

Law on Safety of Special Equipment of the People's Republic of China

中华人民共和国特种设备安全法

Decree No. 4 of the President of the People's Republic of China

The Law on Safety of Special Equipment of the People's Republic of China, as adopted at the 3rd session of the Standing Committee of the Twelfth National People's Congress of the People's Republic of China on June 29, 2013, is hereby issued and comes into force as of January 1, 2014.

Xi Jinping President of the People's Republic of China

June 29, 2013

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Chapter I General Provisions

Article 1 This law is formulated to strengthen safety of special equipment, prevent special equipment accidents, protect personal and property safety, and promote social and economic development.

Article 2 Special equipment production (including design, manufacture, installation, alteration and repair) operation, service, inspection and test as well as special equipment safety supervision and administration shall be subject to this law.

As used in this law, the term “special equipment” refers to boilers, pressure vessels (including gas cylinders), pressure pipelines, elevators, lifting appliances, passenger ropeways, large-scale amusement devices and field (plant) special purpose motor vehicles which have high risks relating to safety of human lives and properties as well as other special equipment subject to this law as stipulated by laws and administrative regulations.

The state implements catalogued management of special equipment. The catalogue for special equipment shall be drawn up by the department in charge of special equipment safety supervision and administration of the State Council and submitted to the State Council for approval before its implementation.

Article 3 Special equipment safety work shall adhere to the principles of safety and prevention first, energy saving and comprehensive management.

Article 4 The state carries out classified and entire process safety supervision and administration for production, operation and service of special equipment.

Article 5 The department in charge of safety supervision and administration of special equipment of the State Council is responsible for special equipment safety supervision and administration throughout the country while the departments in charge of special equipment safety supervision and administration of local people’s governments at or above county level are responsible for special equipment safety supervision and administration within their respective administrative regions.

Article 6 The State Council and local people’s governments shall strengthen the administration on special equipment safety work and supervise all relevant departments to perform their supervision and management duties in accordance with law.

Local people’s governments at or above county level shall establish coordination mechanism to timely coordinate and solve any problems arising from safety supervision and administration of special equipment.

Article 7 The units producing, operating and using special equipment shall comply with this law and other relevant laws and regulations, establish and improve special equipment safety and energy saving responsibility system, and strengthen special equipment safety and energy saving management to ensure special equipment production, operation and service is safe and meeting energy conservation requirements.

Article 8 Special equipment production, operation, service, inspection and testing shall be in conformity with relevant special equipment safety technical codes and related standards.

Special equipment safety technical codes shall be drawn up by the department in charge of special equipment safety supervision and administration of the State Council.

Article 9 Special equipment industry associations shall strengthen industry self-regulation, promote industry credibility system construction and improve special equipment safety management level.

Article 10 The State gives support to scientific and technical research in special equipment safety, encourages popularization and application of advanced technologies and advanced management methods. Units or individuals that have made outstanding contributions in this regard shall be rewarded.

Article 11 The department in charge of special equipment safety supervision and administration shall strengthen special equipment safety publicity and education, popularize special equipment safety knowledge and enhance special equipment safety awareness of the public.

Article 12 Every unit or individual has the right to report illegal acts related to special equipment safety to the department in charge of special equipment safety supervision and administration and relevant departments. The departments receiving the report shall handle with it in a timely manner.

Chapter II Production, Marketing and Service

Section I General Provisions

Article 13 The unit producing, trading or using special equipment and their principal responsible person shall assume overall responsibility for the safety of special equipment under production, marketing and service.

Units producing, operating or using special equipment shall be staffed with special equipment safety management personnel, inspectors and operators in accordance with state relevant regulations and provide them with necessary safety education and skills training.

Article 14 Special equipment safety management personnel, inspectors and operators shall be qualified corresponding to relevant state regulations before engaging in such work and they shall strictly carry out safety technical codes and management system to ensure the safety of special equipment.

Article 15 Units producing, operating or using special equipment shall carry out self-inspection and maintenance for the special equipment produced, operated or used by them and shall timely apply and accept inspection for the special equipment as required by the state.

Article 16 Special equipment using new materials, new technologies and new processes, which is inconsistent with the requirements of safety technical codes or there is no requirements but may have significant impact on safety is subject to reporting to the department in charge of special equipment safety supervision and administration of the State Council. The department in charge of special equipment safety supervision and administration of the State Council shall entrust a safety technology advisory body or relevant professional agency in a timely manner to conduct a technical review and the review results shall be subject to approval by the department in charge of special equipment safety supervision and administration of the State Council before they can be put into production and service.

The department in charge of special equipment safety supervision and administration of the State Council shall timely include the relevant technical requirements of new materials, new technologies and new processes allowed to be used in the safety technical codes.

Article 17 The state encourages taking special equipment safety liability insurance coverage.

Section II Production

Article 18 The state implements licensing system for special equipment production in accordance with classified supervision and management. Special equipment manufacturers shall meet the following conditions and shall be subject to approval by the department in charge of special equipment safety supervision and administration before engaging in production activities:

- (1) being staffed with professional technical personnel suitable for production;
- (2) having equipment, facilities and workplace suitable for production;

(3) and having sound systems for quality assurance, safety management and job responsibilities.

Article 19 Special equipment manufacturers shall ensure that their special equipment production meet the requirements of safety technical codes and related standards and shall be responsible for the safety performance of the special equipment they produced. Special equipment which does not meet safety performance requirements and energy efficiency targets as well as special equipment which has been weeded out explicitly by the state shall not be produced.

Article 20 Design documents for boilers, gas cylinders, oxygen chambers, passenger ropeways and large scale amusement devices shall get appraisal from an inspection agency approved by the department in charge of special equipment safety supervision and administration before they are used for production.

Special equipment products, parts or special equipment new products, new parts on trial production and new materials used for special equipment which is required for safety verification by type test according to the requirements of safety technical codes shall be subject to a type test by an inspection agency approved by the department in charge of special equipment safety supervision and administration.

Article 21 When delivered from factory, special equipment shall be accompanied by design documents, certificate of compliance, installation, service, repair and maintenance instructions, inspection certificate and other relevant technical information and documentation required by safety technical codes and product nameplate, safety warning sign and instructions shall be made prominently on the special equipment.

Article 22 Elevator installation, alteration and repair must be carried out by elevator manufacturer or an entity which has obtained relevant license according to this law and authorized by the manufacturer. Elevator manufacturers which entrust other entities to conduct installation, alteration and repair shall provide safety guidance and supervision for the installation, alteration and repair, and shall conduct verification and testing in accordance with the requirements of safety technical codes. Elevator manufacturers shall be responsible for the safety performance of the elevator.

Article 23 Special equipment installation, alteration and repair construction units shall inform in writing to the department in charge of special equipment safety supervision and administration of municipalities directly under the Central Government, or the municipal people's government for the special equipment installation, alteration and repair before construction.

Article 24 After completion of special equipment installation, alteration or repair, construction units shall hand over the relevant technical information and documentation to the user of the special equipment within thirty days after inspection and acceptance. The special equipment user shall keep them in the special equipment safety technical files.

Article 25 Manufacturing process for special equipment such as boilers, pressure vessels, pressure piping elements and installation, alteration or major repair process for boilers, pressure vessels, pressure piping, elevators, lifting appliances, passenger ropeways and large scale amusement devices shall be subject to the supervisory inspection by a special equipment inspection agency in accordance with the requirements of safety technical codes; special equipment without supervisory inspection or failed to pass the supervisory inspection shall not be delivered from factory or put into service.

Article 26 The state establishes a recall system for defected special equipment. For special equipment having safety risks of identical defects arising from production, special equipment manufacturers shall immediately stop production and recall them voluntarily.

In case of finding out special equipment which shall be recalled but failed to be recalled, the department in charge of special equipment safety supervision and administration of the State Council shall order special equipment manufacturers to make the recall.

Section III Marketing

Article 27 Special equipment sold by special equipment sales units shall meet the requirements of safety technical codes and related standards and the design documents, certificate of compliance, installation, service and maintenance instructions, supervisory inspection certificate and other related technical information and documentation shall be complete.

Special equipment sales units shall establish special equipment inspection acceptance and sales recording system.

Special equipment produced without obtaining licensing, special equipment without inspection or failed to pass the inspection or special equipment has been weeded out explicitly by the state and obsolete special equipment are prohibited for sale.

Article 28 Leasing entities of special equipment shall not lease any special equipment without obtaining license or has been weeded out explicitly by the state or obsolete special equipment as well as special equipment without being performed maintenance according to the requirements of safety technical codes or special equipment without inspection or which failed to pass the inspection.

Article 29 Service management and maintenance obligations of the special equipment during the lease term shall be borne by leasing entities except provided by law or the parties have agreed otherwise.

Article 30 Imported special equipment shall meet the requirements of safety technical codes of China and shall pass the inspection; if it is required to obtain special equipment licensing of China, a license shall be obtained.

Technical information and documentation of the imported special equipment shall comply with the provision of Article 21 of this law and its installation, service and maintenance instructions, product nameplate, safety warning signs and descriptions shall use Chinese language.

Special equipment import and export inspection shall comply with relevant import and export commodity inspection law and administrative regulations.

Article 31 When importing special equipment, a notification shall be given in advance to the department in charge of special equipment supervision and management of the destination of the import.

Section IV Service

Article 32 Units using special equipment shall use special equipment which have obtained license and have passed the inspection.

Special equipment weeded out explicitly by the state and obsolete special equipment is prohibited to use.

Article 33 Units using special equipment shall apply to the department in charge of special equipment supervision and management for registration of the service before the special equipment is put into service or within 30 days after and shall obtain registration certificate for the service. The registration mark shall be placed in a prominent position of the special equipment.

Article 34 Units using special equipment shall establish a safety management system such as job responsibilities, risk management and emergency rescue and shall formulate operation procedures to ensure safe operation of the special equipment.

Article 35 Units using special equipment shall establish special equipment safety technical files. Safety technical files shall include the following:

- (1) special equipment design documents, certificate of compliance, installation, instructions on service and maintenance, supervisory inspection certificate and relevant technical information and documentation;
- (2) special equipment periodic inspection and periodic self-check records;
- (3) special equipment daily operation records;
- (4) special equipment and its auxiliary instruments and gauges maintenance records;
- (5) special equipment operational failures and accidents records.

Article 36 Units providing service to the public by operating and using special equipment such as elevators, passenger ropeways, large- scale amusement devices shall be responsible for the safe service of special equipment and shall set up a special equipment safety management department or appoint full-time special equipment safety management personnel; other units using special equipment shall set up a special equipment safety management department or appoint full-time or part- time special equipment safety management staff depending on its actual conditions.

Article 37 The service of special equipment shall have the required safe distance and safety protection measures.

Buildings and their auxiliary facilities related to special equipment shall comply with relevant laws and administrative regulations.

Article 38 For special equipment jointly owned, the co-owner may entrust property management service companies or other managers to manage such special equipment. The trustee shall perform the obligations of units using special equipment as required by this law and shall assume corresponding responsibility. If the co-owner does not entrust any entity for the management, the co-owner or its actual managers shall perform the management duties and assume corresponding responsibility.

Article 39 Units using special equipment shall carry out regular maintenance and periodic self- inspection on the special equipment in service and shall make the records.

Units using special equipment shall have periodic check and maintenance on the safety accessories and safety protective devices of the special equipment in service and shall make records.

Article 40 Units using special equipment shall apply for periodic inspection to a competent special equipment inspection agency one month before expiry date of the inspection certificate according to the requirements of safety technical codes.

After receiving the periodic inspection application, the special equipment inspection agency shall promptly conduct safety performance inspection according to the requirements of safety technical codes. Units using special equipment shall place the periodic inspection mark in a prominent position of the special equipment.

Special equipment without periodic inspection or failed to pass the inspection shall not be used.

Article 41 Special equipment safety administrators shall have regular check on the service of the special equipment and shall take immediate actions when finding out any problems; in case of emergencies, special equipment safety management staff can decide to suspend the special equipment and shall promptly report to the relevant person in charge of the unit.

When finding out potential risks or other unsafe factors, special equipment operators shall immediately report to the special equipment safety management staff and relevant person in charge of the unit; in case of abnormal operation of special equipment, special equipment operators shall take effective measures according to operating instructions to ensure safety.

Article 42 In case of malfunctions or abnormal conditions of special equipment; units using special equipment shall have a comprehensive check of the special equipment to eliminate potential accidents before it's put into service.

Article 43 Before a passenger ropeway and large-scale amusement device is put into service each day, the running unit shall conduct a test run and routine safety check and shall carry out an inspection check of the safety accessories and safety protective devices.

Units running elevator, passenger ropeway and large-scale amusement device shall place the safety instructions, safety precautions and warning marks of elevator, passenger ropeway and large-scale amusement device in a prominent position easily noticed by passengers.

Public taking or operating elevator, passenger ropeway and large-scale amusement device shall follow the safety instructions and safety precautions and shall follow the guidance and instructions of the relevant staff; in case of abnormal operation, the public shall evacuate orderly in accordance with safety guidelines.

Article 44 Units using boilers shall carry out boiler water (medium) treatment according to the requirements of safety technical codes and shall be subject to periodic inspections by a special equipment inspection agency.

Units engaging in boiler cleaning shall carry out the work according to the requirements of safety technical codes and shall be subject to supervision and inspection by a special equipment inspection agency.

Article 45 Elevator maintenance shall be carried out by an elevator manufacturer or a unit which has obtained a license for installation, alteration and repair according to this law.

Units in charge of elevator maintenance shall strictly adhere to the requirements of safety technical codes in the process of the maintenance to ensure the safety performance of the elevators they maintain and shall be responsible for the implementation of on-site safety protective measures to ensure the safety in construction.

Units in charge of elevator maintenance shall be responsible for the safety performance of the elevator they maintain; upon receipt of a failure notification, they shall immediately rush to the scene and take necessary emergency rescue measures.

Article 46 After an elevator is put into service, the elevator manufacturer shall conduct follow-up inquires to the safe operation of the elevator, and make proposals to the unit conducting elevator maintenance or the unit using the elevator on resolving the problems in

maintenance and safe operation and provide necessary technical assistance; when finding any serious accident risks, it shall promptly inform the unit using the elevator and shall report to the department in charge of special equipment safety supervision and administration. Elevator manufacturers shall make records of the follow-up inquiries.

Article 47 Special equipment under alteration or repair which requires change of registration for the service according to regulations, shall register the change before it is put into service.

Article 48 For special equipment with serious accident risks, which is not worthy of alternation, repair or reaching other scrap conditions according to safety technical codes, the unit using the special equipment shall carry out its retirement obligations, take necessary measures to eliminate the service functions of the special equipment and apply to the department in charge of special equipment safety supervision and administration of the original registration for cancellation of the registration certificate for the service.

Special equipment other than scraped conditions of the preceding paragraph, reaching design service life but can continue to use, shall pass test or safety assessment according to the requirements of safety technical codes and subject to change registration certificate before it is put into service. For special equipment allowed to continue to use, measures such as inspection, testing and maintenance shall be strengthened to ensure safe service.

Article 49 Units filling transportable pressure vessel and gas cylinder shall meet the following conditions and shall be subject to approval by the department in charge of special equipment safety supervision and administration before engaging in filling activities:

- (1) have management staff and technicians suitable for the filling and management;
- (2) have filling equipment, testing method, plant site, instrument and safety facility suitable for filling and management;
- (3) have a sound filling management system, responsibility system and handling measures.

Units for filling business shall establish inspection and record- keeping system before and after filling and is prohibited to fill a transportable pressure vessel or a gas cylinder failing to meet the requirements of safety technical codes.

Units filling gas cylinders shall provide gas users with cylinders meeting the requirements of safety technical codes, provide safe instructions on the service of cylinder for gas users, file a registration for the service of gas cylinders according to safety technical code and apply for periodic inspection in a timely manner.

Chapter III Inspection, Testing

Article 50 Agencies engaging in special equipment supervisory inspection and periodic inspection pursuant to this law as well as special equipment inspection agencies providing inspection services for special equipment production, operation and service shall meet the following conditions and shall be subject to approval by the department in charge of special equipment safety supervision and administration before engaging in inspection and testing work:

- (1) have inspection and testing personnel suitable for inspection and testing work;
- (2) have inspection and testing instruments and equipment suitable for inspection and testing work;
- (3) have a sound inspection and testing management system and responsibility system.

Article 51 Inspection and testing personnel of special equipment inspection and testing agencies shall pass examination and obtain inspection and testing personnel qualification before engaging in inspection and testing work.

Inspection and testing personnel of special equipment inspection and testing agencies shall not simultaneously serve in two or more inspection, testing institutions; when changing institutions served, registration for the change shall be made according to law.

Article 52 Special equipment inspection and testing work shall be in compliance with laws and administration regulations and shall be carried out according to the requirements of safety technical codes.

Special equipment inspection and testing agencies and inspection and testing personnel shall provide safe, reliable, convenient and faithful inspection and testing services to units producing, operating and using special equipment in accordance with law.

Article 53 Special equipment inspection and testing agencies and inspection and testing personnel shall be objective, impartial and timely in issuing inspection and test report and shall be responsible for the results and conclusions of the inspection and test.

When finding any serious accident risk for special equipment in the process of inspection and testing, special equipment inspection and testing agencies and inspection and testing personnel shall timely inform the relevant units and immediately report to the department in charge of special equipment safety supervision and administration.

The department in charge of special equipment safety supervision and administration shall organize supervisory random checks for the inspection and test results and conclusions made by the special equipment inspection and testing agencies, but shall avoid repeated checks. The results of supervisory random checks shall be made public.

Article 54 Units producing, operating and using special equipment shall, pursuant to the requirements of safety technical codes, provide special equipment related documents and necessary inspection and testing conditions to special equipment inspection and testing agencies and inspection and testing personnel and shall be responsible for the authenticity of the information provided.

Article 55 Special equipment inspection and testing agencies and inspection and testing personnel shall be obligated to keep confidential of trade secrets learned in the process of inspection and testing.

Special equipment inspection and testing agencies and inspection and testing personnel shall not engage in any production and marketing activities related to special equipment and shall not recommend or supervise the production or sales of special equipment.

Article 56 In case of special equipment inspection agency and inspection personnel deliberately make things difficult for units producing, marketing and using special equipment, the units producing, marketing and using special equipment have the right to make a complaint to the department in charge of special equipment safety supervision and administration and the department receiving the complaint shall promptly investigate and deal with it.

Chapter IV Supervision and Administration

Article 57 The department in charge of special equipment safety supervision and administration pursuant to this law shall carry out the supervisory inspection on units producing, operating and using special equipment and on special equipment inspection and testing agencies.

The department in charge of special equipment safety supervision and administration shall conduct safety supervisory inspection with a focus on the special equipment used at public gathering places such as schools, kindergartens and hospitals, stations, ferry terminals, shopping malls, stadiums, exhibition halls and parks.

Article 58 When the department in charge of special equipment safety supervision and administration conduct the implementation of licensing work according to this law, it shall make reviews in accordance with the conditions and procedures of this law and other relevant laws and administrative regulations as well as the requirements of safety technical codes; no permit shall be made for non-compliance.

Article 59 When handling the licensing work pursuant to this law, the department in charge of special equipment safety supervision and administration must make public the acceptance, examination and licensing procedures and shall make a decision for approval or disapproval within thirty days from the date of receipt of the application; for disapproval, written reasons shall be made to the applicant.

Article 60 The department in charge of special equipment safety supervision and administration shall establish complete supervision and administration files and information inquiry system for special equipment registered for service according to law; for special equipment reaching retirement conditions, the department in charge of special equipment safety supervision and administration shall promptly supervise the units using special equipment to fulfill its retirement obligations according to law.

Article 61 When the department in charge of special equipment safety supervision and administration in accordance with the law fulfills its duties of supervisory inspection, it may exercise the following powers:

- (1) enter the site for inspection and make investigations and enquiries from the principal responsible person and other relevant personnel of the units producing, operating and using special equipment and of inspection and testing agencies;
- (2) consult and copy of relevant contracts, invoices, account books and other relevant documents of the units producing, operating and using special equipment and of inspection and testing agencies according to a report or evidence of alleged illegal violations obtained;
- (3) seizure, detention of the special equipment with evidence showing that they are not in compliance with safety technical codes or they have serious accident risk;
- (4) seizure, detention of the special equipment reaching retirement conditions or has already been scrapped which flowed into market;
- (5) decisions for administrative punishment shall be made for acts in violation of this law.

Article 62 When finding acts in violation of this law and safety technical codes or special equipment having accident risk in the course of its duties according to law, the department in charge of special equipment safety supervision and administration shall issue a written directive of special equipment safety supervision ordering the relevant units to take prompt measures to correct or eliminate the risks. In case of emergency requesting the relevant units

to take emergency measures, a directive of special equipment safety supervision shall be issued subsequently.

Article 63 When finding major violations or special equipment having serious accident risk in the course of its duties according to law, the department in charge of special equipment safety supervision and administration shall order the relevant units to immediately stop the illegal acts and take measures to eliminate the risks and shall promptly report to the department in charge of special equipment safety supervision and administration at higher level. Upon receipt of the report, the department in charge of special equipment safety supervision and administration shall take the necessary measures to handle it promptly.

When dealing with violations or serious accident risk requiring support and assistance from local people's government and relevant authorities, the department in charge of special equipment safety supervision and administration shall report to the local people's government and notify other relevant departments. Local people's government and other relevant departments shall take necessary measures to deal with it promptly.

Article 64 The department in charge of special equipment safety supervision and administration of local people's governments shall not request special equipment manufacturers which have obtained licensing pursuant to this law to repeatedly obtain permit at other places and shall not request repeated inspection on special equipment which has passed inspection in accordance with this law at other places.

Article 65 Safety supervisors of the department in charge of safety supervision and administration shall familiar with relevant laws and regulations, have corresponding professional expertise and work experience, and acquire special equipment safety administrative law enforcement certificate.

Special equipment safety inspection personnel shall be devoted to their duties, adhere to the principles and enforce the law impartially.

When the department in charge of special equipment safety supervision and administration carries out safety supervisory inspection, no less than two special equipment safety supervisors shall be present and shall present valid special equipment safety administrative law enforcement certificate.

Article 66 When carrying out a safety supervisory inspection on units producing, operating and using special equipment and on inspection and testing agencies, the department in charge of special equipment safety supervision and administration shall keep records of the contents of each inspection, problems found and solutions and shall be signed by special equipment safety supervisors who participate in the supervisory inspection and relevant person in charge of the inspected units before filing. If relevant person in charge of the inspected unit refuses to sign, special equipment safety supervisors shall record it.

Article 67 The department in charge of special equipment safety supervision and administration and its staff shall not recommend or supervise production, sale of special equipment; and shall be obligated to keep confidential of trade secrets learned in the course of their duties.

Article 68 The department in charge of special equipment safety supervision and administration of the State Council and the department in charge of special equipment safety supervision and administration of provincial, autonomous region and municipality people's government shall regularly publish special equipment safety overall situations to the public.

Chapter V Accident Emergency Rescue & Investigation and Handling

Article 69 The department in charge of special equipment safety supervision and administration of the State Council shall develop contingency plans for serious and major accidents of special equipment according to law and the plans will be included in the national emergency plan system after getting approval from the State Council.

Local people's governments at or above county level and its department in charge of special equipment safety supervision and administration shall develop contingency plans for accidents of special equipment in the administrative area according to law and the plans will be established as or included in corresponding emergency and rescue system.

Units using special equipment shall develop specific accident emergency plans of special equipment and shall carry out regular emergency drills.

Article 70 After special equipment accident occurred, the entity with the accident shall take measures for rescue in accordance with the emergency plans to prevent expansion of the accident, reduce casualties and property losses, take protection of the scene and the evidence and promptly report to the department of people's government in charge of special equipment safety supervision and administration at or above county level of the area where the accident happens and relevant departments.

Upon receipt of the report for the accident, the department in charge of special equipment safety supervision and administration at or above county level people's government shall promptly verify the situation, immediately report to the people's government of the same level and report to authorities of higher levels as required. When necessary, the department in charge of special equipment safety supervision and administration can directly report to authorities of higher levels for the accident. For extraordinary major accidents and major accidents, the department in charge of special equipment safety supervision and administration of the State Council shall immediately report to the State Council and circulate a notice to the safety production supervision and administration department of the State Council and relevant departments.

The entities and their staff related to the accident shall not make late reporting, misrepresentation or concealment of the accident and shall not conceal, destruct relevant evidence or intentionally destroy the accident site.

Article 71 Upon receipt of the report for the accident, the people's government of the area where the accident occurred shall activate contingency plans according to law, take emergency measures and organize emergency rescue.

Article 72 For extraordinary major accidents of special equipment, the State Council or the relevant departments authorized by the State Council shall set up an accident investigation team to carry out the investigation.

For major accidents, the department in charge of special equipment safety supervision and administration of the State Council together with relevant departments shall set up an accident investigation team to carry out the investigation.

For larger accidents, the department in charge of special equipment safety supervision and administration of provincial, autonomous region and municipality people's government together with relevant departments shall set up an accident investigation team to carry out the investigation.

For ordinary accidents, the department in charge of special equipment safety supervision and administration of city level people's government together with relevant departments shall set up an accident investigation team to carry out the investigation.

The accident investigation team shall according to law carry out an investigation independently and impartially and shall present an accident investigation report.

Article 73 The department in charge of accident investigation shall submit the accident investigation report to people's government of the same level and report to the department in charge of special equipment safety supervision and administration of people's government of higher level for the record. Relevant departments and units shall be in accordance with laws and administration regulations investigate and deal with the units and personnel held responsible for the accident.

Units held responsible for the accident shall according to law implement improvement measures to prevent similar accidents. In case of any loss arising from the accident, the units held responsible for the accident shall be liable for compensation according to law.

Chapter VI Legal Liability

Article 74 Anyone violates the provisions hereof, and is engaged in special equipment production activities unauthorized shall be ordered to stop production, the illegal special equipment manufactured shall be confiscated and a fine of RMB100,000 to 500,000 shall be imposed ; if there is any illegal income, the illegal income shall be confiscated; for installation, alteration or repair already done, it shall be ordered to restore to original status or it shall be ordered to have re- installation, alteration or repair at a limited time by a unit which has obtained licensing.

Article 75 Violation of the provisions hereof, special equipment design documents which have not been appraised are used in the production unauthorized, it shall be ordered to make corrections, the illegally manufactured special equipment shall be confiscated and a fine of RMB50, 000 to 500,000 shall be imposed.

Article 76 Violation of the provisions hereof, failing to carry out a type test, it shall be ordered to make corrections within a time limit; if it failed to make corrections within the time limit, there will be a fine of RMB30,000 to 300,000 .

Article 77 Violation of the provisions hereof, special equipment delivered from factory without accompanying relevant technical information and documents as required by safety technical codes, it shall be ordered to make corrections within a time limit; failing to make corrections within the time limit, it shall be ordered to stop production and sale and shall be imposed a fine of RMB20, 000 to 200,000; and if there is any illegal income, the income shall be confiscated.

Article 78 Violation of the provisions hereof, construction units for special equipment installation, alteration and repair fail to inform in writing to the department in charge of special equipment safety supervision and administration before starting construction or fail to transfer relevant technical information and documentation to the special equipment user within thirty days after acceptance inspection, it shall be ordered to make corrections within a time limit; if it failed to make corrections within the time limit, there will be a fine of RMB10,000 up to 100,000 .

Article 79 Violation of the provisions hereof, special equipment production, installation, alteration, major repairs and boiler cleaning are performed without supervisory inspection shall be ordered to make corrections within a time limit; if it failed to make corrections within the time limit, there will be a fine of RMB50, 000 to 200,000; if there is any illegal income, the income will be confiscated; in serious cases, the license shall be revoked.

Article 80 Violation of the provisions hereof, if an elevator manufacturer is under one of the following circumstances, it shall be ordered to make corrections within a time limit; if it failed to make corrections within the time limit, there will be a fine of RMB 10,000 up to 100,000:

(1) failing to carry out verification and debugging of elevators according to the requirements of safety technical codes;

(2) when finding any serious hidden danger during follow up enquiries of safe operation of elevators, failing to inform elevator using unit and report to the department in charge of special equipment safety supervision and administration.

Article 81 Violation of the provisions hereof, if a special equipment manufacturer has one of the following acts, it shall be ordered to make corrections within a time limit; if failing to make corrections within the time limit, it shall be ordered to stop production and shall be

imposed a fine of RMB 50,000 to 500,000; in case of serious cases, the license shall be revoked:

(1) engaging in production no longer having the production conditions, the license is expired or beyond the approved scope;

(2) fully aware of identical defects of special equipment but fail to stop production immediately and make recalls.

Violation of the provisions hereof, where a special equipment manufacturer manufactures, sells and delivers special equipment weeded out explicitly by the state, it shall be ordered to stop production and sale, the illegally produced, sold and delivered special equipment shall be confiscated and a fine of RMB30,000 to 300,000 shall be imposed; if there is any illegal income, the income shall be confiscated.

Where a special equipment manufacturer alters, resells, rents, loans production license, it shall be ordered to stop production and be imposed a fine of RMB 50,000 to 500,000; in case of serious cases, the license shall be revoked.

Article 82 Violation of the provisions hereof, if a special equipment dealer has one of the following acts, it shall be ordered to cease trading activities, the illegal special equipment shall be confiscated and a fine of RMB 30,000 to 300,000 shall be imposed; if there is any illegal income, the income shall be confiscated:

(1) sale and lease of any special equipment without obtaining license, uninspected or failing to pass inspection;

(2) sale and lease of any special equipment weeded out explicitly by the state and obsolete special equipment or any special equipment without carrying out maintenance according to the requirements of safety technical codes.

Violation of provisions hereof, where a special equipment sales unit fails to establish an acceptance inspection and sales recording system or failing to fulfill advance notification obligation for importing special equipment, it shall be ordered to make corrections and there will be a fine of RMB10, 000 to 100,000.

Where a special equipment manufacturer sells, delivers uninspected or unqualified special equipment, it shall be punished in accordance with the first paragraph of this provision; in case of serious cases, the license shall be revoked.

Article 83 Violation of the provisions hereof, if a unit using special equipment has one of the following acts, it shall be ordered to make corrections within a time limit; if failing to make corrections within the time limit, it shall be ordered to stop the service of the relevant special equipment with a fine of RMB 10,000 to100,000:

(1) using special equipment without applying for registration for the service according to regulations;

(2) failing to establish special equipment safety technical files or safety technical files not meeting requirements of regulations or failing to place registration mark or periodic inspection mark according to law;

(3) failing to carry out regular maintenance and periodic self-inspection for the special equipment in service or failing to carry out periodic calibration, maintenance and repair for

the safety accessories, safety protective devices of special equipment in service and make records;

(4) failing to promptly apply and get inspection according to the requirements of safety technical codes;

(5) failing to carry out boiler water (medium) treatment according to the requirements of safety technical codes;

(6) failing to formulate specific accident contingency plans of special equipment.

Article 84 Violation of the provisions hereof, if a unit using special equipment has one of the following acts, it shall be ordered to stop the service of the relevant special equipment and a fine of RMB 30,000 to 300,000 shall be imposed:

(1) use of special equipment without obtaining license, uninspected or unqualified or special equipment weeded out explicitly by the state or obsolete special equipment;

(2) in case of special equipment with failure or abnormal conditions, failing to carry out comprehensive check to eliminate hidden risk before use;

(3) failing to carry out retirement obligations and apply for cancellation of registration of service for the special equipment with serious accident risk unworthy of alteration or repair or reaching other obsolete conditions according to safety technical codes.

Article 85 Violation of the provisions hereof, if a transportable pressure vessel, gas cylinder filling operator has one of the following acts, it shall be ordered to make corrections and a fine of RMB 20,000 to 200,000 shall be imposed: in case of serious cases, filling business license shall be revoked:

(1) failing to implement inspection or recording before and after filling;

(2) filling a transportable pressure vessel or gas cylinder which does not meet the requirements of safety technical codes.

Anyone violates the provisions hereof, and is engaged in transportable pressure vessel and gas cylinder filling activities without authorization shall be banned, the illegally filled gas cylinders shall be confiscated and a fine of RMB 100,000 to 500,000 shall be imposed; if there is any illegal income, the income shall be confiscated.

Article 86 Violation of the provisions hereof, if a special equipment manufacturer, dealer and user is under one of the following circumstances, it shall be ordered to make corrections within a time limit; if failing to make corrections within the time limit, it shall be ordered to stop the service of relevant special equipment or suspend business for rectification and a fine of RMB 10,000 to 50,000 shall be imposed:

(1) not having corresponding qualified special equipment safety management staff, inspectors and operators;

(2) employ the staff without corresponding qualification to engage special equipment safety management, testing and operations;

(3) failing to carry out safety education and skills training for special equipment management staff, inspectors and operators.

Article 87 Violation of the provisions hereof, if a unit running an elevator, passenger ropeway and large-scale amusement device is under one of the following conditions, it shall be ordered to make corrections within a time limit; if failing to make corrections within the time limit, it shall be ordered to stop the service of relevant special equipment or suspend business for rectification and a fine of RMB 20,000 to 100,000 shall be imposed:

- (1) failing to set up special equipment safety management department or to appoint dedicated special equipment safety management staff;
- (2) failing to carry out trial run and routine safety check for passenger ropeways and large scale amusement devices and failing to conduct check and inspection for safety accessories and safety protective devices before they are put into service on each day;
- (3) failing to place elevator, passenger ropeway and large scale amusement device safe use instructions, safety precautions and warning marks in a prominent position easily noticed by passengers.

Article 88 Violation of the provisions hereof, engaging in elevator maintenance services without authorization, it shall be ordered to stop violations and impose a fine of RMB10,000 to 100,000; if there is any illegal income, the income shall be confiscated.

Elevator maintenance units failing to carry out elevator maintenance pursuant to this law and safety technical codes shall be punished in accordance with the preceding paragraph.

Article 89 In case of special equipment accidents, if it is under one of the following conditions, there will be RMB50,000 to 200,000 fine for the units responsible for the accident; there will be RMB10,000 to 50,000 fine for the principal responsible person of the unit; and if the principal responsible person is a government worker he/she shall be punished in accordance with law:

- (1) when a special equipment accident is occurred, failing to organize rescue immediately or absence of duty without permission or escape during investigation and handling of the accident ;
- (2) late reporting, misrepresentation or concealment of special equipment accidents.

Article 90 If a special equipment accident is occurred, apart from bearing corresponding compensation responsibility according to law, the units responsible for the accident shall be fined in accordance with the following provisions:

- (1) in case of ordinary accidents, there shall be RMB100,000 to 200,000 fine;
- (2) in case of larger accidents, there shall be RMB200,000 to 500,000 fine;
- (3) in case of major accidents, there shall be RMB500,000 to 2,000,000 fine.

Article 91 Where the principal responsible person of the unit responsible for the accident occurred fails to perform its duty according to law or is accountable for leadership responsibility he/she shall be fined in accordance with the following provisions; and if they are government workers, they shall be punished according to law:

- (1) in case of ordinary accidents, there shall be a fine of 30% of previous year annual income;
- (2) in case of larger accidents, there shall be a fine of 40% of previous year annual income;
- (3) in case of major accidents, there shall be a fine of 60% of previous year annual income.

Article 92 Violation of provisions hereof, special equipment safety management staff, inspectors and operators fail to fulfill their duties, violate operating procedures and relevant safety rules and regulations resulting in accidents, qualifications of relevant personnel shall be revoked.

Article 93 Violation of provisions hereof, special equipment safety management staff, inspectors and operators have one of the following acts shall be ordered to make corrections, there will be a fine of RMB 50,000 to 200,000 for the entity and RMB5, 000 to 50,000 fine for direct responsible executive officer and other direct responsible personnel; in case of serious cases, qualifications of the entity and relevant personnel shall be revoked:

- (1) employ unqualified personnel to engage inspection and testing without approval or beyond the approved scope;
- (2) failing to carry out inspection and test according to the requirements of safety technical codes;
- (3) issuing false inspection and test results and appraisal conclusions or issuing inspection, test results and appraisal conclusions that are highly inconsistent with the facts;
- (4) failing to inform relevant units and immediately report to the department in charge of special equipment safety supervision and administration when finding serious hidden risk of special equipment;
- (5) leaking trade secrets learned in the process of inspection and test;
- (6) engaging in related production and business activities of special equipment;
- (7) recommend or supervise the production and sales of special equipment;
- (8) taking advantage of inspection duty to deliberately make things difficult for relevant units.

Violation of provisions hereof, inspection and testing personnel of special equipment inspection, testing agencies simultaneously serve at two or more inspection and testing agencies shall be fined RMB5000 to 50,000 ; in serious cases, there shall be a revocation of qualifications.

Article 94 Violation of provisions hereof, the department in charge of special equipment safety supervision and administration and its staff having one of the following acts shall be ordered by its higher authority to make corrections; directly responsible executive staff and other directly responsible personnel shall be punished in accordance with law:

- (1) failing to carry out licensing work in accordance with conditions and procedures of laws, administrative regulations;
- (2) unauthorized engagement of special equipment production, use or inspection, testing activities are not banned or dealt with according to law when they are found;
- (3) failing to revoke the license when finding a special equipment manufacturer is no longer qualified for the conditions pursuant to this law or failing to investigate and deal with the acts when finding illegal production, operation and use of special equipment;
- (4) failing to revoke the permit when finding a special equipment inspection, testing agency is no longer qualified for the conditions stipulated in this law or failing to investigate and

deal with the acts of issuing false inspection, test results and conclusions or issuing inspection, test results and appraisal conclusions that are highly inconsistent with the facts;

(5) failing to deal with immediately when finding acts in violations of this law and safety technical codes or special equipment with hidden danger;

(6) failing to promptly report to the department in charge of special equipment supervision and administration when finding major violations or special equipment having serious accident risk or upon receipt of the report the department in charge of special equipment supervision and administration does not deal with it immediately;

(7) requesting special equipment manufacturer which has obtained license according to this law to repeatedly obtain license or requesting repeated inspection for special equipment which has passed inspection in accordance with the provisions of this law at other places;

(8) recommend or supervise the production, sales of special equipment;

(9) leaking trade secrets learned during performing their duties;

(10) upon receipt of report for special equipment accident, failing to report to people's government of the same level and report to higher authorities in accordance with regulations;

(11) late reporting, omission, misrepresentation or concealment of accidents;

(12) interfere with accident rescue or accident investigation and handling;

(13) other abuse of power, neglect of duty and favoritism behaviors.

Article 95 Violation of provisions hereof, special equipment manufacturer, operator and user or inspection and testing agencies refusing to get the supervisory inspection from the department in charge of special equipment supervision and administration shall be ordered to make corrections within a time limit; failing to make corrections within the limited time, it shall be ordered to stop production and suspend business for rectification and RMB20,000 to 200,000 fine.

In case of special equipment production, operation and using units utilizing, exchanging, transferring, damaging seized, detained special equipment or its major components, it shall be ordered to make corrections with RMB50,000 to 200,000 fine; in serious cases, production license shall be revoked and special equipment registration for service shall be cancelled.

Article 96 Violation of provisions hereof with license revoked according to law, the department in charge of special equipment supervision and administration will reject its application for a new license within three years since revocation of the license.

Article 97 Violation of provisions hereof, resulting in personal and property damage shall bear civil liability.

Violation of provisions hereof, in case of its property not sufficient to pay civil liability for compensation and payment of fines, penalties simultaneously, civil liability for compensation shall be prioritized.

Article 98 Violation of provisions hereof, constituting an act in violation of public order, it shall be given public security administrative penalties; and if constituting a crime, it shall be prosecuted for its criminal liability.

Chapter VII Supplementary

Article 99 Special equipment administrative licensing and inspection charge shall be implemented in accordance with laws and administrative regulations.

Article 100 This law does not apply to the safety supervision and administration for special equipment used for military equipment, nuclear facilities and aerospace vehicles.

Safety supervision and administration of special equipment used for locomotives, offshore facilities and ships, underground mines, civil airport, and supervision and administration of the installation and service of hoisting machinery and motor vehicles used on housing construction site or civil engineering site shall be implemented by relevant departments in accordance with the provisions of this law and other relevant laws and regulations.

Article 101 This law shall come into force as of January 1, 2014.