

HB 1119

RELATING TO BOILER AND ELEVATOR
SAFETY LAW.

LAB,FIN

HB1119



Submit Testimony

Measure Title: RELATING TO BOILER AND ELEVATOR SAFETY LAW.
Report Title: Boiler and Elevator Safety Law; Boiler and Elevator Special Fund
Description: Makes housekeeping amendments to Boiler and Elevator Safety Law; extends the time from five to ten years for the Director of Labor and Industrial Relations to reimburse the general fund from the Boiler and Elevator Special Fund.
Companion: [SB985](#)
Package: Governor
Current Referral: LAB, FIN
Introducer(s): SOUKI (Introduced by request of another party)

Sort by Date		Status Text
1/23/2017	H	Pending introduction.
1/25/2017	H	Pass First Reading
1/27/2017	H	Referred to LAB, FIN, referral sheet 5
2/6/2017	H	Bill scheduled to be heard by LAB on Thursday, 02-09-17 10:00AM in House conference room 309.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment
Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

A BILL FOR AN ACT

RELATING TO 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 amending the definition of "elevators and kindred
3 equipment" to read as follows:

4 "Elevators and kindred equipment" as used in this chapter
5 means elevators, escalators, dumbwaiters, moving walks, stage
6 lifts, [~~mechanized parking elevators, manlifts,~~] inclined lifts,
7 personnel hoists, [~~aerial tramways,~~] permanently installed
8 material lifts, [~~personal automatic trains~~] and any other
9 similar mechanized equipment used to convey people in places
10 other than a public right-of-way."

11 SECTION 2. Section 397-5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§397-5 Fees.** (a) The director may prescribe reasonable
14 fees to be charged for inspection, examination, other services
15 rendered and for permits, certificates, or licenses, the
16 issuance of which are required by this chapter or by any rules
17 of the department adopted pursuant to this chapter, and for:

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1 (1) Inspections by the department of any boiler, pressure
2 system, amusement ride, and elevator and kindred
3 equipment for which a permit or certificate is
4 required for its installation, operation, or use, and
5 which is required to be inspected by this chapter or
6 by any rules of the department; and

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

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

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

18 SCHEDULE A: Boiler and Pressure System Fees

19 Installation, Repair, and Alteration Permit Fees:

20 (1) Power boilers (shall pass a hydrostatic test unless
21 indicated otherwise):

22 Miniature electric (no hydrostatic test

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1	required)	\$ 190
2	Less than 500 square feet of heating	
3	surface	\$ 250
4	Greater than or equal to 500 and less	
5	than or equal to 3,000 square feet of	
6	heating surface	\$ 400
7	Greater than 3,000 square feet of heating	
8	surface	\$ 750
9	(2) Heating boiler	\$ 190
10	Retrofit	\$ 160
11	(3) Pressure vessel	\$ 175
12	Retrofit	\$ 130
13	(4) Sterilizers and steam kettles	\$ 150
14	Retrofit	\$ 110
15	(5) Repair application fee	\$ 200
16	(6) Alteration application fee	\$ 500
17	Examination and License Fees:	
18	(1) Boiler inspectors certificate of competency	
19	examination fee	\$ 300
20	(2) Review of shops and facilities for the	
21	issuance of National Board or American	
22	Society of Mechanical Engineers	

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

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1	square feet of heating surface	\$ 170
2	(3) Pressure vessels:	
3	Routine inspections	\$ 65
4	Internal for air or water service	\$ 130
5	Ultrasonic testing	\$ 130
6	(4) For all other types of inspections	
7	an hourly fee is assessed	\$ 100
8	(5) Hydrostatic test	\$ 300
9	(6) School "specials" (non-code objects)	\$ 10
10	Reports and Permit Processing Fees:	
11	(1) Report and permit	\$ 25
12	(2) Permit reprint	\$ 20
13	(3) Signed permit card (old issue)	\$ 10
14	(4) Owner portal	\$ 5
15	SCHEDULE B: Elevator and Kindred Equipment Fees	
16	Installation and Alteration Permits:	
17	(1) Alteration involving only the replacement of	
18	up to two parts (such as a valve, a jack,	
19	or a cylinder)	\$ 150
20	(2) Alteration involving only cosmetic changes	
21	(such as car interior modernizations)	\$ 300
22	(3) Alterations of more than two parts, or	

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1 components, and/or subsystems:

2	1 - 3 floors	\$ 600
3	4 - 9 floors	\$ 650
4	10 - 19 floors	\$ 700
5	20 - 29 floors	\$ 750
6	30 - 39 floors	\$ 800
7	40 or more floors	\$ 900

8 (4) Where alterations to four or more units at
9 the same location are identical, the fee for
10 each additional alteration permit shall be
11 reduced by fifty per cent. The applications
12 must be submitted at the same time to qualify
13 for the fee reduction.

14 (5) Installation of new elevators (including material
15 lifts) and kindred equipment:

16	Dumbwaiter	\$ 500
17	Escalator, moving walk, or moving ramp	\$ 500
18	Hand elevator[, manlift,] or stage lift	\$ 500
19	Wheelchair or stairway lifts	\$ 500
20	Elevator, 1 - 3 floors	\$ 600
21	Elevator, 4 - 9 floors	\$ 650

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1	Elevator, 10 - 19 floors	\$ 700
2	Elevator, 20 - 29 floors	\$ 750
3	Elevator, 30 - 39 floors	\$ 800
4	Elevator, 40 or more floors	\$ 900
5	[Aerial tramways	\$ 900]
6	Personnel hoists	\$ 250
7	Inclined tunnel lifts	\$ 500
8		
9	(For elevators, such as observation or deep	
10	well elevators, which have considerable rise	
11	but few openings, each ten feet of vertical	
12	rise shall be considered one floor for the	
13	purpose of determining installation or	
14	alteration permit fees.)	
15	(6) Temporary use permits (construction car)	\$ 450
16	(7) For each valid alteration or installation	
17	permit, the department shall provide one	
18	inspection per unit.	
19	(8) The fee for each additional inspection or	
20	witnessing of tests, or both, shall be \$300	
21	per day for up to two hours and \$600 per day	
22	for more than two hours if during the normal	

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1 workday. Fees for overtime hours shall
 2 be \$600 per day for up to two hours and
 3 \$1,200 per day for more than two hours.

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

7 Inspection Fees:

8 (1) Permit renewal inspection fees:

9	Dumbwaiter	\$ 140
10	Escalator, moving walk, or moving ramp	\$ 150
11	Hand elevator[, manlift,] or stage lift	\$ 150
12	Wheelchair or stairway lifts	\$ 150
13	Hydraulic elevator -- holed	\$ 150
14	Hydraulic elevator -- holeless	\$ 200
15	Traction elevator:	
16	1 - 3 floor rise	\$ 225
17	4 - 9 floor rise	\$ 250
18	10 - 19 floor rise	\$ 275
19	20 - 29 floor rise	\$ 325
20	30 - 39 floor rise	\$ 400
21	40 or more floor rise	\$ 475
22	[Aerial tramways	\$ 400]

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1	Personnel hoists	\$ 175
2	Inclined tunnel lifts	\$ 220
3	(2) Safety, load or internal test (witness fees):	
4	3-year safety test	\$ 200
5	5-year safety test	\$ 300
6	Escalator internal	\$ 100
7	(3) Permit renewal and witness fees are per	
8	inspection, which may constitute one day or	
9	part of the day. If the inspector is required	
10	to return on another day or at another time	
11	on the same day, additional fees shall be	
12	assessed at the rate of \$300 per day for up	
13	to two hours and \$600 per day for more than	
14	two hours. Fees for overtime hours shall be	
15	\$600 per day for up to two hours and \$1,200	
16	per day for more than two hours.	

17 SCHEDULE C: Amusement Ride Fees

18 Inspection Fees:

19	(1) Permit renewal inspection fees:	
20	Amusement ride	\$ 100
21	(2) Permit renewal fees are per inspection,	
22	which may constitute one day or part of the	

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

9 SECTION 3. Section 397-13, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[+]§397-13[+] **Boiler and elevator special fund;**
12 **establishment; purposes.** (a) There is established in the state
13 treasury the boiler and elevator special fund, into which shall
14 be deposited all fees collected pursuant to section 397-5 and
15 any appropriation from the legislature. All interest and
16 investment moneys earned on any moneys in the special fund shall
17 become part of the special fund.

18 (b) The purpose of the special fund is to provide for
19 sufficient operating costs to carry out the purposes of this
20 chapter. Moneys in the fund may be expended for:

21 (1) Personnel and operating expenses;

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- 1 (2) Staff training and staff certification fees and
2 expenses;
- 3 (3) Preparation and dissemination of public information on
4 safe installation and use of equipment regulated by
5 this chapter;
- 6 (4) Preparation of annual reports to the legislature as
7 required by this chapter; and
- 8 (5) Reimbursement to the general fund as required by this
9 section.

10 (c) The director shall submit a report to the legislature
11 on the status of the boiler and elevator special fund, including
12 expenditures and program results, not less than twenty days
13 prior to the convening of each regular session.

14 (d) No later than [~~five~~] ten years from the date of the
15 establishment of the special fund, the director shall reimburse
16 the general fund for the amount of any initial appropriation
17 that was made by the general revenues of the State to the
18 special fund."

19 SECTION 4. This Act does not affect the rights and duties
20 that matured, penalties that were incurred, and proceedings that
21 were begun before its effective date.

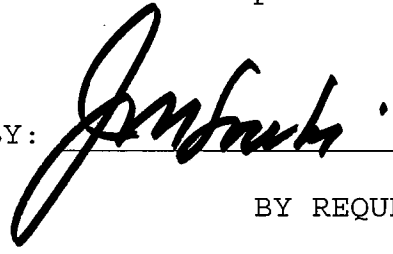
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1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4
5
6

INTRODUCED BY: _____



BY REQUEST

JAN 23 2017

H.B. NO. 1119

Report Title:

Boiler and Elevator Safety Law; Boiler and Elevator Special Fund

Description:

Makes housekeeping amendments to Boiler and Elevator Safety Law; extends the time from five to ten years for the Director of Labor and Industrial Relations to reimburse the general fund from the Boiler and Elevator Special Fund.

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

JUSTIFICATION SHEET

DEPARTMENT: Labor and Industrial Relations

TITLE: A BILL FOR AN ACT RELATING TO BOILER AND ELEVATOR SAFETY LAW.

PURPOSE: To make housekeeping amendments to the definition of elevators and kindred equipment and to extend the time from five to ten years for the Director to reimburse the general fund from the Boiler and Elevator Special Fund.

MEANS: Amend sections 397-3, 397-5, and 397-13, Hawaii Revised Statutes (HRS).

JUSTIFICATION: This proposal also makes housekeeping amendments to the definition of elevators and kindred equipment by deleting certain types of equipment from the definition. Mechanized parking elevators are no longer part of the national consensus standards (American Society of Mechanical Engineers [ASME] A17.1, Safety Code for Elevators and Escalators), therefore, there is no code to adhere to for inspections. In addition, mechanized parking elevators are not intended nor designed to move people.

The jurisdiction for manlifts has transitioned to the other branches within the Hawaii Occupational Safety and Health Division (HIOSH) because HIOSH considers manlifts to be hazardous equipment requiring safety training for employees who use them. Furthermore, ASME A17.1, Safety Code for Elevators and Escalators excludes manlifts. There are currently six manlifts in the state.

Aerial tramways are commonly found in mountainous areas and used for the purposes of accessing remote areas in high elevations and for sightseeing. There are no aerial tramways in the State and DLIR believes that it is

highly unlikely that such equipment would be built for the foreseeable future. Furthermore, the national consensus standards for this type of equipment is not currently covered by the ASME A17.1, Safety Code for Elevators and Escalators.

Personal automatic trains is an antiquated term and DLIR was unable to obtain evidence of their existence by searching the internet.

This proposal also extends the time for the Director to reimburse the general fund from the Boiler and Elevator Special Fund from five to ten years, which will help ensure that safety operations can continue while maintaining a feasible repayment schedule.

Impact on the public: This measure will ensure that Boiler and Elevator safety operations will be adequately funded while maintaining a feasible repayment schedule to the general fund. The public will be continue to benefit from adequate enforcement of Boiler and Elevator safety regulations.

Impact on the department and other agencies: This will ensure that the Boiler and Elevator Special Fund will have sufficient reserves to allow for continuing operations, while maintaining a feasible repayment schedule to the general fund.

GENERAL FUND: None.

OTHER FUNDS: Boiler and Elevator Special Fund.

PPBS PROGRAM
DESIGNATION: LBR143.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

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February 9, 2017

To: The Honorable Aaron Ling Johanson, Chair,
The Honorable Daniel Holt, Vice Chair, and
Members of the House Committee on Labor & Public Employment

Date: Thursday, February 9, 2017
Time: 10:00 a.m.
Place: Conference Room 309, State Capitol

From: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 1119 Relating to Boiler and Elevator Safety Law

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal makes housekeeping amendments to the Boiler and Elevator Safety Law and extends the time from five to ten years for the Director to reimburse the general fund from the Boiler and Elevator Special Fund.

The Department strongly supports this measure.

II. CURRENT LAW

Sections 397-3, 397-5, and 397-13, Hawaii Revised Statutes (HRS), currently reference mechanized parking elevators, manlifts, aerial tramways, and give a period of five years for the Director to reimburse the general fund from the Boiler and Elevator Special Fund.

III. COMMENTS ON THE HOUSE BILL

- Mechanized parking elevators are no longer part of the national consensus standards (American Society of Mechanical Engineers [ASME] A17.1, Safety Code for Elevators and Escalators). In addition, mechanized parking elevators are not intended nor designed to move people.

- The jurisdiction for manlifts has transitioned to the other Branches within the Hawaii Occupational Safety and Health Division (HIOSH) because HIOSH considers manlifts to be hazardous equipment requiring safety training for employees who use them. Furthermore, ASME A17.1, Safety Code for Elevators and Escalators excludes manlifts. There are currently six manlifts in the State.
- Aerial tramways are commonly found in mountainous areas and used for the purposes of accessing remote areas in high elevations and for sightseeing. There are no aerial tramways in Hawaii and DLIR believes that it is highly unlikely that such equipment would be built for the foreseeable future. Furthermore, the national consensus standards for this type of equipment is not currently covered by the ASME A17.1, Safety Code for Elevators and Escalators.
- Personal automatic trains is an antiquated term and DLIR was unable to obtain evidence of their existence by searching the internet.
- This measure will ensure that Boiler and Elevator safety operations will be adequately funded while maintaining a feasible repayment schedule to the general fund.



LOCAL UNION NO. 126



OF THE

International Union of Elevator Constructors

AFFILIATED WITH THE AFL-CIO

SUITE 215, 707 ALAKEA STREET • HONOLULU, HI 96813 • TELEPHONE (808) 536-8653 • FAX (808) 537-3779

The Twenty-Ninth Legislature
Regular Session of 2017
Hawaii State House of Representatives
Committee On Labor and Public Employment

Thursday, February 9, 2017
10:00 AM, Conference Room 309

House Bill No. 1119 – Relating to the Boiler and Elevator Safety Law

The Honorable Aaron Ling Johanson, Chair, Daniel Holt, Vice-Chair, and Esteemed Members of the House Committee On Labor and Public Employment

HB1119 seeks to amend the Boiler and Elevator Safety Law. There are housekeeping amendments and more importantly a request to extend the time from five to ten years for the Director of Labor and Industrial Relations to reimburse the general fund from the Boiler and Elevator Special Fund.

Since the inception of the Special Fund and the disbursement of the initial seed money the Boiler and Elevator Inspection Division of the Department of Labor and Industrial Relations has been very diligent in its efforts to repay their debt.

One of the purposes of the seed money was to create more elevator inspector positions in which to reduce the large backload of annual elevator inspections. Unfortunately, due to forces outside the control of the Boiler and Elevator Inspection Division some of those elevator inspector positions have gone unfilled. This lack of inspectors has caused a ripple effect throughout the industry and there has not been an adequate reduction to the number of outstanding annual elevator inspections, which in turn has not generated the projected amount of revenue.

Most, if not all of the current inspectors have come directly from the International Union of Elevator Constructors, Local 126 and we are working closely with the Department of Labor and Industrial Relations so as to provide the much needed manpower. The intent and goal of the Boiler and Elevator Inspection Division was to be self-sufficient within the original ten years, if not less, and the lack of generated revenue has necessitated the need for another five years in which to fulfill their obligation. For this reason the International Union of Elevator Constructors, Local 126 is in **strong support** of HB 1119.

Respectfully submitted,

Marc Yamane

Business Representative

International Union of Elevator Constructors, Local 126

HB 1119

Late testimony