500



1	Elevator, 1 - 3 floors	\$600
2	Elevator, 4 - 9 floors	\$650
3	Elevator, 10 - 19 floors	\$700
4	Elevator, 20 - 29 floors	\$750
5	Elevator, 30 - 39 floors	\$800
6	Elevator, 40 or more floors	\$900
7	Personnel hoists	\$250
8	Inclined tunnel lifts	\$500
9	(For elevators, such as observation or deep	
10	well elevators, which have considerable rise	
11	but few openings, each ten feet of vertical	
12	rise shall be considered one floor for the	
13	purpose of determining installation or	
14	alteration permit fees.)	
15	(6) Temporary use permits (construction car)	\$450
16	(7) For each valid alteration or installation	
17	permit, the department shall provide one	
18	inspection per unit.	
19	(8) The fee for each additional inspection or	
20	witnessing of tests, or both, shall be \$300	
21	per day for up to two hours and \$600 per day	



1 for more than two hours if during the normal  
 2 workday. Fees for overtime hours shall  
 3 be \$600 per day for up to two hours and  
 4 \$1,200 per day for more than two hours.

5 (9) Each installation or alteration permit  
 6 shall be valid for up to one year from date  
 7 of issuance.

8 Inspection Fees:

9 (1) Permit renewal inspection fees:

10	Dumbwaiter	\$140
11	Escalator, moving walk, or moving ramp	\$150
12	Hand elevator or stage lift	\$150
13	Wheelchair or stairway lifts	\$150
14	Hydraulic elevator - holed	\$150
15	Hydraulic elevator - holeless	\$200
16	Traction elevator:	
17	1 - 3 floor rise	\$225
18	4 - 9 floor rise	\$250
19	10 - 19 floor rise	\$275
20	20 - 29 floor rise	\$325
21	30 - 39 floor rise	\$400



1	40 or more floor rise	\$475
2	Personnel hoists	\$175
3	Inclined tunnel lifts	\$220
4	(2) Safety, load or internal test (witness fees):	
5	3-year safety test	\$200
6	5-year safety test	\$300
7	Escalator internal	\$100
8	(3) Permit renewal and witness fees are per	
9	inspection, which may constitute one day or	
10	part of the day. If the inspector is required	
11	to return on another day or at another time	
12	on the same day, additional fees shall be	
13	assessed at the rate of \$300 per day for up	
14	to two hours and \$600 per day for more than	
15	two hours. Fees for overtime hours shall be	
16	\$600 per day for up to two hours and \$1,200	
17	per day for more than two hours.	

18

## 19 SCHEDULE C: Amusement Ride Fees

## 20 Inspection Fees:

21 (1) Permit renewal inspection fees:



1 Amusement ride \$100

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

12 **§ -6 Safety inspection by qualified inspectors. (a)**

13 All safety inspections required under this chapter of boilers  
14 and pressure systems shall be performed by deputy boiler  
15 inspectors in the employ of the department who are qualified  
16 boiler inspectors and, when authorized by the director, may be  
17 performed by special inspectors who are qualified boiler  
18 inspectors in the employ of insurance companies insuring boilers  
19 or pressure systems in this State.

20 (b) A qualified boiler inspector is a person eligible for  
21 or in possession of a valid commission issued by the National



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

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

11 (d) A qualified elevator inspector is a person who meets  
12 the criteria of the American Society of Mechanical Engineers and  
13 the standards for the qualification of elevator inspectors of  
14 the American National Standards Institute and has satisfied  
15 requirements established by the department.

16 **§ -7 Complaints to the department.** (a) Complaints may  
17 be made to the department and where reasonable grounds exist for  
18 the department to believe there may be a hazard, there shall be  
19 an inspection in response to the complaint.

20 (b) Names of all complainants and witnesses shall be held  
21 in confidence by the department unless prior permission has been



1 given by the complainant or witness to release the complainant's  
2 or witness' name or unless it has been determined by the  
3 attorney general that disclosure is necessary for enforcement  
4 and review of this chapter.

5       **§ -8 Violations and penalties.** (a) The director shall  
6 have authority to assess all civil penalties provided in this  
7 section, giving due consideration to the appropriateness of the  
8 penalty with respect to the gravity of the violation, the good  
9 faith of the owner, user, contractor, or vendor, and the history  
10 of previous violations.

11       (b) Any owner, user, contractor, or vendor who violates  
12 this chapter, or any safety standard promulgated pursuant to  
13 this chapter or any rule issued under the authority of this  
14 chapter, or who violates or fails to comply with any order made  
15 under or by virtue of this chapter or under or by virtue of any  
16 rule of the department, or who defaces, displaces, destroys,  
17 damages, or removes without the authority of the department any  
18 safety device, safeguard, notice, order, or warning required by  
19 this chapter or by any rule of the department shall be assessed  
20 a civil penalty of not more than \$10,000 for each such  
21 violation.



1 (c) Each day a violation continues shall constitute a  
2 separate violation except during an abatement period.

3 (d) Whoever knowingly makes any false statement,  
4 representation, or certification in any application, record,  
5 report, plan or other document filed or required to be  
6 maintained pursuant to this chapter, shall, upon conviction, be  
7 punished by a fine of not more than \$10,000, or by imprisonment  
8 for not more than six months, or by both.

9 (e) Civil penalties owed under this chapter shall be paid  
10 to the department and deposited into the general fund. Civil  
11 penalties owed under this chapter may be recovered in a civil  
12 action in the name of the department and the State brought in  
13 the district or circuit court for the circuit where the  
14 violation is alleged to have occurred or where the owner, user,  
15 contractor, or vendor has the owner's, user's, contractor's, or  
16 vendor's principal office.

17 (f) Criminal offenses committed against any employee of  
18 the State acting within the scope of the employee's office,  
19 employment, or authority under this chapter shall be subject to  
20 the penalties set forth in the Hawaii Penal Code; provided that:



- 1           (1) Ten years shall be added to the maximum term of  
2           imprisonment (unless life imprisonment is imposed) and  
3           \$10,000 shall be added to the maximum fine imposed for  
4           conviction under a class A felony;
- 5           (2) Five years shall be added to the maximum term of  
6           imprisonment and \$5,000 shall be added to the maximum  
7           fine imposed for conviction under a class B felony;
- 8           (3) Three years shall be added to the maximum term of  
9           imprisonment and \$1,000 shall be added to the maximum  
10          fine for conviction under a class C felony;
- 11          (4) One year shall be added to the maximum term of  
12          imprisonment and \$500 shall be added to the maximum  
13          fine for conviction for a misdemeanor; and
- 14          (5) The maximum term of imprisonment and maximum fines  
15          prescribed for misdemeanors under the Hawaii Penal  
16          Code shall apply to convictions for a petty  
17          misdemeanor.

18          § -9 **Review and appeal.** Any order of the director shall  
19 be final and conclusive against the owner, user, vendor, or  
20 contractor unless the owner, user, vendor, or contractor files  
21 with the director a written notice of contest of the order, the



1 abatement period stated in the order, or the penalty stated in  
2 the order within twenty days after receipt of the order.

3 The owner, user, vendor, or contractor may petition the  
4 director for modification of the abatement requirements in an  
5 order. The owner, user, vendor, or contractor shall file the  
6 petition no later than the close of the next business day  
7 following the date on which abatement is required or under  
8 exceptional circumstances and for good cause shown at a later  
9 date. The petition for modification may be filed after the  
10 twenty-day period for contesting the order has expired where the  
11 initial abatement period stated in the order expires after the  
12 twenty-day period for filing a notice of contest has run.

13 The director shall issue an order either affirming or  
14 modifying the abatement requirement. The director may issue an  
15 order modifying the abatement requirement upon a showing by the  
16 owner, user, vendor, or contractor of a good faith effort to  
17 comply with the abatement requirements of an order and that  
18 abatement has not been completed because of factors beyond the  
19 owner's, user's, vendor's, or contractor's reasonable control.

20 The director shall advise the appeals board of a notice of  
21 contest upon receiving any such notice.



1           The appeals board shall afford an opportunity for a hearing  
2 on any notice of contest. Such hearings before the appeals  
3 board shall be de novo except where rules and regulations  
4 require a prior formal hearing at the department level, the  
5 proceedings of which are required to be transcribed, in which  
6 case review before the appeals board shall be confined to the  
7 record only.

8           The appeals board may affirm, modify, or vacate the order  
9 or continue the matter upon the terms and conditions as may be  
10 deemed necessary, or remand the case to the director with  
11 instructions for further proceedings or direct other relief as  
12 may be appropriate.

13           § -10 **Boiler and elevator safety appeals board.** (a)

14 There is created a boiler and elevator safety appeals board  
15 composed of three members nominated and, by and with the advice  
16 and consent of the senate, appointed by the governor for  
17 staggered terms in accordance with section 26-34. The members  
18 appointed to the appeals board shall be selected on the basis of  
19 their knowledge and experience in the field of boiler and  
20 elevator safety. The governor shall designate one of the  
21 members the chairperson of the board. Each member shall hold



1 office until the member's successor is appointed and qualified.  
2 Because cumulative experience and continuity in office are  
3 essential to the proper handling of appeals, it is hereby  
4 declared to be in the public interest to continue board members  
5 in office as long as efficiency is demonstrated.

6 (b) The board shall have power to decide appeals from  
7 decisions and orders of the director issued under this chapter.

8 (c) A decision concurred in by any two members shall  
9 constitute a decision of the appeals board. All decisions of  
10 the appeals board shall be reduced to writing and shall state  
11 separately its finds of fact and conclusions.

12 (d) A vacancy in the board, if there remain two members,  
13 shall not impair the authority of two members to act.

14 (e) If any member of the board is unable to act because of  
15 absence, temporary disability, or disqualification, the governor  
16 may make a temporary appointment and the appointee shall have  
17 all the powers and duties of a regular member of the board.

18 (f) The chairperson of the appeals board shall be  
19 responsible for the administrative functions of the appeals  
20 board.



1 (g) The board may adopt rules within its area of  
2 responsibilities in accordance with chapter 91.

3 (h) The members shall serve without compensation but shall  
4 be paid per diem and travel expenses when attending meetings of  
5 the appeals board. The appeals board shall be within the  
6 department for administrative purposes only.

7 § -11 **Judicial review.** Except where an order has  
8 already become final for failure to contest, the decision and  
9 order of the appeals board shall be final and conclusive, unless  
10 the director or any party to the proceedings before the appeals  
11 board obtains a review thereof in the manner provided in  
12 chapter 91 by instituting proceedings in the circuit court of  
13 the circuit in which the boiler, pressure system, amusement  
14 ride, or elevator and kindred equipment is situated or such  
15 practice, means, method, operation, or process is employed. The  
16 hearing on review shall be on the record and the department  
17 shall be deemed a party to any such proceedings. The court  
18 shall give precedence to such proceedings over all other civil  
19 cases.

20 § -12 **Trade secrets.** Information obtained by the  
21 department containing or revealing a trade secret shall be held



1 confidential and access shall be limited to authorized  
2 representatives of the director concerned with carrying out this  
3 chapter or when relevant in any proceeding under this chapter.  
4 In such proceeding the director, the appeals board, or the court  
5 shall issue such orders as may be appropriate to protect the  
6 confidentiality of trade secrets.

7       **§ -13 Evidence.** No record or determination of any  
8 administrative proceeding under this chapter or any statement or  
9 report of any kind obtained, received, or prepared in connection  
10 with the administration or enforcement of this chapter shall be  
11 admitted or used, whether as evidence or as discovery, in any  
12 civil action growing out of any matter mentioned in the record,  
13 determination, statement, or report other than an action for  
14 enforcement or review under this chapter.

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



1 (b) The purpose of the revolving fund shall be to provide  
2 for sufficient operating costs to carry out the purposes of this  
3 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 revolving fund,  
16 including expenditures and program results, no later than twenty  
17 days prior to the convening of each regular session.

18 (d) No later than ten years from the date of the  
19 establishment of the revolving fund, the director shall  
20 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 revolving fund."

3 SECTION 7. Chapter 397, Hawaii Revised Statutes, is  
4 repealed.

5 SECTION 8. All rights, powers, functions, and duties of  
6 the department of labor and industrial relations relating to the  
7 boiler and elevator safety law are transferred to the department  
8 of commerce and consumer affairs.

9 All employees whose only function relates to the boiler and  
10 elevator safety law are transferred to the department of  
11 commerce and consumer affairs. Employees who occupy civil  
12 service positions and whose functions are transferred to the  
13 department of commerce and consumer affairs by this part shall  
14 retain their civil service status, whether permanent or  
15 temporary. Employees shall be transferred without loss of  
16 salary, seniority (except as prescribed by applicable collective  
17 bargaining agreements), retention points, prior service credit,  
18 any vacation and sick leave credits previously earned, and other  
19 rights, benefits, and privileges, in accordance with state  
20 personnel laws and this part; provided that the employees  
21 possess the minimum qualifications and public employment



1 requirements for the class or position to which transferred or  
2 appointed, as applicable; provided further that subsequent  
3 changes in status may be made pursuant to applicable civil  
4 service and compensation laws.

5 Any employee who, prior to this Act, is exempt from civil  
6 service and is transferred as a consequence of this part may  
7 retain the employee's exempt status, but shall not be appointed  
8 to a civil service position as a consequence of this part. An  
9 exempt employee who is transferred by this part shall not suffer  
10 any loss of prior service credit, vacation or sick leave credits  
11 previously earned, or other employee benefits or privileges as a  
12 consequence of this part; provided that the employees possess  
13 legal and public employment requirements for the position to  
14 which transferred or appointed, as applicable; provided further  
15 that subsequent changes in status may be made pursuant to  
16 applicable employment and compensation laws. The director of  
17 commerce and consumer affairs may prescribe the duties and  
18 qualifications of these employees and fix their salaries without  
19 regard to chapter 76, Hawaii Revised Statutes.

20 SECTION 9. All appropriations, records, equipment,  
21 machines, files, supplies, contracts, books, papers, documents,



1 maps, and other personal property heretofore made, used,  
2 acquired, or held by the department of labor and industrial  
3 relations relating to the functions transferred to the  
4 department of commerce and consumer affairs shall be transferred  
5 with the functions to which they relate.

6 SECTION 10. All rules, policies, procedures, guidelines,  
7 and other material adopted or developed by the department of  
8 labor and industrial relations to implement provisions of the  
9 Hawaii Revised Statutes applicable to the boiler and elevator  
10 safety law that are in effect on the effective date of this Act  
11 shall remain in full force and effect until amended or repealed  
12 by the department of commerce and consumer affairs pursuant to  
13 chapter 91, Hawaii Revised Statutes. In the interim, every  
14 reference to the department of labor and industrial relations or  
15 director of labor and industrial relations in those rules,  
16 policies, procedures, guidelines, and other material is amended  
17 to refer to the department of commerce or consumer affairs and  
18 the director of commerce and consumer affairs, as appropriate.

19 PART IV

20 SECTION 11. Section 706-650.5, Hawaii Revised Statutes, is  
21 amended as follows:



1           1. By amending subsection (3) to read as follows:

2           "(3) There is established within the state treasury a  
3 special fund to be known as the human trafficking victim  
4 services fund to be administered by the [~~department of labor and~~  
5 ~~industrial relations.~~] judiciary. The disbursement of money  
6 from the human trafficking victim services fund shall be used to  
7 supplement programs, grants, or purchase of service contracts  
8 that support or provide comprehensive services to victims of  
9 labor trafficking crimes under part VIII of chapter 707, or  
10 victims of trafficking related to crimes under part I of  
11 chapter 712. Moneys in the special fund shall be used for new  
12 or existing programs, grants, or purchase of service contracts  
13 and shall not supplant any other moneys previously allocated to  
14 these programs, grants, or purchase of service contracts."

15           2. By amending subsection (6) to read as follows:

16           "(6) The [~~department of labor and industrial relations~~]  
17 judiciary shall submit to the legislature no later than twenty  
18 days prior to the convening of each regular session a written  
19 annual report that provides the following:

20           (a) An accounting of the receipts of and expenditures from  
21           the human trafficking victim services fund; and



1 (b) Any recommendations to improve support of and services  
2 to victims of labor trafficking crimes under part VIII  
3 of chapter 707, or victims of trafficking related to  
4 crimes under part I of chapter 712."

5 SECTION 12. All appropriations, records, equipment,  
6 machines, files, supplies, contracts, books, papers, documents,  
7 maps, and other personal property heretofore made, used,  
8 acquired, or held by the department of labor and industrial  
9 relations relating to the functions transferred to the judiciary  
10 shall be transferred with the functions to which they relate.

11 PART V

12 SECTION 13. Any funds remaining in the boiler and elevator  
13 revolving fund established pursuant to section 397-13, Hawaii  
14 Revised Statutes, on the effective date of this Act shall be  
15 transferred to the boiler and elevator revolving fund  
16 established pursuant to section 6 of this Act.

17 SECTION 14. Any valid permit to operate issued under  
18 chapter 397, Hawaii Revised Statutes, in effect on the effective  
19 date of this Act shall be recognized as though issued by the  
20 department of commerce and consumer affairs. The department of  
21 labor and industrial relations appeals board shall have



1 continuing jurisdiction over any outstanding appeals pursuant to  
2 chapter 397, Hawaii Revised Statutes, until such time that the  
3 boiler and elevator safety appeals board has been established  
4 pursuant to this Act.

5 PART VI

6 SECTION 15. This Act does not affect rights and duties  
7 that matured, penalties that were incurred, and proceedings that  
8 were begun before its effective date.

9 SECTION 16. If any provision of this Act, or the  
10 application thereof to any person or circumstance, is held  
11 invalid, the invalidity does not affect other provisions or  
12 applications of the Act that can be given effect without the  
13 invalid provision or application, and to this end the provisions  
14 of this Act are severable.

15 SECTION 17. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 18. This Act shall take effect on December 25,  
18 2040.



**Report Title:**

Government; State Fire Council; Boiler and Elevator Safety Law; DLIR; DCCA; Human Trafficking Victim Services Fund; Judiciary

**Description:**

Transfers the state fire council, for administrative purposes, from DLIR to DCCA. Places the boiler and elevator safety law under the jurisdiction of DCCA rather than DLIR and creates a boiler and elevator safety appeals board. Transfers administration of the human trafficking victim services fund from DLIR to the judiciary. Effective 12/25/2040. (HD3)

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