
A BILL FOR AN ACT

RELATING TO ZIP LINES.

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 a new definition to be appropriately inserted
3 and to read as follows:

4 "Amusement ride" includes but is not limited to a zip
5 line."

6 SECTION 2. Section 397-4, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) Administration.

9 (1) The department shall establish a boiler and elevator
10 inspection branch for the enforcement of the rules
11 adopted under this chapter and other duties as
12 assigned;

13 (2) The department shall:

14 (A) Implement and enforce the requirements of this
15 chapter; and

16 (B) Keep adequate and complete records of the type,
17 size, location, identification data, and
18 inspection findings for boilers, pressure



1 systems, amusement rides, and elevators and
2 kindred equipment required to be inspected
3 pursuant to this chapter;

4 (3) The department shall formulate definitions and adopt
5 and enforce standards and rules pursuant to chapter 91
6 that may be necessary for carrying out this chapter.
7 Definitions and rules adopted in accordance with
8 chapter 91 under the authority of chapter 396, prior
9 to the adoption of this chapter that pertain to
10 boilers, pressure systems, amusement rides, and
11 elevators and kindred equipment required to be
12 inspected pursuant to this chapter, shall be continued
13 in force under the authority of this chapter;

14 (4) Emergency temporary standards may be adopted without
15 conforming to chapter 91 and without hearings to take
16 immediate effect upon giving public notice of the
17 emergency temporary standards or upon another date
18 that may be specified in the notice. An emergency
19 temporary standard may be adopted, if the director
20 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8 superseded by a standard adopted under chapter 91, but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 in any case shall be effective no longer than six
10 months;

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

22 (6) Permits.



H.B. NO. 1246

- 1 (A) The department shall issue a "permit to operate"
2 regarding any boiler, pressure system, amusement
3 ride, or elevator and kindred equipment if found
4 to be safe in accordance with rules adopted
5 pursuant to chapter 91;
- 6 (B) The department may immediately revoke any "permit
7 to operate" of any boiler, pressure system,
8 amusement ride, or elevator and kindred equipment
9 found to be in an unsafe condition or where a
10 user, owner, or contractor ignores prior
11 department orders to correct specific defects or
12 hazards and continues to use or operate the above
13 mentioned apparatus without abating the hazards
14 or defects;
- 15 (C) The department shall reissue a "permit to
16 operate" to any user, owner, or contractor who
17 demonstrates that the user, owner, or contractor
18 is proceeding in good faith to abate all
19 nonconforming conditions mentioned in department
20 orders and the boilers, pressure systems,
21 amusement rides, and elevators and kindred
22 equipment are safe to 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 boiler, pressure system, 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 boiler, pressure system, amusement ride, or
16 elevator and kindred equipment which are required to
17 be inspected by this chapter or by any rule adopted
18 pursuant to this chapter shall be operated, 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 or
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) No permit to operate a zip line shall be issued to any
8 user, owner, or contractor unless the user, owner, or
9 contractor submits proof to the department, in a form
10 satisfactory to the department, that the operation of
11 the zip line is covered under a policy of liability
12 insurance, issued by an insurer authorized to do
13 business in the State, for no less than the policy
14 amount that is necessary to cover the scope of
15 operations of the zip line for the entire period to be
16 covered under the permit.

17 (b) Inspection and investigation.

18 (1) Authorized representatives of the director shall have
19 the right to enter without delay during regular
20 working hours and at other reasonable times any place,
21 establishment or premises in which are located
22 boilers, pressure systems, amusement rides, and



1 elevators and kindred equipment requiring inspection
2 pursuant to this chapter.

3 (2) The department shall inspect for the purpose of
4 insuring compliance with the purposes and provisions
5 of this chapter any activity related to the erection,
6 construction, alteration, demolition or maintenance of
7 buildings, structures, bridges, highways, roadways,
8 dams, tunnels, sewers, underground buildings or
9 structures, underground pipelines or ducts, and other
10 construction projects or facilities.

11 (3) The department shall review plans and make
12 inspections, and investigations of boilers, and
13 pressure systems, and the premises appurtenant to each
14 at times and at intervals determined by the director
15 for the purpose of insuring compliance with the
16 purpose and provisions of this chapter. This section
17 shall not apply to single family dwellings or multiple
18 dwelling units of less than six living units.

19 (4) The department shall review plans and make
20 inspections, and investigations of elevators and
21 kindred equipment and the premises appurtenant to each
22 at times and at intervals determined by the director



1 for the purpose of insuring compliance with the
2 purposes and provisions of this chapter. This section
3 shall not apply to single family dwellings.

4 (5) The department shall inspect, at least semi-annually,
5 all mechanically or electrically operated devices
6 considered as major rides and used as amusement rides
7 at a carnival, circus, fair, or amusement park for the
8 purpose of protecting the safety of the general
9 public. This section shall also apply to zip lines.

10 This section shall not apply to any coin operated ride
11 or mechanically or electrically operated devices
12 considered or known in the amusement trade as kiddie
13 rides.

14 (6) The department may investigate accidents involving
15 boilers, pressure systems, amusement rides, and
16 elevators and kindred equipment inspected under this
17 chapter and may issue orders and recommendations with
18 respect to the elimination and control of the cause
19 factors.

20 (7) The department shall have the right to question any
21 employer, owner, operator, agent or employee in



1 investigation, enforcement, and inspection activities
2 covered by this chapter.

3 (8) Any employee of the State acting within the scope of
4 the employee's office, employment, or authority under
5 this chapter shall not be liable in or made a party to
6 any civil action growing out of the administration and
7 enforcement of this chapter."

8 SECTION 3. Section 397-8, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Any owner, user, contractor, or vendor who violates
11 this chapter, or any safety standard promulgated hereunder or
12 any rule issued under the authority of this chapter, or who
13 violates or fails to comply with any order made under or by
14 virtue of this chapter or under or by virtue of any rule of the
15 department, or who defaces, displaces, destroys, damages, or
16 removes without the authority of the department any safety
17 device, safeguard, notice, order, or warning required by this
18 chapter or by any rule of the department, or who fails to carry
19 at all times the requisite liability insurance to cover the
20 entire period of time granted under a permit to operate a zip
21 line, shall be assessed a civil penalty of not more than \$10,000
22 for each such violation."



H.B. NO. 1246

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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JAN 25 2011



Report Title:

Zip Lines; Liability Insurance

Description:

Expands the boiler and elevator safety law with respect to amusement rides to cover zip lines. Requires operators of zip lines to carry liability insurance.

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