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

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



1 ~~operate~~"] permit to operate, or an order
2 prohibiting the use or operation of [any boiler,
3 ~~pressure system,~~] a pressure retaining item,
4 amusement ride, or elevator and kindred equipment
5 ~~[found]~~ when:

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

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

9 (C) The department [~~shall~~] may reissue a [~~"permit to~~
10 ~~operate"~~] permit to operate to any user, owner,
11 or contractor who demonstrates that the user,
12 owner, or contractor is proceeding in good faith
13 to abate all nonconforming conditions mentioned
14 in department orders and the [~~boilers, pressure~~
15 ~~systems,~~] pressure retaining items, amusement
16 rides, and elevators and kindred equipment are
17 safe to 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~~] By rules adopted pursuant to
7 chapter 91, the director [~~may~~] shall prescribe reasonable fees
8 to be charged for inspection, examination, and other services
9 rendered, and for permits, certificates, or licenses, the
10 issuance of which are required by this chapter or by any rules
11 of the department adopted pursuant to this chapter[~~, and~~]. The
12 fee schedule shall include fees for:

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



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

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

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

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

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

15 ~~(1) Power boilers (shall pass a hydrostatic test unless~~
16 ~~indicated otherwise):~~

17 ~~Miniature electric (no hydrostatic test~~

18 ~~required) \$190~~

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

20 ~~surface \$250~~

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



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



1	certificate of authorization	\$750
2	(4) Boiler inspector's Hawaii commission,	
3	initial and renewal	\$75
4	Internal and External Inspection Fees:	
5	(1) Power boilers:	
6	Without manholes	\$150
7	With manholes but less than or equal to	
8	3,000 square feet of heating surface	\$180
9	With manholes greater than 3,000 and less	
10	than or equal to 10,000 square feet of	
11	heating surface	\$260
12	With manholes and over 10,000 square	
13	feet of heating surface	\$450
14	(2) Heating boilers:	
15	Hot water supply	\$130
16	Steam and water heating without manholes	\$110
17	Steam, over 100 square feet but not over	
18	500 square feet of heating surface	\$140
19	All with manholes and steam over 500	
20	square feet of heating surface	\$170
21	(3) Pressure vessels:	



1	Routine inspections	\$65
2	Internal for air or water service	\$130
3	Ultrasonic testing	\$130
4	(4) For all other types of inspections	
5	an hourly fee is assessed	\$100
6	(5) Hydrostatic test	\$300
7	(6) School "specials" (non code objects)	\$10
8	Reports and Permit Processing Fees:	
9	(1) Report and permit	\$25
10	(2) Permit reprint	\$20
11	(3) Signed permit card (old issue)	\$10
12	(4) Owner portal	\$5
13	SCHEDULE B: Elevator and Kindred Equipment Fees	
14	Installation and Alteration Permits:	
15	(1) Alteration involving only the replacement of	
16	up to two parts (such as a valve, a jack,	
17	or a cylinder)	\$150
18	(2) Alteration involving only cosmetic changes	
19	(such as car interior modernizations)	\$300
20	(3) Alterations of more than two parts,	
21	components, or subsystems:	



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



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



1 ~~\$1,200 per day for more than two hours.~~

2 ~~(9) Each installation or alteration permit~~
3 ~~shall be valid for up to one year from date~~
4 ~~of issuance.~~

5 ~~Inspection Fees:~~

6 ~~(1) Permit renewal inspection fees:~~

7	Dumbwaiter	\$140
8	Escalator, moving walk, or moving ramp	\$150
9	Hand elevator or stage lift	\$150
10	Wheelchair or stairway lifts	\$150
11	Hydraulic elevator — holed	\$150
12	Hydraulic elevator — holeless	\$200
13	Traction elevator:	
14	1 — 3 floor rise	\$225
15	4 — 9 floor rise	\$250
16	10 — 19 floor rise	\$275
17	20 — 29 floor rise	\$325
18	30 — 39 floor rise	\$400
19	40 or more floor rise	\$475
20	Personnel hoists	\$175
21	Inclined tunnel lifts	\$220



1 ~~another day or at another time within the~~
2 ~~same day, additional fees shall be assessed~~
3 ~~at the rate of \$300 per day for up to two hours~~
4 ~~and \$600 per day for more than two hours. Fees~~
5 ~~for overtime hours shall be \$600 per day for up~~
6 ~~to two hours and \$1,200 per day for more than~~
7 ~~two hours.]"~~

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

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

19 (b) A qualified boiler inspector is a person eligible for
20 or in possession of a valid commission issued by the National
21 Board of Boiler and Pressure Vessel Inspectors, who has



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

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

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

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

20 "[~~§~~§397-10[~~§~~] **Judicial review.** Except where an order has
21 already become final for failure to contest, the decision and



1 order of the appeals board shall be final and conclusive, unless
2 the director or any party to the proceedings before the appeals
3 board obtains a review thereof in the manner provided in chapter
4 91 by instituting proceedings in the circuit court of the
5 circuit in which the [~~boiler, pressure system,~~] pressure
6 retaining item, amusement ride, or elevator and kindred
7 equipment is situated or such practice, means, method,
8 operation, or process is employed. The hearing on review shall
9 be on the record and the department shall be deemed a party to
10 any such proceedings. The court shall give precedence to such
11 proceedings over all other civil cases."

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

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



Report Title:

DLIR; Boiler and Elevator Safety Law; Permits to Operate; Fee Schedule; Fines; Payment

Description:

Authorizes the Director of Labor and Industrial Relations to prohibit the operation of pressure retaining items, amusement rides, and elevators and kindred equipment if inspection fees or fines are not timely paid. Deletes the statutory boiler and elevator fee schedule and requires the director to establish the fees by rules adopted pursuant to chapter 91, Hawaii Revised Statutes. Defines "amusement ride", "permit to operate", and "pressure retaining item". Replaces "boiler, pressure systems" with "pressure retaining items" throughout chapter 397, Hawaii Revised Statutes. (SD2)

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

