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

Chapter I General Provisions

Chapter II Production, Operation and Use

Section I General Provisions

Section II Production

Section III Operation

Section IV Use

Chapter III Inspection, Testing

Chapter IV Supervision

Section V Accident Emergency Rescue and Investigation and Handling

Section VI Legal Liability

Section VII Supplementary
Chapter I General Provisions

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

Article 2 Special equipment production (including design, manufacture, installation, alteration, maintenance and repair) operation, use, inspection and test as well as special equipment safety supervision and management shall apply 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 facilities 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 in conformity with this law 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 management of the State Council and shall be subject to approval by the State Council for 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 management for production, operation and use of special equipment.
Article 5 The department in charge of safety supervision and management of special equipment of the State Council is responsible for special equipment safety supervision and management throughout the country while the departments in charge of special equipment safety supervision and management of local people’s governments above county level are responsible for special equipment safety supervision and management within their respective administrative regions.

Article 6 The State Council and local people’s governments shall strengthen the guidance 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 above county level shall establish coordination mechanism to timely coordinate and solve any problems arising from supervision and management of special equipment.

Article 7 The units for production, operation and use of 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 use is safe and meeting energy conservation requirements.

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

Special equipment safety technical code shall be drawn up by the department in charge of special equipment safety supervision and management of the State Council.
Article 9 Special equipment industry associations shall strengthen industry self-regulation, promote industry integrity and 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 promotion and application of advanced technologies and advanced management methods and 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 management shall strengthen special equipment safety publicity and education, popularize special equipment safety knowledge and enhance special equipment safety awareness of the public.

Article 12 Any 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 management and relevant departments and the departments receiving the report shall handle in a timely manner.

Chapter II Production, Operation and Use

Section I General Provisions

Article 13 The unit manufacturing, operating or using special equipment and their principal responsible person shall assume overall responsibility for the safety of special equipment production, operations and use.

Units producing, operating and using special equipment shall provide special equipment safety management, inspection and operating personnel in accordance with state relevant regulations and provide them with necessary safety education and skills training.
Article 14 Special equipment safety management, inspection and operating personnel shall obtain appropriate qualifications in accordance with relevant state regulations before engaging in such work and they shall strictly carry out safety technical code 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 and shall timely apply and get 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 code or no requirements from safety technical code but may have significant impact on safety is subject to applying to the department in charge of special equipment safety supervision and management of the State Council. The department in charge of special equipment safety supervision and management 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 management of the State Council before they can be put into production and use.

The department in charge of special equipment safety supervision and management 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 code.

Article 17 The state encourages taking special equipment safety liability insurance coverage.
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 management before engaging in production activities:

(1) being staffed with appropriate professional and technical personnel related to the production;

(2) having appropriate equipment, facilities and workplace for the 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 shall meet safety technical code and related standards and shall be responsible for the safety 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 facilities shall get appraisal from a testing agency authorized by the department in charge of special equipment safety supervision and management before they are used for production.

Special equipment products, parts and components or special equipment new products, new parts and components 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 code
shall get type test by a testing agency authorized by the department in charge of special equipment safety supervision and management.

**Article 21** When delivered from factory, special equipment shall be accompanied by design documents, competent certificate, installation and maintenance instructions, inspection certificate and other relevant technical information and documentation required by safety technical code and product nameplate, safety warning mark 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 commissioned by the manufacturer which has obtained relevant license according to law. Elevator manufacturers which entrust other entities for conducting installation, alteration and repair shall have safety guidance and supervision for the installation, alteration and repair and shall conduct verification and testing in accordance with safety technical code. 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 management 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 vessel, pressure piping elements and installation, alteration or major repair process for boilers, pressure vessel, pressure piping, elevators, hoisting machinery, passenger ropeway and large scale recreation facilities shall be subject to inspection by a special equipment inspection agency in accordance with safety technical code; special equipment without inspection or failed to pass 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 similar defects arising from production, special equipment manufacturers shall immediately stop production and make a voluntary recall.

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

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**Section III Operation**

**Article 27** Special equipment sold by special equipment sales units shall meet safety technical code and related standards and the design documents, competent certificate, installation, use and maintenance and repair instructions, inspection certificate and other related technical information and documentation shall be complete.

Special equipment sales units shall establish special equipment inspection and sales record keeping system.
Special equipment produced without obtaining licensing, special equipment without inspection or failed to pass inspection or special equipment has been weeded out explicitly by the state and obsolete special equipment shall be prohibited for sale.

**Article 28** Leasing entities of special equipment shall not lease any special equipment without obtaining production licensing or has been weeded out explicitly by the state and obsolete special equipment as well as special equipment not having maintenance according to safety technical code and special equipment without inspection or which failed to pass inspection.

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

**Article 30** Imported special equipment shall meet safety technical code of China and shall pass the test; if it is required to obtain special equipment production licensing of China, a license should be obtained.

Technical information and documentation accompanied by the imported special equipment shall comply with the provision of Article 21 of this law and its installation, use 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 in advance should be given to the department in charge of special equipment supervision and management of the destination of the import.

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**Section IV Use**

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

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 use within thirty days before or after the special equipment is put into use and shall obtain registration certificate for the use. 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 operations 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, competent certificate, installation, use and maintenance instructions, inspection certificate and relevant technical information and documentation;

（2）special equipment periodic inspection and regular self-inspection records;

（3）special equipment daily usage records;

（4）special equipment and its subsidiary instrument 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 facilities shall be responsible for the safe use of special equipment and shall set up a special equipment safety administrative unit or provide full-time special equipment safety management personnel; other units using special equipment shall set up a special equipment safety management unit or provide full-time or part-time special equipment safety management staff depending on its actual conditions.

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

Buildings and their ancillary 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 services companies or other managers to manage such special equipment. The trustee shall perform special equipment using unit’s obligations 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 used and shall make the records.

Units using special equipment shall have periodic check and maintenance on the safety accessories and safety devices of the special equipment 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 period according to safety technical code.

After receiving the periodic inspection application, the special equipment inspection agency shall promptly conduct safety performance test according to safety technical code. 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 management personnel shall have regular check on the conditions of use 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 stop using the special equipment and shall promptly report to the person in charge of the unit.

When finding out potential risks or other unsafe factors, special equipment operating staff 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 operating staff shall take effective measures according to operating instructions to ensure safety.

**Article 42** In case of malfunctions or abnormal conditions of special equipment occurred; units using special equipment shall have a comprehensive check of the special equipment to eliminate potential accidents before using.

**Article 43** Before a passenger ropeway and large-scale recreation facility is put into use each day, the operating and using unit shall have a test run and routine safety check and shall carry out an inspection check of the safety accessories and safety devices.

Elevator, passenger ropeway and large-scale recreation facility operator shall place the safety instructions, safety precautions and warning mark of elevator, passenger ropeway and large-scale recreation facility in a prominent position easily noticed by passengers.

Public taking or operating elevator, passenger ropeway and large-scale recreation facility shall comply with 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 should carry out boiler water (medium) treatment according to safety technical code and shall be subject to periodic inspections by a special equipment inspection agency.

Units engaging in boiler cleaning should carry out the work according to safety technical code and should be subject to supervision and inspection by a special equipment inspection agency.
**Article 45** Elevator maintenance should be carried out by an elevator manufacturer or a unit which has obtained a license for installation, alteration and repair according to law.

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

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

**Article 46** After an elevator is put into use, the elevator manufacturer shall have follow-up knowledge of safe operation of the elevator, make suggestions for improvement on any problems encountered by the elevator maintenance units or using units in maintenance and safe operation and shall 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 management. Elevator manufacturers shall make records of the investigation and situations.

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

**Article 48** For special equipment with serious accident risk, not worthy of remolding and repair or reaching other scrapped conditions according to safety technical code, the unit using the special equipment shall carry out its retirement obligations, take necessary measures to eliminate the use
functions of the special equipment and apply to the department in charge of special equipment safety supervision and management of the original registration for cancellation of the registration certificate for the use.

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

**Article 49** Transportable pressure vessel and gas cylinder filling operator should meet the following conditions and shall be subject to approval by the department in charge of special equipment safety supervision and management before engaging in filling activities:

(1) have appropriate management and technical staff for the filling and management;

(2) have filling equipment, testing method, plant site, equipment and safety equipment 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 gas cylinder not meeting safety technical code.

Units filling gas cylinders shall provide gas users with cylinders meeting safety technical code, provide safe use of cylinder instructions for gas users, file a registration for the use 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 inspection and periodic inspection pursuant to this law as well as special equipment testing agencies providing testing services for special equipment production, operation and use shall meet the following conditions and shall be subject to approval by the department in charge of special equipment safety supervision and management before engaging in inspection and testing work:

1. have appropriate inspection and testing personnel for inspection and testing work;

2. have appropriate inspection and testing instruments and equipment 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 concurrently serve in two or more inspection, testing organizations; when changing organization served, registration for the change should 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 safety technical code.
Special equipment inspection and testing agencies and inspection and testing personnel shall, in accordance with law, provide safe, reliable, convenient and faithful inspection and testing services to units manufacturing, operating and using special equipment.

**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 management.

The department in charge of special equipment safety supervision and management shall organize to have supervision and random inspection of the inspection and test results and conclusions made by the special equipment inspection and testing agencies, but should avoid duplicate checks. Inspection and random check results should be made public.

**Article 54** Units manufacturing, operating and using special equipment shall, pursuant to safety technical code, 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 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 special equipment production and operation related activities and shall not recommend or supervise the production and sales of special equipment.

**Article 56** In case of special equipment inspection agency and inspection personnel deliberately creating difficulties for special equipment production, operation and using units, special equipment production, operation and using units have the right to lodge a complaint to the department in charge of special equipment safety supervision and management and the department receiving the complaint shall promptly investigate and deal with.

Chapter IV Supervision

**Article 57** The department in charge of special equipment safety supervision and management pursuant to this law shall be responsible for supervision and inspection on units manufacturing, operating and using special equipment and special equipment inspection and testing agencies.

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

**Article 58** The department in charge of special equipment safety supervision and management is responsible for the implementation of licensing work according to this law and shall make reviews in accordance with the conditions and procedures of this law and other relevant laws and administrative regulations as well as safety technical code; 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 management must make public the acceptance, examination and licensing procedures and should make a decision for approval or disapproval within thirty days from the date of receipt of the application; for disapproval, a written statement for the reasons shall be made to the applicant.

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

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

1. enter the site for inspection and make investigations and enquiries from the principal and other relevant personnel of the special equipment production, operation and using units and inspection and testing agencies;

2. make inspection and copies of relevant contracts, invoices, account books and other relevant documents of the special equipment production, operation and using units according to a report or evidence of alleged illegal violations obtained;

3. seizure, detention of the special equipment with evidence showing non-compliance with safety technical code or having 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 code 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 management shall issue in writing a 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 management 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 management of higher level. Upon receipt of the report, the department in charge of special equipment safety supervision and management shall take the necessary measures to address 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 management 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 management of local people’s governments shall not request special equipment manufacturers which have obtained licensing pursuant to this law at other places to repeatedly obtain permit and shall not request repeated inspection on special equipment which has passed inspection in accordance with this law at other places.

**Article 65** Safety inspection personnel of the department in charge of safety supervision and management shall familiar with relevant laws and regulations, have the appropriate expertise and experience and have obtained special equipment safety administrative law enforcement certificate.

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

When the department in charge of special equipment safety supervision and management carries out safety inspection, more than two special equipment safety inspection staff should be present and shall present valid special equipment safety administrative law enforcement certificate.

**Article 66** When carrying out a inspection on special equipment production, operation and using units and inspection and testing agencies, the department in charge of special equipment safety supervision and management shall make records of the contents of each inspection, problems found and treatment and shall be signed by special equipment safety inspection personnel attending the 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 inspection personnel shall record it.
Article 67 The department in charge of special equipment safety supervision and management and its staff shall not recommend or supervise production, sale of special equipment; and shall keep confidential of trade secrets learned in the course of their duties.

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

Section V Accident Emergency Rescue and Investigation and Handling

Article 69 The department in charge of special equipment safety supervision and management of the State Council shall be responsible for developing contingency plans for serious accidents of special equipment and the plans will be included in the emergency plan system of national emergency after getting approval from the State Council.

People's governments above county level and its department in charge of special equipment safety supervision and management shall be responsible for developing contingency plans for serious accidents of special equipment of the administrative area according to law and the plans will be included corresponding emergency and rescue system.

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

Article 70 After special equipment accident, 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 in charge of special equipment safety supervision and management above county level of the area of the accident and relevant departments.

Upon receipt of the report for the accident, the department in charge of special equipment safety supervision and management 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 management 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 management of the State Council shall immediately report to the State Council and circulate a notice to the production safety supervision and management 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 of the accident occurred shall in accordance with law activate contingency plans, 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 management 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 management 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 management 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 management of people’s government of higher level for the record. Relevant departments and units shall 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.
Section VI Legal Liability

Article 74 Violation of the provisions hereof, engaging in special equipment production activities unauthorized shall be ordered to stop production, with the illegal special equipment manufactured confiscated and a fine of RMB100,000 to 500,000; if there is any illegal income gained, the illegal income shall be confiscated; for installation, alteration or repair already done, it shall be ordered to restore 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, with illegally manufactured special equipment confiscated and a fine of RMB50,000 to 500,000.

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 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 code, it shall be ordered to make corrections; failing to make corrections within the time limit, it shall be ordered to stop production and sale and a fine of RMB20,000 to 200,000; and if there is any illegal income gained, 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 management 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; if 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 installation, alteration, major repairs and boiler cleaning without supervision and inspection shall be ordered to make corrections at a time limit; if 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 gained, the income will be confiscated; in serious cases, production 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; if 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 safety technical code.

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 management.

**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; if failing to make corrections within the time limit, it shall be ordered to stop production and a fine of RMB 50,000 to 500,000; in case of serious cases, production license shall be revoked:
（1）engaging in production no longer having the production conditions, production license is expired or beyond the approved scope;

（2）fully aware of similar 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, shall be ordered to stop production and sale, with illegally produced, sold and delivered special equipment confiscated and RMB30,000 to 300,000 fine; if there is any illegal income gained, the income shall be confiscated.

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

**Article 82** Violation of the provisions hereof, if a special equipment operator has one of the following acts, it shall be ordered to cease operations, with special equipment of illegal business confiscated and RMB 30,000 to 300,000 fine; if there is any illegal gains, the illegal income shall be confiscated:

（1）sale and lease of any special equipment without obtaining production license, untested or failing to pass test;

（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 safety technical code.
Violation of provisions hereof, where a special equipment sales unit fails to establish an inspection and sales record-keeping system or importing special equipment failing to fulfill advance notification obligation 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 untested or unqualified special equipment, it shall be punished in accordance with the first paragraph of this provision; in case of serious cases, production 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; if failing to make corrections within the time limit, it shall be ordered to stop the use of the relevant special equipment with RMB 10,000 to 100,000 fine:

1. using special equipment without applying for registration for the use according to regulations;

2. failing to establish special equipment safety technical files or safety technical files not meeting requirements or failing to place registration mark, periodic inspection mark;

3. failing to carry out regular maintenance and periodic self-inspection for the special equipment used or failing to carry out periodic calibration, maintenance and make records;

4. failing to promptly apply and get inspection according to safety technical code;

5. failing to carry out boiler water (medium) treatment according to safety technical code;

6. failing to formulate special equipment accident contingency plans.
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 use of the relevant special equipment and RMB 30,000 to 300,000 fine:

（1）use of special equipment without obtaining production license, untested or unqualified or special equipment weeded out explicitly by the state and 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 use for the special equipment with serious accident risk unworthy of transformation and repair or reaching other obsolete conditions according to safety technical code.

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 with RMB 20,000 to 200,000 fine: in case of serious cases, filling business license shall be revoked:

（1）failing to implement inspection before and after filling or record keeping system;

（2）filling a transportable pressure vessel and gas cylinder which does not meet safety technical code.

Violation of provisions hereof, engaging in transportable pressure vessel and gas cylinder filling activities without authorization shall be banned, with illegal filled gas cylinders confiscated and RMB 100,000 to 500,000 fine; if there is any illegal income gained, the income shall be confiscated.
Article 86 Violation of the provisions hereof, if a special equipment manufacturer, operator and user is under one of the following circumstances, it shall be ordered to make corrections; if failed to make corrections within the time limit, it shall be ordered to stop the use of relevant special equipment or business suspended for rectification and RMB 10,000 to 50,000 fine:

(1) not having corresponding qualified special equipment safety management staff, testing staff and operating staff;

(2) employ unqualified staff to engage in special equipment safety management, testing and operations;

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

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

(1) failing to set up special equipment safety administrative unit or having dedicated special equipment safety management staff;

(2) failing to carry out trial run and routine safety check for passenger ropeways and large scale amusement facilities and failing to conduct check and inspection for safety accessory and safety devices before daily use;
（3）failing to place elevator, passenger ropeway and large scale recreation facility safe use instructions, safety precautions and warning mark in a prominent position easily noticed by passengers.

**Article 88** Violation of the provisions hereof, engaging in elevator maintenance services without authorization, shall be ordered to stop violations with RMB10,000 to 100,000 fines; if there is any illegal gain, the illegal income shall be confiscated.

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

**Article 89** In case of special equipment accidents occurred, if 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 of the unit; and if the principal 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 permit or escape during the accident investigation process;

（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 occurred, there shall be RMB100,000 to 200,000 fine;

（2）in case of larger accidents occurred, there shall be RMB200,000 to 500,000 fine;
（3） in case of major accidents occurred, there shall be RMB500,000 to 2,000,000 fine.

**Article 91** Where the principal of the unit responsible for the accident occurred fails to perform its duty according to law or 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 occurred, there shall be a fine of 30% of previous year annual income;

（2） in case of larger accidents occurred, there shall be a fine of 40% of previous year annual income;

（3） in case of major accidents occurred, there shall be a fine of 60% of previous year annual income;

**Article 92** Violation of provisions hereof, special equipment safety management staff, testing staff and operating staff failing to fulfill their duties, violation of 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, testing staff and operating staff 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）carrying out inspection and test not according to safety technical code;

（3）issuing false inspection and test results and conclusions or serious misrepresentations of
inspection, test results and conclusions;

（4）failing to inform relevant units and immediately report to the department in charge of
special equipment safety supervision and management when finding serious hidden risk of
special equipment;

（5）leaking trade secrets learned in the process of inspection and test;

（6）engaging in special equipment related production and business activities;

（7）recommend or supervise the production and sales of special equipment;

（8）taking advantage of inspection duty to deliberately create difficulties for relevant units.

Violation of provisions hereof, inspection and testing personnel of special equipment inspection,
testing agencies simultaneously serve at more than two 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 management 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）carrying out licensing work not 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 it is not dealt with 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 for false inspection, test results and conclusions or serious misrepresentations of inspection, test results and conclusions;

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

（6）failing to promptly report to the department in charge of special equipment supervision and management 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 management 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 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 inspection from the department in charge of
special equipment supervision and management shall be ordered to make corrections; 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 250,000 fine; in serious cases, production
license shall be revoked and special equipment registration for use shall be cancelled.

**Article 96** Violation of provisions hereof with license revoked according to law, the department in
charge of special equipment supervision and management 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.

**Section 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 management for special equipment used for military equipment, nuclear facilities and aerospace.

Safety supervision and management of special equipment for locomotives, offshore facilities, underground mines, civil airport or hoisting machinery and powered vehicles for housing construction site or civil engineering site shall be implemented by relevant departments in accordance with this law and other relevant laws and regulations.

**Article 101** This law shall come into force since January 1, 2014.