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# A BILL FOR AN ACT

RELATING TO ELEVATORS.

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

1 SECTION 1. The legislature finds that elevator inspections  
2 and code compliance are important to public safety.

3 The purpose of this Act is to strengthen enforcement by  
4 allowing required inspections and certified compliance by third  
5 party licensed inspectors.

6 SECTION 2. Chapter 397, Hawaii Revised Statutes, is  
7 amended by adding two new sections to be appropriately  
8 designated and to read as follows:

9 "§397-A Third party elevator inspectors. (a) The  
10 department shall authorize private third party elevator  
11 inspectors to perform elevator safety inspections required under  
12 this chapter. Any private third party elevator inspector  
13 authorized to perform elevator safety inspections shall be held  
14 to the highest standards of professionalism, quality, and ethics  
15 and shall meet the requirements provided under section 397-6(d).

16 (b) A private third party elevator inspector may charge a  
17 reasonable fee for the inspection, examination, and other  
18 services rendered relating to the elevator safety requirements



1 established under this chapter and any rule adopted pursuant to  
2 chapter 91 to implement this chapter; provided that any revenue  
3 realized from the collection of any fee charged and collected  
4 for a permit, certificate, or license required by section 397-5  
5 shall be remitted by the private third party elevator inspector  
6 to the director for deposit into the elevator inspection audit  
7 special fund under section 397-B.

8 §397-B Elevator inspection audit special fund. (a) There  
9 is established in the state treasury the elevator inspection  
10 audit special fund to be administered by the department, into  
11 which shall be deposited:

12 (1) Any fees collected for a permit, certificate, or  
13 license required by section 397-5; and

14 (2) Appropriations made by the legislature to the fund.

15 All interest earned or accrued on moneys deposited in the fund  
16 shall become part of the fund.

17 (b) Moneys in the elevator inspection audit special fund  
18 shall be used to conduct audits of private third party elevator  
19 inspections, including hiring deputy elevator inspectors."

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

22 "(b) Inspection and investigation.



- 1 (1) Authorized representatives of the director and private  
2 third party elevator inspectors shall have the right  
3 to enter without delay during regular working hours  
4 and at other reasonable times any place,  
5 establishment, or premises in which are located  
6 boilers, pressure systems, amusement rides, and  
7 elevators and kindred equipment requiring inspection  
8 pursuant to this chapter.
- 9 (2) The department shall inspect for the purpose of  
10 [~~insuring~~] ensuring compliance with the purposes and  
11 provisions of this chapter any activity related to the  
12 erection, construction, alteration, demolition, or  
13 maintenance of buildings, structures, bridges,  
14 highways, roadways, dams, tunnels, sewers, underground  
15 buildings or structures, underground pipelines or  
16 ducts, and other construction projects or facilities.
- 17 (3) The department shall review plans and make  
18 inspections[7] and investigations of boilers[7] and  
19 pressure systems, and the premises appurtenant to  
20 each, at times and at intervals determined by the  
21 director for the purpose of [~~insuring~~] ensuring  
22 compliance with the purpose and provisions of this



1 chapter. This section shall not apply to single  
2 family dwellings or multiple dwelling units of less  
3 than six living units.

4 (4) [~~The department~~] Private third party elevator  
5 inspectors shall review plans and make inspections[ ~~and~~  
6 ~~and investigations of~~] of, and the department shall  
7 conduct audit inspections of, elevators and kindred  
8 equipment and the premises appurtenant to each, at  
9 times and at intervals determined by the director for  
10 the purpose of [~~insuring~~] ensuring compliance with the  
11 purposes and provisions of this chapter[~~];~~ provided  
12 that with regard to the audit inspection duties of the  
13 department required under this paragraph, the  
14 department shall annually audit at least ten per cent  
15 of the total amount of elevators inspected by private  
16 third party elevator inspectors. This section shall  
17 not apply to single family dwellings.

18 (5) The department shall inspect, at least semi-annually,  
19 all mechanically or electrically operated devices  
20 considered as major rides and used as amusement rides  
21 at a carnival, circus, fair, or amusement park for the  
22 purpose of protecting the safety of the general



1 public. This section shall not apply to any coin  
2 operated ride or mechanically or electrically operated  
3 devices considered or known in the amusement trade as  
4 kiddie rides.

5 (6) The department may investigate accidents involving  
6 boilers, pressure systems, amusement rides, and  
7 elevators and kindred equipment inspected under this  
8 chapter and may issue orders and recommendations with  
9 respect to the elimination and control of the cause  
10 factors.

11 (7) The department shall have the right to question any  
12 employer, owner, operator, agent, or employee in  
13 investigation, enforcement, and inspection activities  
14 covered by this chapter.

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

20 SECTION 4. Section 397-5, Hawaii Revised Statutes, is  
21 amended by amending subsection (b) to read as follows:



1           "(b) All fees received by the department pursuant to this  
2 section, except for fees received pursuant to section 397-A(b),  
3 shall be paid into the general fund of the State."

4           SECTION 5. Section 397-6, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6           "(c) All safety inspections required under this chapter of  
7 elevators and kindred equipment shall be performed by [~~deputy~~  
8 ~~elevator inspectors of the department~~] authorized private third  
9 party elevator inspectors who are qualified elevator inspectors  
10 and who are employed primarily for purposes of elevator and  
11 related inspection work. Deputy elevator inspectors of the  
12 department shall audit authorized private third party elevator  
13 inspectors."

14           SECTION 6. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$                    or so much  
16 thereof as may be necessary for fiscal year 2012-2013, to be  
17 paid into the elevator inspection audit special fund created in  
18 section 397-B, Hawaii Revised Statutes.

19           The sum appropriated shall be expended by the department of  
20 labor and industrial relations for the purposes of the fund.

21           SECTION 7. In codifying the new sections added by section  
22 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 8. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect upon its approval.

6

INTRODUCED BY:

*Cindy Evans*

JAN 17 2012



# H.B. NO. 1979

**Report Title:**

Elevators; Inspections; Third Party; Special Fund

**Description:**

Authorizes private third parties subject to certain conditions to conduct elevator inspections. Changes the duties of deputy elevator inspectors from safety inspections to audits of third party inspectors. Establishes elevator inspection audit special fund to cover costs of audits. Makes an appropriation.

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

