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



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



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



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



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



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 in this
15 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



1 agent briefings and instructions regarding the rules pertaining
2 to boilers and pressure systems in 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

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 paid timely. Deletes the boiler and elevator fee schedule. Defines "amusement ride", "permit to operation", and "pressure retaining item". Replaces "boiler, pressure items" 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.

