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

4 "Exclusive employment" means a qualified boiler inspector
5 who is employed on a full-time or part-time basis to provide
6 inspection services within the scope of their National Board
7 commission exclusively for only one authorized inspection agency
8 or owner-user inspection organization.

9 "Owner-user inspection organization" means an owner or user
10 of pressure retaining items, whose organization and inspection
11 procedures meet the requirements of the National Board, and is
12 approved by the director."

13 SECTION 2. Section 397-4, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 (a) Administration.

16 (1) The department shall establish a boiler and elevator
17 inspection branch for the enforcement of the rules



1 adopted under this chapter and other duties as
2 assigned;

3 (2) The department shall:

4 (A) Implement and enforce the requirements of this
5 chapter; and

6 (B) Keep adequate and complete records of the type,
7 size, location, identification data, and
8 inspection findings for pressure retaining items,
9 amusement rides, and elevators and kindred
10 equipment required to be inspected pursuant to
11 this chapter;

12 (3) The department shall formulate definitions and adopt
13 and enforce standards and rules pursuant to chapter 91
14 that may be necessary for carrying out this chapter;

15 (4) Emergency temporary standards may be adopted without
16 conforming to chapter 91 and without hearings to take
17 immediate effect upon giving public notice of the
18 emergency temporary standards or upon another date
19 that may be specified in the notice. An emergency
20 temporary standard may be adopted, if the director
21 determines:



1 (A) That the public or individuals are exposed to
2 grave danger from exposure to hazardous
3 conditions or circumstances; and

4 (B) That the emergency temporary standard is
5 necessary to protect the public or individuals
6 from danger.

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8 superseded by a standard adopted under chapter 91, but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

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

21 (6) Permits.



- 1 (A) The department shall issue a permit to operate
2 regarding any pressure retaining item, amusement
3 ride, or elevator and kindred equipment if found
4 to be safe in accordance with rules adopted
5 pursuant to chapter 91 and all required fees have
6 been paid;
- 7 (B) The department may issue an order immediately
8 revoking or suspending any permit to operate, or
9 an order prohibiting the use or operation of a
10 pressure retaining item, amusement ride, or
11 elevator and kindred equipment when:
- 12 (i) The department finds the pressure retaining
13 item, amusement ride, or elevator and
14 kindred equipment to be in an unsafe
15 condition;
- 16 (ii) A user, owner, or contractor ignores a prior
17 department order to correct a condition,
18 defect, or hazard relating to the pressure
19 retaining item, amusement ride, or elevator
20 and kindred equipment, and continues to use
21 or operate the pressure retaining item,



1 amusement ride, or elevator and kindred
2 equipment without abating the condition,
3 defect, or hazard identified in the order;
4 or

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

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

13 (C) The department may reissue a permit to operate to
14 any user, owner, or contractor who demonstrates
15 that the user, owner, or contractor is proceeding
16 in good faith to abate all nonconforming
17 conditions mentioned in department orders and the
18 pressure retaining items, amusement rides, and
19 elevators and kindred equipment are safe to
20 operate; and



- 1 (D) The department shall establish criteria for the
2 periodic reinspection and renewal of the permits
3 to operate, and may provide for the issuance of
4 temporary permits to operate while any
5 noncomplying pressure retaining item, amusement
6 ride, and elevator and kindred equipment are
7 being brought into full compliance with the
8 applicable standards and rules adopted pursuant
9 to this chapter; provided that the period between
10 an initial safety inspection or the inspection
11 used as a basis for the issuance of a permit to
12 operate, and any subsequent inspection of
13 elevators and kindred equipment shall not exceed
14 one year;
- 15 (7) No person shall operate a pressure retaining item,
16 amusement ride, or elevator and kindred equipment that
17 is required to be inspected by this chapter or by any
18 rule adopted pursuant to this chapter, except as
19 necessary to install, repair, or test, unless a permit
20 to operate has been authorized or issued by the
21 department and remains valid; [~~and~~]



1 (8) The department, upon the application of any owner,
2 user, or other person affected thereby, may grant time
3 that may reasonably be necessary for compliance with
4 any order. Any person affected by an order may for
5 cause petition the department for an extension of
6 time[-]; and

7 (9) The director shall appoint a chief boiler and pressure
8 vessel inspector, who shall be a department employee
9 who represents the State as a voting member of the
10 National Board and serves as an American Society of
11 Mechanical Engineers Conference Committee member."

12 SECTION 3. Section 397-6, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) All safety inspections required under this chapter of
15 pressure retaining items shall be performed by deputy boiler
16 inspectors in the employ of the department who are qualified
17 boiler inspectors [~~and, when authorized by~~]; provided that the
18 director[~~r~~] may authorize the safety inspections to be performed
19 by [special]:

20 (1) Special inspectors, who are qualified boiler
21 inspectors in the [employ] exclusive employment of



1 insurance companies insuring pressure retaining items
2 in this State~~[r]~~; or

3 (2) Owner-user inspectors, who are qualified boiler
4 inspectors in the exclusive employment of an
5 owner-user inspection organization."

6 SECTION 4. Section 397-13, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) No later than ~~[ten]~~ thirteen years from the date of
9 the establishment of the revolving fund, the director shall
10 reimburse the general fund for the amount of any initial
11 appropriation that was made by the general revenues of the State
12 to the revolving fund."

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Director of Labor and Industrial Relations; Boiler and Elevator Safety Law; Owner-User Inspection Organizations

Description:

Requires the director of labor and industrial relations to appoint a chief boiler and pressure vessel inspector. Allows the director of labor and industrial relations to authorize qualified boiler inspectors who are in the exclusive employment of an owner-user inspection organization to perform safety inspections of pressure retaining items. Extends the time by which the director of labor and industrial relations is required to reimburse the general fund for the initial appropriation made to the boiler and elevator revolving fund from 10 to 13 years from the date that the fund was established. (HD1)

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