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# A BILL FOR AN ACT

RELATING TO SAFETY.

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

1       SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to title 25 to be appropriately designated  
3 and to read as follows:

4                               **"CHAPTER**

5                               **BOILER AND ELEVATOR INSPECTORS**

6       **§ -1 Definitions.** As used in this chapter:

7       "Amusement ride" has the same meaning as in section 397-3.

8       "Board" means the boiler and elevator inspectors board  
9 established in section -2.

10       "Boiler" has the same meaning as in section 397-3.

11       "Boiler and Elevator Safety Law" means chapter 397.

12       "Elevator" has the same meaning as in section 397-3.

13       "Elevators and kindred equipment" has the same meaning as  
14 in section 397-3.

15       "Licensed qualified boiler inspector" means a person  
16 licensed under this chapter to perform a safety inspection of



1 pressure retaining items for purposes of the Boiler and Elevator  
2 Safety Law.

3 "Licensed qualified elevator inspector" means a person  
4 licensed under this chapter to perform a safety inspection of  
5 elevators and kindred equipment, and amusement rides and the  
6 premises appurtenant thereto, for purposes of the Boiler and  
7 Elevator Safety Law.

8 "Pressure retaining item" has the same meaning as in  
9 section 397-3.

10 "Qualified boiler inspector" means a person who is eligible  
11 for or in possession of a valid commission issued by the  
12 National Board of Boiler and Pressure Vessel Inspectors.

13 "Qualified elevator inspector" means a person who meets the  
14 criteria of the American Society of Mechanical Engineers and the  
15 standards for the qualification of elevator inspectors of the  
16 American National Standards Institute.

17 § -2 **Boiler and elevator inspectors board.** (a) There  
18 shall be a boiler and elevator inspectors board which shall be  
19 placed within the department of commerce and consumer affairs  
20 for administrative purposes and consist of seven members. The  
21 members shall be appointed by the governor, with the advice and



1 consent of the senate, as provided in section 26-34. Three  
2 members shall represent boiler inspectors, three members shall  
3 represent elevator inspectors, and one member shall represent  
4 the public.

5 In appointing a member to serve on the board, the governor  
6 shall select from a list submitted by a nominating committee.  
7 The nominating committee shall be composed of four individuals  
8 chosen as follows:

9 (1) Two persons appointed by the governor;

10 (2) One person appointed by the president of the senate;

11 and

12 (3) One person appointed by the speaker of the house of  
13 representatives.

14 The nominating committee shall solicit applications and send to  
15 the governor the names of at least three individuals for each  
16 open position.

17 (b) All members shall serve for a term of four years,  
18 except that the governor may reduce the terms of those initially  
19 appointed to provide, as nearly as can be, for the expiration of  
20 an equal number of terms at intervals of one year, each term  
21 commencing on July 1 and expiring on June 30. The board shall



1 select a chairperson from among its members. Each member shall  
2 hold office until reappointed by the member's respective  
3 appointing authority at the end of the member's term or until  
4 the member's successor is appointed.

5       **§ -3 Powers.** (a) In addition to any other powers and  
6 duties authorized by law, the board, in accordance with this  
7 chapter and chapters 91 and 436B, shall:

8           (1) Establish qualifications for the licensing of  
9               qualified boiler inspectors and qualified elevator  
10              inspectors as may be necessary for the welfare of the  
11              public;

12           (2) Establish fees through rules adopted pursuant to  
13              chapter 91;

14           (3) Adopt, amend, and repeal rules not inconsistent with  
15              this chapter, as the board deems appropriate for  
16              effectuating the purpose of this chapter and to ensure  
17              the welfare of the public; and

18           (4) Enforce this chapter and rules adopted pursuant to  
19              this chapter.

20           (b) The board may take any other action as authorized by  
21 chapter 436B.



1           §    -4   **Cooperation between the board and the department of**  
2   **labor and industrial relations.**   The board and the department of  
3   labor and industrial relations shall cooperate to facilitate the  
4   board's enforcement of this chapter and the department's  
5   enforcement of the Boiler and Elevator Safety Law.

6           §    -5   **License required.**   (a)   No person shall perform a  
7   safety inspection of pressure retaining items for purposes of  
8   the Boiler and Elevator Safety Law unless duly licensed under  
9   this chapter as a licensed qualified boiler inspector.

10          (b)   No person shall perform a safety inspection of  
11   elevators and kindred equipment, and amusement rides and the  
12   premises appurtenant thereto, for purposes of the Boiler and  
13   Elevator Safety Law unless duly licensed under this chapter as a  
14   licensed qualified elevator inspector.

15          §    -6   **License period; renewal.**   Each licensee shall renew  
16   the licensee's license on or before December 31 of each odd-  
17   numbered year.   Failure to renew the license on or before  
18   December 31 of each odd-numbered year shall automatically  
19   constitute a forfeiture of the license; provided that the  
20   license shall be restored upon written application therefor



1 together with payment of the renewal fee, all delinquent fees,  
2 and a penalty fee."

3 SECTION 2. Section 397-3, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By adding two new definitions to be appropriately  
6 inserted and to read:

7 "Licensed qualified boiler inspector" means a person  
8 licensed under chapter to perform a safety inspection of  
9 pressure retaining items for purposes of this chapter.

10 "Licensed qualified elevator inspector" means a person  
11 licensed under chapter to perform a safety inspection of  
12 elevators and kindred equipment, and amusement rides and the  
13 premises appurtenant thereto, for purposes of this chapter."

14 2. By repealing the definition of "division".

15 [~~"Division" means the division of occupational safety and~~  
16 ~~health."~~]

17 3. By repealing the definition of "national board".

18 [~~"National Board" means the National Board of Boiler and~~  
19 ~~Pressure Vessel Inspectors."~~]

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



1           **"§397-6 Safety inspection by qualified inspectors. (a)**

2 All safety inspections required under this chapter of pressure  
3 retaining items shall be performed by ~~[deputy boiler inspectors~~  
4 ~~in the employ of the department who are qualified boiler~~  
5 ~~inspectors and, when authorized by the director, may be~~  
6 ~~performed by special inspectors who are]~~ licensed qualified  
7 boiler inspectors ~~[in the employ of insurance companies insuring~~  
8 ~~pressure retaining items in this State]~~.

9           ~~[(b) A qualified boiler inspector is a person eligible for~~  
10 ~~or in possession of a valid commission issued by the National~~  
11 ~~Board of Boiler and Pressure Vessel Inspectors, who has~~  
12 ~~satisfied the requirements established by the department, and~~  
13 ~~who has received from the director or the director's authorized~~  
14 ~~agent briefings and instructions regarding the rules pertaining~~  
15 ~~to pressure retaining items in this State.~~

16           ~~-(e)]~~ (b) All safety inspections required under this  
17 chapter of elevators and kindred equipment, and amusement rides  
18 and the premises appurtenant thereto, shall be performed by  
19 ~~[deputy elevator inspectors of the department who are]~~ licensed  
20 qualified elevator inspectors ~~[and who are employed primarily~~  
21 ~~for purposes of elevator and related inspection work.~~



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

(c) Notwithstanding any provision of this chapter requiring the department to conduct an inspection, the department may require an owner, user, or contractor to obtain an inspection from a licensed qualified boiler inspector or licensed qualified elevator inspector."

SECTION 4. (a) All rights, powers, functions, and duties with respect to the licensing of boiler inspectors and elevator inspectors are transferred from the department of labor and industrial relations to the boiler and elevator inspectors board established pursuant to section 1 of this Act.

(b) All rules, policies, procedures, guidelines, and other material adopted or developed by the department of labor and industrial relations to implement provisions of the Hawaii Revised Statutes that are made applicable to the boiler and elevator inspectors board by this Act, shall remain in full force and effect until amended or repealed by the boiler and





1 elevator inspectors board pursuant to chapter 91, Hawaii Revised  
2 Statutes.

3 In the interim, every reference to the department of labor  
4 and industrial relations in those rules, policies, procedures,  
5 guidelines, and other material is amended to refer to the boiler  
6 and elevator inspectors board, as appropriate.

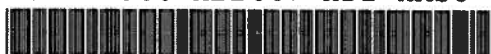
7 SECTION 5. All commissions to inspect and certificates of  
8 competency relating to boiler inspectors or elevator inspectors  
9 that are valid on the day prior to the effective date of this  
10 Act shall remain valid until:

11 (1) The holder of the commission and certificate is  
12 granted a license under chapter , Hawaii Revised  
13 Statutes;

14 (2) The holder of the commission and certificate is denied  
15 a license under chapter , Hawaii Revised Statutes;  
16 or

17 (3) December 31, 2024,  
18 whichever occurs first.

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



1       SECTION 7. This Act shall take effect on December 25,  
2 2040.  
3



**Report Title:**

Boiler and Elevator Safety Law; Inspections; Boiler Inspectors; Elevator Inspectors; Regulation; Boiler and Elevator Inspectors Board; DCCA; DLIR

**Description:**

Establishes a new licensing regime for boiler inspectors and elevator inspectors, including the creation of a boiler and elevator inspectors board. Transfers the licensing of boiler inspectors and elevator inspectors from the department of labor and industrial relations to the board. Clarifies that any inspection required under the Boiler and Elevator Safety Law, including inspections required to be done by the department, may be directed to be completed by licensed qualified boiler inspectors or licensed qualified elevator inspectors. Effective 12/25/2040. (HD1)

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

