

ACT 200

H.B. NO. 1004

A Bill for an Act Relating to the Boiler and Elevator Safety Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 397-2, Hawaii Revised Statutes, is amended to read as follows:

~~“§397-2~~ **Findings and purpose.** The legislature finds that the Hawaii occupational safety and health law does not adequately provide for the safe operation and use of ~~[boilers, pressure systems,]~~ pressure retaining items, amusement rides, and elevators and kindred equipment. The purpose of this law is to assure the safe operation and use of such apparatus in Hawaii.”

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

“Amusement ride” means a mechanically or electrically operated device designed to carry passengers in various modes and used for entertainment and amusement.

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

“Pressure retaining item” means a boiler, pressure vessel, or pressure system.”

SECTION 3. Section 397-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

(a) Administration.

- (1) The department shall establish a boiler and elevator inspection branch for the enforcement of the rules adopted under this chapter and other duties as assigned;
- (2) The department shall:
 - (A) Implement and enforce the requirements of this chapter; and
 - (B) Keep adequate and complete records of the type, size, location, identification data, and inspection findings for ~~[boilers, pressure systems,]~~ pressure retaining items, amusement rides, and elevators and kindred equipment required to be inspected pursuant to this chapter;
- (3) The department shall formulate definitions and adopt and enforce standards and rules pursuant to chapter 91 that may be necessary for carrying out this chapter;
- (4) Emergency temporary standards may be adopted without conforming to chapter 91 and without hearings to take immediate effect upon giving public notice of the emergency temporary standards or upon another date that may be specified in the notice. An emergency temporary standard may be adopted, if the director determines:
 - (A) That the public or individuals are exposed to grave danger from exposure to hazardous conditions or circumstances; and
 - (B) That the emergency temporary standard is necessary to protect the public or individuals from danger.

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

- (5) Variances from standards adopted under this chapter may be granted upon application of an owner, user, contractor, or vendor. Application for variances shall correspond to procedures set forth in the rules adopted pursuant to this chapter. The director may issue an order for variance, if the director determines that the proponent of the variance has demonstrated that the conditions, practices, means, methods, operations, or processes used or proposed to be used will provide substantially equivalent safety as that provided by the standards;

- (6) Permits.

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

- (B) The department may issue an order immediately [~~revoke~~] revoking or suspending any [~~“permit to operate”~~] permit to operate, or an order prohibiting the use or operation of [~~any boiler, pressure system,~~] a pressure retaining item, amusement ride, or elevator and kindred equipment [~~found~~] when:

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

- (ii) A user, owner, or contractor ignores a prior department [orders] order to correct a condition, [specific defects or hazards] defect, or hazard relating to the pressure retaining item, amusement ride, or elevator and kindred equipment, and continues to use or operate the [aforementioned apparatus] the pressure retaining item, amusement ride, or elevator and kindred equipment without abating the [hazards or defects;] condition, defect, or hazard identified in the order; or

- (iii) A user, owner, or contractor fails to pay any fee or fine required under this chapter or any rule adopted under this chapter.

The order may be rescinded when the department has determined that the owner, user, or contractor has complied with the order to correct the condition, defect, or hazard identified in the order or has paid all fees or fines imposed by the department;

- (C) The department [~~shall~~] may reissue a [~~“permit to operate”~~] permit to operate to any user, owner, or contractor who demonstrates that the user, owner, or contractor is proceeding in good faith to abate all nonconforming conditions mentioned in department orders and the [~~boilers, pressure systems,~~] pressure retaining items, amusement rides, and elevators and kindred equipment are safe to operate; and

- (D) The department shall establish criteria for the periodic reinspection and renewal of the permits to operate, and may provide for the issuance of temporary permits to operate while any noncomplying [~~boiler, pressure system,~~] pressure retaining item, amusement ride, and elevator and kindred equipment are

being brought into full compliance with the applicable standards and rules adopted pursuant to this chapter; provided that the period between an initial safety inspection or the inspection used as a basis for the issuance of a permit to operate, and any subsequent inspection of elevators and kindred equipment shall not exceed one year;

- (7) No person shall operate a [~~boiler, pressure system,~~] pressure retaining item, amusement ride, or elevator and kindred equipment that [~~are~~] is required to be inspected by this chapter or by any rule adopted pursuant to this chapter, except as necessary to install, repair, or test, unless a permit to operate has been authorized or issued by the department and remains valid; and
- (8) The department, upon the application of any owner, user, or other person affected thereby, may grant time that may reasonably be necessary for compliance with any order. Any person affected by an order may for cause petition the department for an extension of time.”

SECTION 4. Section 397-5, Hawaii Revised Statutes, is amended to read as follows:

“**§397-5 Fees.** (a) [~~The~~] By rules adopted pursuant to chapter 91, the director [may] shall prescribe reasonable fees to be charged for inspection, examination, and other services rendered, and for permits, certificates, or licenses, the issuance of which are required by this chapter or by any rules of the department adopted pursuant to this chapter[~~], and~~]. The fee schedule shall include fees for:

- (1) Inspections by the department of any [~~boiler, pressure system,~~] pressure retaining item, amusement ride, and elevator and kindred equipment for which a permit or certificate is required for its installation, repair, alteration, operation, or use, and which is required to be inspected by this chapter or by any rules of the department; and
- (2) Examination of any person applying for permits, certificates, or licenses as required by this chapter or by any rules of the department.

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

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

**SCHEDULE A: Boiler and Pressure System Fees
Installation, Repair, and Alteration Permit Fees:**

- (1) ~~Power boilers (shall pass a hydrostatic test unless indicated otherwise):~~
 - Miniature electric (no hydrostatic test required) \$190
 - Less than 500 square feet of heating surface \$250
 - Greater than or equal to 500 and less than or equal to 3,000 square feet of heating surface \$400
 - Greater than 3,000 square feet of heating surface \$750
- (2) Heating boiler \$190

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	Retrofit	\$160
(3)	Pressure vessel Retrofit	\$175 \$130
(4)	Sterilizers and steam kettles Retrofit	\$150 \$110
(5)	Repair application fee	\$200
(6)	Alteration application fee	\$500
	Examination and License Fees:	
(1)	Boiler inspectors certificate of competency examination fee	\$300
(2)	Review of shops and facilities for the issuance of National Board or American Society of Mechanical Engineers certificate of authorization	\$1,500
(3)	Review of shops and facilities for the issuance of Non-Boiler External Piping certificate of authorization	\$750
(4)	Boiler inspector's Hawaii commission, initial and renewal	\$75
	Internal and External Inspection Fees:	
(1)	Power boilers:	
	Without manholes	\$150
	With manholes but less than or equal to 3,000 square feet of heating surface	\$180
	With manholes greater than 3,000 and less than or equal to 10,000 square feet of heating surface	\$260
	With manholes and over 10,000 square feet of heating surface	\$450
(2)	Heating boilers:	
	Hot water supply	\$130
	Steam and water heating without manholes	\$110
	Steam, over 100 square feet but not over 500 square feet of heating surface	\$140
	All with manholes and steam over 500 square feet of heating surface	\$170
(3)	Pressure vessels:	
	Routine inspections	\$65
	Internal for air or water service	\$130
	Ultrasonic testing	\$130
(4)	For all other types of inspections an hourly fee is assessed	\$100
(5)	Hydrostatic test	\$300
(6)	School "specials" (non-code objects)	\$10
	Reports and Permit Processing Fees:	
(1)	Report and permit	\$25
(2)	Permit reprint	\$20
(3)	Signed permit card (old issue)	\$10
(4)	Owner portal	\$5

SCHEDULE B: Elevator and Kindred Equipment Fees

Installation and Alteration Permits:

(1)	Alteration involving only the replacement of up to two parts (such as a valve, a jack, or a cylinder)	\$150
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(2)	Alteration involving only cosmetic changes (such as car interior modernizations)	\$300
(3)	Alterations of more than two parts, components, or subsystems:	
	1—3 floors	\$600
	4—9 floors	\$650
	10—19 floors	\$700
	20—29 floors	\$750
	30—39 floors	\$800
	40 or more floors	\$900
(4)	Where alterations to four or more units at the same location are identical, the fee for each additional alteration permit shall be reduced by fifty per cent. The applications must be submitted at the same time to qualify for the fee reduction.	
(5)	Installation of new elevators (including material lifts) and kindred equipment:	
	Dumbwaiter	\$500
	Escalator, moving walk, or moving ramp	\$500
	Hand elevator or stage lift	\$500
	Wheelchair or stairway lifts	\$500
	Elevator, 1—3 floors	\$600
	Elevator, 4—9 floors	\$650
	Elevator, 10—19 floors	\$700
	Elevator, 20—29 floors	\$750
	Elevator, 30—39 floors	\$800
	Elevator, 40 or more floors	\$900
	Personnel hoists	\$250
	Inclined-tunnel lifts	\$500
	(For elevators, such as observation or deep well elevators, which have considerable rise but few openings, each ten feet of vertical rise shall be considered one floor for the purpose of determining installation or alteration permit fees.)	
(6)	Temporary use permits (construction car)	\$450
(7)	For each valid alteration or installation permit, the department shall provide one inspection per unit.	
(8)	The fee for each additional inspection or witnessing of tests, or both, shall be \$300 per day for up to two hours and \$600 per day for more than two hours if during the normal workday. Fees for overtime hours shall be \$600 per day for up to two hours and \$1,200 per day for more than two hours.	
(9)	Each installation or alteration permit shall be valid for up to one year from date of issuance.	
	Inspection Fees:	
(1)	Permit renewal inspection fees:	
	Dumbwaiter	\$140
	Escalator, moving walk, or moving ramp	\$150

Hand elevator or stage lift	\$150
Wheelchair or stairway lifts	\$150
Hydraulic elevator—holed	\$150
Hydraulic elevator—holeless	\$200
Traction elevator:	
1—3 floor rise	\$225
4—9 floor rise	\$250
10—19 floor rise	\$275
20—29 floor rise	\$325
30—39 floor rise	\$400
40 or more floor rise	\$475
Personnel hoists	\$175
Inclined tunnel lifts	\$220
(2) Safety, load or internal test (witness fees):	
3-year safety test	\$200
5-year safety test	\$300
Escalator internal	\$100
(3) Permit renewal and witness fees are per inspection, which may constitute one day or part of the day. If the inspector is required to return on another day or at another time on the same day, additional fees shall be assessed at the rate of \$300 per day for up to two hours and \$600 per day for more than two hours. Fees for overtime hours shall be \$600 per day for up to two hours and \$1,200 per day for more than two hours.	

SCHEDULE C: Amusement Ride Fees

Inspection Fees:

- (1) Permit renewal inspection fees:

Amusement ride	\$100
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- (2) Permit renewal fees are per inspection, which may constitute one day or part of the day. If the inspector has to return on another day or at another time within the same day, additional fees shall be assessed at the rate of \$300 per day for up to two hours and \$600 per day for more than two hours. Fees for overtime hours shall be \$600 per day for up to two hours and \$1,200 per day for more than two hours.]”

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

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

(b) A qualified boiler inspector is a person eligible for or in possession of a valid commission issued by the National Board of Boiler and Pressure Ves-

sel Inspectors, who has satisfied the requirements established by the department, and who has received from the director or the director's authorized agent briefings and instructions regarding the rules pertaining to ~~[boilers and pressure systems]~~ pressure retaining items in this State.

(c) All safety inspections required under this chapter of elevators and kindred equipment, ~~and amusement rides and the premises appurtenant thereto,~~ shall be performed by deputy elevator inspectors of the department who are qualified elevator inspectors and who are employed primarily 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 ~~[of labor and industrial relations].~~"

SECTION 6. Section 397-10, Hawaii Revised Statutes, is amended to read as follows:

~~“[§397-10]~~ **Judicial review.** Except where an order has already become final for failure to contest, the decision and order of the appeals board shall be final and conclusive, unless the director or any party to the proceedings before the appeals board obtains a review thereof in the manner provided in chapter 91 by instituting proceedings in the circuit court of the circuit in which the ~~[boiler, pressure system,]~~ pressure retaining item, amusement ride, or elevator and kindred equipment is situated or such practice, means, method, operation, or process is employed. The hearing on review shall be on the record and the department shall be deemed a party to any such proceedings. The court shall give precedence to such proceedings over all other civil cases.”

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved July 6, 2021.)