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| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2013.06.292013.06.29 |
| 生效日期Effective Date | ：: | 2014.01.012014.01.01 |
| 时效性Effectiveness | ：: | 现行有效Current |
| 文号No.  | ：: | 主席令第四号Presidential Decree No. 4 |

# 中华人民共和国特种设备安全法

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

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主席令第四号

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《中华人民共和国特种设备安全法》已由中华人民共和国第十二届全国人民代表大会常务委员会第三次会议于2013年6月29日通过，现予公布，自2014年1月1日起施行。

The Law of the People's Republic of China on Special Equipment Safety, adopted at the 3rd session of the Standing Committee of the 12th National People's Congress on June 29, 2013, is hereby promulgated for implementation as of January 1, 2014.

中华人民共和国主席 习近平

President Xi Jinping

2013年6月29日

June 29, 2013

中华人民共和国特种设备安全法

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

（2013年6月29日第十二届全国人民代表大会常务委员会第三次会议通过）

(Adopted at the 3rd session of the Standing Committee of the 12th National People's Congress on June 29, 2013)

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第一章 总 则

Chapter 1 General Provisions

第一条   为了加强特种设备安全工作，预防特种设备事故，保障人身和财产安全，促进经济社会发展，制定本法。

Article 1 This Law is formulated in order to strengthen the safety of special equipment, prevent accidents caused by special equipment, guarantee personal and property safety and promote economic and social development.

第二条   特种设备的生产（包括设计、制造、安装、改造、修理）、经营、使用、检验、检测和特种设备安全的监督管理，适用本法。

Article 2 The Law applies to the production (including design, manufacturing, installation, modification and maintenance), operation, use, inspection and testing of special equipment and the supervision and administration over special equipment.

本法所称特种设备，是指对人身和财产安全有较大危险性的锅炉、压力容器（含气瓶）、压力管道、电梯、起重机械、客运索道、大型游乐设施、场（厂）内专用机动车辆，以及法律、行政法规规定适用本法的其他特种设备。

For the purpose of the Law, special equipment refers to boilers, pressure vessels (including gas cylinders), pressure pipelines, elevators, cranes, passenger cableways, large entertainment facilities and in-plant (in-factory) special motor vehicles that involve great danger to the personal and property safety and other special equipment applicable to the Law in accordance with laws and administrative regulations.

国家对特种设备实行目录管理。特种设备目录由国务院负责特种设备安全监督管理的部门制定，报国务院批准后执行。

The state carries out catalogue administration over special equipment. The catalogue of special equipment shall be formulated by the department in charge of the supervision and administration of special equipment safety under the State Council and be implemented after being reported to and approved by the State Council.

第三条   特种设备安全工作应当坚持安全第一、预防为主、节能环保、综合治理的原则。

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

第四条   国家对特种设备的生产、经营、使用，实施分类的、全过程的安全监督管理。

Article 4 The state carries out classified and whole-process safety supervision and administration over the production, operation and use of special equipment.

第五条   国务院负责特种设备安全监督管理的部门对全国特种设备安全实施监督管理。县级以上地方各级人民政府负责特种设备安全监督管理的部门对本行政区域内特种设备安全实施监督管理。

Article 5 The department in charge of the supervision and administration of special equipment safety under the State Council shall carry out supervision and administration of special equipment safety nationwide. Authorities in charge of special equipment safety at local people's governments above the county level implement supervision and administration over special equipment within their respective administrative regions.

第六条   国务院和地方各级人民政府应当加强对特种设备安全工作的领导，督促各有关部门依法履行监督管理职责。

Article 6 The State Council and local people's governments at all levels shall strengthen their leadership over special equipment safety and urge relevant departments to perform their duties of supervision and administration in accordance with the law.

县级以上地方各级人民政府应当建立协调机制，及时协调、解决特种设备安全监督管理中存在的问题。

All local people's governments above the county level shall establish a coordination mechanism to coordinate and solve problems arising in the supervision and administration of special equipment safety in a timely manner.

第七条   特种设备生产、经营、使用单位应当遵守本法和其他有关法律、法规，建立、健全特种设备安全和节能责任制度，加强特种设备安全和节能管理，确保特种设备生产、经营、使用安全，符合节能要求。

Article 7 Entities producing, operating or using special equipment shall abide by this Law and other relevant laws and regulations, establish and improve the accountability system for special equipment safety and energy conservation, strengthen the administration of special equipment safety and energy conservation, and ensure that the production, operation and use of special equipment are safe and comply with energy conservation requirements.

第八条   特种设备生产、经营、使用、检验、检测应当遵守有关特种设备安全技术规范及相关标准。

Article 8 The production, operation, use, inspection and testing of special equipment shall be subject to relevant safety and technical specifications and relevant standards of special equipment.

特种设备安全技术规范由国务院负责特种设备安全监督管理的部门制定。

The technical specifications on special equipment safety shall be formulated by the department in charge of the supervision and administration of special equipment safety under the State Council.

第九条   特种设备行业协会应当加强行业自律，推进行业诚信体系建设，提高特种设备安全管理水平。

Article 9 Special equipment industry associations shall strengthen self-regulation, promote the development of industry credit system and improve the administration of special equipment safety.

第十条   国家支持有关特种设备安全的科学技术研究，鼓励先进技术和先进管理方法的推广应用，对做出突出贡献的单位和个人给予奖励。

Article 10 The state supports scientific and technological research on special equipment safety, encourages the promotion and application of advanced technologies and management methods, and awards entities and individuals that have made outstanding contributions.

第十一条   负责特种设备安全监督管理的部门应当加强特种设备安全宣传教育，普及特种设备安全知识，增强社会公众的特种设备安全意识。

Article 11 Authorities in charge of special equipment safety shall strengthen publicity and education, popularize knowledge and raise public awareness of special equipment safety.

第十二条   任何单位和个人有权向负责特种设备安全监督管理的部门和有关部门举报涉及特种设备安全的违法行为，接到举报的部门应当及时处理。

Article 12 All entities and individuals have the right to report to authorities in charge of special equipment safety and other relevant authorities any illegal acts concerning special equipment. Authorities receiving such reports shall handle the same in a timely manner.

第二章 生产、经营、使用

Chapter 2 Production, Operation and Use

第一节 一般规定

Section 1 General Provisions

第十三条   特种设备生产、经营、使用单位及其主要负责人对其生产、经营、使用的特种设备安全负责。

Article 13 Entities producing, operating or using special equipment and the principals of such entities shall be responsible for the safety of special equipment produced, operated or used thereby.

特种设备生产、经营、使用单位应当按照国家有关规定配备特种设备安全管理人员、检测人员和作业人员，并对其进行必要的安全教育和技能培训。

Entities producing, operating or using special equipment shall, in accordance with relevant provisions of the state, have special equipment safety administrators, inspectors and operators and provide necessary safety education and skill training for them.

第十四条   特种设备安全管理人员、检测人员和作业人员应当按照国家有关规定取得相应资格，方可从事相关工作。特种设备安全管理人员、检测人员和作业人员应当严格执行安全技术规范和管理制度，保证特种设备安全。

Article 14 Special equipment safety administrators, inspectors and operators shall, in accordance with relevant provisions of the state, obtain relevant qualifications before taking up relevant work. Special equipment safety administrators, inspectors and operators shall strictly abide by safety technical norms and management systems to ensure special equipment safety.

第十五条   特种设备生产、经营、使用单位对其生产、经营、使用的特种设备应当进行自行检测和维护保养，对国家规定实行检验的特种设备应当及时申报并接受检验。

Article 15 The entities producing, operating and using special equipment shall, on their own, test and maintain the special equipment produced, operated and used by them, and shall promptly declare the special equipment subject to inspection in accordance with the provisions of the State and accept the inspection.

第十六条   特种设备采用新材料、新技术、新工艺，与安全技术规范的要求不一致，或者安全技术规范未作要求、可能对安全性能有重大影响的，应当向国务院负责特种设备安全监督管理的部门申报，由国务院负责特种设备安全监督管理的部门及时委托安全技术咨询机构或者相关专业机构进行技术评审，评审结果经国务院负责特种设备安全监督管理的部门批准，方可投入生产、使用。

Article 16 Where new materials, new technologies or new processes adopted by special equipment are not consistent with the requirements of safety technical norms, or are not specified in safety technical norms and may have material impact on the safety performance, it is required to report to the department in charge of the supervision and administration of special equipment safety under the State Council. The department in charge of the supervision and administration of special equipment safety under the State Council shall timely entrust safety technical consultation institutions or relevant professional institutions to carry out technical review. The review results shall be approved by the department in charge of the supervision and administration of special equipment safety under the State Council before such special equipment is put into production and use.

国务院负责特种设备安全监督管理的部门应当将允许使用的新材料、新技术、新工艺的有关技术要求，及时纳入安全技术规范。

The department in charge of the supervision and administration of special equipment safety under the State Council shall include, in a timely manner, relevant technical requirements of new materials, new technologies and new processes permitted to be used into the safety technical code.

第十七条   国家鼓励投保特种设备安全责任保险。

Article 17 The State encourages coverage of special equipment safety liability insurance.

第二节 生产

Section 2 Production

第十八条   国家按照分类监督管理的原则对特种设备生产实行许可制度。特种设备生产单位应当具备下列条件，并经负责特种设备安全监督管理的部门许可，方可从事生产活动：

Article 18 The state implements the licensing system for the production of special equipment pursuant to the principle of classified supervision and administration. Entities producing special equipment may engage in production activities only after they meet the following conditions and are licensed by the departments in charge of the supervision and administration of special equipment safety:

（一）有与生产相适应的专业技术人员；

1. having the professional technicians needed for production;

（二）有与生产相适应的设备、设施和工作场所；

(II) Having the equipment, facilities and working places suitable for production;

（三）有健全的质量保证、安全管理和岗位责任等制度。

(III) having sound systems covering quality assurance, safety management and post responsibility.

第十九条   特种设备生产单位应当保证特种设备生产符合安全技术规范及相关标准的要求，对其生产的特种设备的安全性能负责。不得生产不符合安全性能要求和能效指标以及国家明令淘汰的特种设备。

Article 19 Entities producing special equipment shall ensure that the production of special equipment shall comply with the requirements of safety technical norms and relevant standards, and shall be responsible for the safety performance of special equipment produced. It is not allowed to produce special equipment in non-compliance with safety performance requirements or energy efficiency indicators, or eliminated by an explicit order of the State.

第二十条   锅炉、气瓶、氧舱、客运索道、大型游乐设施的设计文件，应当经负责特种设备安全监督管理的部门核准的检验机构鉴定，方可用于制造。

Article 20 The design documents for boilers, gas cylinders, oxygen cabins, passenger cableways and large entertainment facilities may be used in the manufacturing only after being appraised by the inspection and testing institutions approved by the departments in charge of the supervision and administration of special equipment safety.

特种设备产品、部件或者试制的特种设备新产品、新部件以及特种设备采用的新材料，按照安全技术规范的要求需要通过型式试验进行安全性验证的，应当经负责特种设备安全监督管理的部门核准的检验机构进行型式试验。

Where products and components of special equipment, or new products, components of special equipment and new materials adopted in special equipment shall, subject to the requirements of safety technical norms, pass the model tests for safety verification, such tests shall be conducted by inspection institutions approved by departments in charge of the supervision and administration of special equipment safety.

第二十一条   特种设备出厂时，应当随附安全技术规范要求的设计文件、产品质量合格证明、安装及使用维护保养说明、监督检验证明等相关技术资料和文件，并在特种设备显著位置设置产品铭牌、安全警示标志及其说明。

Article 21 Special equipment shall be accompanied by, when leaving the factory, relevant technical materials and documents such as the design documents, product quality certificate, instructions for installation and maintenance, supervision and inspection certificate as required by the technical safety codes, and the product nameplate, safety warning marks and descriptions thereof shall be set up in conspicuous places of the special equipment.

第二十二条   电梯的安装、改造、修理，必须由电梯制造单位或者其委托的依照本法取得相应许可的单位进行。电梯制造单位委托其他单位进行电梯安装、改造、修理的，应当对其安装、改造、修理进行安全指导和监控，并按照安全技术规范的要求进行校验和调试。电梯制造单位对电梯安全性能负责。

Article 22 The installation, modification and repair of elevators must be carried out by entities manufacturing elevators or entities entrusted thereby that have obtained licenses pursuant to the Law. Where entities manufacturing elevators entrust other entities to install, modify or repair the elevators, they shall provide safety guidance and monitoring for such installation, modification and repair, and conduct verification and debugging in accordance with the requirements of the safety technical norms. Entities manufacturing elevators shall be responsible for the safety performance of the elevators.

第二十三条   特种设备安装、改造、修理的施工单位应当在施工前将拟进行的特种设备安装、改造、修理情况书面告知直辖市或者设区的市级人民政府负责特种设备安全监督管理的部门。

Article 23 Entities undertaking the installation, modification and maintenance of special equipment shall, prior to the construction, inform in writing departments in charge of the supervision and administration of special equipment safety of the people's governments of the municipalities directly under the Central Government or the cities divided into districts of the installation, modification and maintenance of special equipment.

第二十四条   特种设备安装、改造、修理竣工后，安装、改造、修理的施工单位应当在验收后三十日内将相关技术资料和文件移交特种设备使用单位。特种设备使用单位应当将其存入该特种设备的安全技术档案。

Article 24 Upon the completion of installation, modification and maintenance of special equipment, the construction entities for such installation, modification and maintenance shall, within 30 days upon the acceptance, transfer relevant technical materials and documents to entities using the special equipment. Entities using special equipment shall keep such special equipment in the safety technology files.

第二十五条   锅炉、压力容器、压力管道元件等特种设备的制造过程和锅炉、压力容器、压力管道、电梯、起重机械、客运索道、大型游乐设施的安装、改造、重大修理过程，应当经特种设备检验机构按照安全技术规范的要求进行监督检验；未经监督检验或者监督检验不合格的，不得出厂或者交付使用。

Article 25 The manufacturing processes of special equipment such as boilers, pressure vessels, components of pressure pipelines and the processes of installation, modification and major maintenance of boilers, pressure vessels, pressure pipelines, elevators, cranes, passenger cableways and large entertainment facilities shall be subject to the supervision and inspection of special equipment inspection institutions in accordance with the requirements of the safety technical norms; special equipment that is not supervised or inspected or fails the supervision or inspection shall not leave the factory or be delivered for use.

第二十六条   国家建立缺陷特种设备召回制度。因生产原因造成特种设备存在危及安全的同一性缺陷的，特种设备生产单位应当立即停止生产，主动召回。

Article 26 The state has established a recall system for defective special equipment. Where any identical defect due to production that may endanger the safety of special equipment, entities producing such special equipment shall immediately cease production and voluntarily recall such equipment.

国务院负责特种设备安全监督管理的部门发现特种设备存在应当召回而未召回的情形时，应当责令特种设备生产单位召回。

Where the department in charge of the supervision and administration of special equipment safety under the State Council finds any circumstance under which special equipment shall be recalled but is not recalled, it shall order entities producing such special equipment to recall such special equipment.

第三节 经营

Section 3 Operation

第二十七条   特种设备销售单位销售的特种设备，应当符合安全技术规范及相关标准的要求，其设计文件、产品质量合格证明、安装及使用维护保养说明、监督检验证明等相关技术资料和文件应当齐全。

Article 27 Entities selling special equipment shall sell special equipment that complies with the requirements of safety technical norms and relevant standards, and provide complete design documents, product quality certificate, instructions for installation and maintenance, and supervision and inspection certificate.

特种设备销售单位应当建立特种设备检查验收和销售记录制度。

Entities selling special equipment shall establish a system for inspection and acceptance of special equipment and sales record.

禁止销售未取得许可生产的特种设备，未经检验和检验不合格的特种设备，或者国家明令淘汰和已经报废的特种设备。

It is prohibited to sell special equipment that has been produced without license, or has not been inspected or failed the inspection, or has been eliminated by the explicit order of the state or that is obsolete.

第二十八条   特种设备出租单位不得出租未取得许可生产的特种设备或者国家明令淘汰和已经报废的特种设备，以及未按照安全技术规范的要求进行维护保养和未经检验或者检验不合格的特种设备。

Article 28 Entities leasing out special equipment shall not lease out special equipment that has been produced without license, or has been eliminated by the explicit order of the state or that is obsolete, or has not been maintained in accordance with the requirements of the safety technical norms, or has not been inspected or has failed the inspection.

第二十九条   特种设备在出租期间的使用管理和维护保养义务由特种设备出租单位承担，法律另有规定或者当事人另有约定的除外。

Article 29 The obligations of administration of use and maintenance of special equipment in the lease term shall be assumed by entities leasing out such special equipment, unless otherwise stipulated by laws or agreed by parties concerned.

第三十条   进口的特种设备应当符合我国安全技术规范的要求，并经检验合格；需要取得我国特种设备生产许可的，应当取得许可。

Article 30 Imported special equipment shall comply with the requirements of the safety technical norms of the State and pass inspection; where the manufacturing license of the state for special equipment is required, such license shall be obtained.

进口特种设备随附的技术资料和文件应当符合本法第二十一条的规定，其安装及使用维护保养说明、产品铭牌、安全警示标志及其说明应当采用中文。

The technical data and documents accompanying the imported special equipment shall comply with the provisions of Article 21 of this Law, and the instructions for installation and maintenance, product nameplates, safety warning marks and descriptions thereof shall be written in Chinese.

特种设备的进出口检验，应当遵守有关进出口商品检验的法律、行政法规。

The import and export inspection of special equipment shall be subject to the laws and administrative regulations governing import and export commodity inspection.

第三十一条   进口特种设备，应当向进口地负责特种设备安全监督管理的部门履行提前告知义务。

Article 31 Any entity that imports special equipment shall perform its obligation of informing the department in charge of the supervision and administration of special equipment safety at the place of import in advance.

第四节 使用

Section 4 Use

第三十二条   特种设备使用单位应当使用取得许可生产并经检验合格的特种设备。

Article 32 Entities using special equipment shall use the special equipment that has obtained production license and passed the inspection.

禁止使用国家明令淘汰和已经报废的特种设备。

It is prohibited to use special equipment that has been eliminated by the explicit order of the state and that is obsolete.

第三十三条   特种设备使用单位应当在特种设备投入使用前或者投入使用后三十日内，向负责特种设备安全监督管理的部门办理使用登记，取得使用登记证书。登记标志应当置于该特种设备的显著位置。

Article 33 Entities using special equipment shall, before or within 30 days after such special equipment is put into use, handle registration with the department in charge of the supervision and administration of special equipment safety and obtain the registration certificate for use. The registration mark shall be placed in a marked position of the special equipment.

第三十四条   特种设备使用单位应当建立岗位责任、隐患治理、应急救援等安全管理制度，制定操作规程，保证特种设备安全运行。

Article 34 Entities using special equipment shall establish safety management systems for job responsibilities, treatment of hidden dangers, emergency rescue, etc., and formulate operation rules to ensure the safe operation of special equipment.

第三十五条   特种设备使用单位应当建立特种设备安全技术档案。安全技术档案应当包括以下内容：

Article 35 Entities using special equipment shall establish safety technology archives for special equipment. The safety technical archives shall include the following contents:

（一）特种设备的设计文件、产品质量合格证明、安装及使用维护保养说明、监督检验证明等相关技术资料和文件；

(I) Technical data and documents such as design documents, product quality certificates, instructions for installation and maintenance, supervision and inspection certificates of the special equipment;

（二）特种设备的定期检验和定期自行检查记录；

(II) records of regular inspection and regular self-inspection of special equipment;

（三）特种设备的日常使用状况记录；

(III) records of daily use of special equipment;

（四）特种设备及其附属仪器仪表的维护保养记录；

(IV) maintenance records of special equipment and its accessory instruments and meters;

（五）特种设备的运行故障和事故记录。

(V) Records of operating failures and accidents of the special equipment.

第三十六条   电梯、客运索道、大型游乐设施等为公众提供服务的特种设备的运营使用单位，应当对特种设备的使用安全负责，设置特种设备安全管理机构或者配备专职的特种设备安全管理人员；其他特种设备使用单位，应当根据情况设置特种设备安全管理机构或者配备专职、兼职的特种设备安全管理人员。

Article 36 Entities operating and using such special equipment as elevators, passenger cableways and large entertainment facilities that provide the public with services shall be responsible for the safety in using special equipment, and shall set up administration institutions for special equipment safety or be equipped with full-time special equipment safety administrator; other entities using special equipment shall set up administration institutions for special equipment safety or be equipped with full-time or part-time special equipment safety administrator as the case may be.

第三十七条   特种设备的使用应当具有规定的安全距离、安全防护措施。

Article 37 The use of special equipment shall be subject to provided safety distance and safety protection measures.

与特种设备安全相关的建筑物、附属设施，应当符合有关法律、行政法规的规定。

Buildings and ancillary facilities in relation to special equipment shall comply with provisions of relevant laws and administrative regulations.

第三十八条   特种设备属于共有的，共有人可以委托物业服务单位或者其他管理人管理特种设备，受托人履行本法规定的特种设备使用单位的义务，承担相应责任。共有人未委托的，由共有人或者实际管理人履行管理义务，承担相应责任。

Article 38 Where special equipment is jointly owned, a co-owner may entrust an estate services entity or any other manager for administration of special equipment; the entrusted party shall perform the obligations of using special equipment stipulated in this Law and bear the corresponding liability. If the co-owners fail to entrust others, the co-owners or the actual administrator shall perform the management obligation and bear corresponding liability.

第三十九条   特种设备使用单位应当对其使用的特种设备进行经常性维护保养和定期自行检查，并作出记录。

Article 39 An entity using special equipment shall conduct regular maintenance for the special equipment it uses, conduct regular self-inspection, and keep records.

特种设备使用单位应当对其使用的特种设备的安全附件、安全保护装置进行定期校验、检修，并作出记录。

An entity using special equipment shall regularly check, inspect and repair the safety accessories and safety protection devices of special equipment used by it and make records.

第四十条   特种设备使用单位应当按照安全技术规范的要求，在检验合格有效期届满前一个月向特种设备检验机构提出定期检验要求。

Article 40 Entities using special equipment shall, in accordance with the requirements of safety technical norms, submit the request for periodical inspection to the special equipment inspection institutions one month prior to the expiry of the valid period of qualified inspection.

特种设备检验机构接到定期检验要求后，应当按照安全技术规范的要求及时进行安全性能检验。特种设备使用单位应当将定期检验标志置于该特种设备的显著位置。

Upon receipt of the request for periodical inspection, the special equipment inspection institutions shall, in accordance with the requirements of safety technical norms, conduct safety performance inspection on a timely basis. Entities using special equipment shall place the mark of regular inspection in a prominent position of the special equipment.

未经定期检验或者检验不合格的特种设备，不得继续使用。

Special equipment that has not been inspected at regular intervals or has failed the inspection shall not be used any longer.

第四十一条   特种设备安全管理人员应当对特种设备使用状况进行经常性检查，发现问题应当立即处理；情况紧急时，可以决定停止使用特种设备并及时报告本单位有关负责人。

Article 41 Special equipment safety administrators shall conduct regular inspection for use of special equipment and shall handle any problem found immediately; in case of emergency, administrators may decide to cease use of special equipment and report the situation to relevant entity principal in a timely manner.

特种设备作业人员在作业过程中发现事故隐患或者其他不安全因素，应当立即向特种设备安全管理人员和单位有关负责人报告；特种设备运行不正常时，特种设备作业人员应当按照操作规程采取有效措施保证安全。

Where special equipment operators find any potential accidents or other unsafe factors in the course of operation, they shall immediately report to the special equipment administrators and relevant entity principal; if special equipment does not run normally, the special equipment operators shall take effective measures in accordance with the operating procedures to ensure safety.

第四十二条   特种设备出现故障或者发生异常情况，特种设备使用单位应当对其进行全面检查，消除事故隐患，方可继续使用。

Article 42 Where a breakdown or abnormality occurs to special equipment, entities using special equipment may not continue to use the equipment until they have conducted a comprehensive inspection to eliminate accident hazards.

第四十三条   客运索道、大型游乐设施在每日投入使用前，其运营使用单位应当进行试运行和例行安全检查，并对安全附件和安全保护装置进行检查确认。

Article 43 Before passenger cableways or large entertainment facilities are put into use every day, the operating and using entities shall have a trial operation and routine safety inspection, and check and confirm the safety of the safety accessories and protection devices.

电梯、客运索道、大型游乐设施的运营使用单位应当将电梯、客运索道、大型游乐设施的安全使用说明、安全注意事项和警示标志置于易于为乘客注意的显著位置。

Entities operating and using elevators, passenger cableways and large entertainment facilities shall place the instructions for safe use, attentions for safety and warning marks of such elevators, passenger cableways and large entertainment facilities in a prominent position that can be easily noticed by passengers.

公众乘坐或者操作电梯、客运索道、大型游乐设施，应当遵守安全使用说明和安全注意事项的要求，服从有关工作人员的管理和指挥；遇有运行不正常时，应当按照安全指引，有序撤离。

The public that take or operate elevators, passenger cableways or large entertainment facilities, shall abide by the requirements of the instructions for safe use and attentions for safety, and obey the administration and command of relevant working staff; where abnormality occurs in operation, it is required to follow the safety instructions and evacuate in good order.

第四十四条   锅炉使用单位应当按照安全技术规范的要求进行锅炉水（介）质处理，并接受特种设备检验机构的定期检验。

Article 44 Entities using boilers shall carry out boiler water (medium) quality treatment in accordance with the requirements of the safety technical norms and accept the regular inspection by special equipment inspection institutions.

从事锅炉清洗，应当按照安全技术规范的要求进行，并接受特种设备检验机构的监督检验。

Boiler cleaning shall be subject to the requirements of the safety technical norms, and the supervision and inspection of special equipment inspection institutions.

第四十五条   电梯的维护保养应当由电梯制造单位或者依照本法取得许可的安装、改造、修理单位进行。

Article 45 The maintenance of elevators shall be carried out by entities manufacturing elevators or entities that are licensed to install, modify or maintain elevators.

电梯的维护保养单位应当在维护保养中严格执行安全技术规范的要求，保证其维护保养的电梯的安全性能，并负责落实现场安全防护措施，保证施工安全。

Elevator maintenance companies shall strictly implement the requirements of safety technical specifications in their maintenance, ensure the safety performance of the elevators they maintain, and be responsible to implement on-site safety protection measures to ensure construction safety.

电梯的维护保养单位应当对其维护保养的电梯的安全性能负责；接到故障通知后，应当立即赶赴现场，并采取必要的应急救援措施。

Entities undertaking maintenance of elevators shall be responsible for the safety performance of elevators that have been maintained, and, upon receipt of the notice of faults, immediately go to the site and take necessary emergency rescue measures.

第四十六条   电梯投入使用后，电梯制造单位应当对其制造的电梯的安全运行情况进行跟踪调查和了解，对电梯的维护保养单位或者使用单位在维护保养和安全运行方面存在的问题，提出改进建议，并提供必要的技术帮助；发现电梯存在严重事故隐患时，应当及时告知电梯使用单位，并向负责特种设备安全监督管理的部门报告。电梯制造单位对调查和了解的情况，应当作出记录。

Article 46 After elevators have been put into use, entities manufacturing elevators shall track and investigate the safe operation of the elevators manufactured, make suggestions on improvement for existing problems in the maintenance and safe operation by entities maintaining or using elevators, and provide necessary technical assistance; where serious accident hazards in elevators are found, entities manufacturing elevators shall timely notify the entities using the elevators, and report the same to the department in charge of the supervision and administration of special equipment safety. Entities manufacturing elevators shall keep records of the information they investigate and learn.

第四十七条   特种设备进行改造、修理，按照规定需要变更使用登记的，应当办理变更登记，方可继续使用。

Article 47 Where modification and maintenance of special equipment are required to change the registration of use in accordance with relevant provisions, registration of change shall be handled before the special equipment can continue to be used.

第四十八条   特种设备存在严重事故隐患，无改造、修理价值，或者达到安全技术规范规定的其他报废条件的，特种设备使用单位应当依法履行报废义务，采取必要措施消除该特种设备的使用功能，并向原登记的负责特种设备安全监督管理的部门办理使用登记证书注销手续。

Article 48 Where any special equipment is involved in a serious hidden risk of accident, has no value for modification or maintenance, or meets other conditions for scrapping as provided for by the safety technical norms, the entity using the special equipment shall perform its obligation of scrapping according to the law, take necessary measures to eliminate the use function of the equipment, and go through the formalities for deregistration of the use registration certificate with the department in charge of the supervision and administration of special equipment safety that handled the original registration.

前款规定报废条件以外的特种设备，达到设计使用年限可以继续使用的，应当按照安全技术规范的要求通过检验或者安全评估，并办理使用登记证书变更，方可继续使用。允许继续使用的，应当采取加强检验、检测和维护保养等措施，确保使用安全。

Special equipment other than those provided in the preceding paragraph that has reached the designed service life can be used continuously shall pass inspection or safety evaluation in accordance with the requirements of the safety technical norms and be subject to the alteration of use registration certificate before being used any longer. If the special equipment is allowed for continuous use, its safety in use shall be ensured through taking measures such as strengthening the inspection, testing and maintenance.

第四十九条   移动式压力容器、气瓶充装单位，应当具备下列条件，并经负责特种设备安全监督管理的部门许可，方可从事充装活动：

Article 49 An entity filling transportable pressure vessels and gas cylinders may undertake filling activities only after it meets the following conditions and gets licensed by the department in charge of the supervision and administration of special equipment safety:

（一）有与充装和管理相适应的管理人员和技术人员；

1. having the management personnel and technicians fit for the filling and management;

（二）有与充装和管理相适应的充装设备、检测手段、场地厂房、器具、安全设施；

2. having the filling equipment, testing means, sites and workshops, apparatus and safety facilities fit for the filling and management; and

（三）有健全的充装管理制度、责任制度、处理措施。

3. having a sound management system, responsibility system and treatment measures.

充装单位应当建立充装前后的检查、记录制度，禁止对不符合安全技术规范要求的移动式压力容器和气瓶进行充装。

A filling entity shall establish a pre-filling and post-filling check and recording system, and is prohibited from filling transportable pressure vessels and gas cylinders that fail to meet the requirements of the safety technical norms.

气瓶充装单位应当向气体使用者提供符合安全技术规范要求的气瓶，对气体使用者进行气瓶安全使用指导，并按照安全技术规范的要求办理气瓶使用登记，及时申报定期检验。

An entity filling gas cylinders shall provide gas users with the cylinders meeting the requirements of the safety technical code, give directions for the safe use of gas cylinders, and transact the registration for using gas cylinders and declare for periodic inspection in accordance with the requirements of the safety technical code.

第三章 检验、检测

Chapter III Inspection and Test

第五十条   从事本法规定的监督检验、定期检验的特种设备检验机构，以及为特种设备生产、经营、使用提供检测服务的特种设备检测机构，应当具备下列条件，并经负责特种设备安全监督管理的部门核准，方可从事检验、检测工作：

Article 50 Special equipment inspection institutions engaged in supervision and inspection and regular inspection prescribed herein, and special equipment testing institutions providing testing service for special equipment production, operation and use shall not engage in inspection or testing unless they meet the following conditions and are approved by the department in charge of the supervision and administration of special equipment safety:

（一）有与检验、检测工作相适应的检验、检测人员；

1. having the inspection and testing personnel fit for the inspection and testing work;

（二）有与检验、检测工作相适应的检验、检测仪器和设备；

2. having the inspection and testing instruments and equipment fit for the inspection and testing work; and

（三）有健全的检验、检测管理制度和责任制度。

(III) Having sound inspection and testing management system and responsibility system.

第五十一条   特种设备检验、检测机构的检验、检测人员应当经考核，取得检验、检测人员资格，方可从事检验、检测工作。

Article 51 A special equipment inspection and testing institution's inspection and testing personnel may engage in the inspection and testing work only after they pass the examination and acquire the corresponding qualifications.

特种设备检验、检测机构的检验、检测人员不得同时在两个以上检验、检测机构中执业；变更执业机构的，应当依法办理变更手续。

A special equipment inspection and testing institution's inspection and testing personnel shall not simultaneously practice in two or more inspection and testing institutions; if the institution that they practice for is changed, the procedures for change shall be handled according to law.

第五十二条   特种设备检验、检测工作应当遵守法律、行政法规的规定，并按照安全技术规范的要求进行。

Article 52 The special equipment inspection and test work shall be conducted in accordance with the provisions of laws and administrative regulations and the requirements of safety technical norms.

特种设备检验、检测机构及其检验、检测人员应当依法为特种设备生产、经营、使用单位提供安全、可靠、便捷、诚信的检验、检测服务。

Special equipment inspection and test institutions and their inspection and test staff shall provide safe, reliable, convenient and faithful inspection and test services for entities producing, operating or using special equipment in accordance with the law.

第五十三条   特种设备检验、检测机构及其检验、检测人员应当客观、公正、及时地出具检验、检测报告，并对检验、检测结果和鉴定结论负责。

Article 53 Special equipment inspection and test institutions and their inspection and test staff shall issue inspection and test reports in an objective, fair and timely manner and shall be responsible for the inspection and test results and appraisal conclusions.

特种设备检验、检测机构及其检验、检测人员在检验、检测中发现特种设备存在严重事故隐患时，应当及时告知相关单位，并立即向负责特种设备安全监督管理的部门报告。

Where special equipment inspection and test institutions and their inspection and test staff find serious hazards during the inspection and test, they shall inform relevant entities in a timely manner and promptly report to authorities in charge of special equipment safety.

负责特种设备安全监督管理的部门应当组织对特种设备检验、检测机构的检验、检测结果和鉴定结论进行监督抽查，但应当防止重复抽查。监督抽查结果应当向社会公布。

Authorities in charge of special equipment safety shall organize supervisory checks by way of sampling on the inspection and test results and appraisal conclusions provided that repeated checks shall be avoided. The results of supervision and spot checks shall be made public.

第五十四条   特种设备生产、经营、使用单位应当按照安全技术规范的要求向特种设备检验、检测机构及其检验、检测人员提供特种设备相关资料和必要的检验、检测条件，并对资料的真实性负责。

Article 54 Entities producing, operating or using special equipment shall, in accordance with the requirements of safety technical norms, provide special equipment inspection and test institutions and their inspection and test staff with materials and necessary inspection and test conditions concerning special equipment and shall be responsible for the authenticity of such materials.

第五十五条   特种设备检验、检测机构及其检验、检测人员对检验、检测过程中知悉的商业秘密，负有保密义务。

Article 55 Special equipment inspection and testing institutions and their inspection and testing personnel are obliged to keep confidential the trade secrets known in the inspection and testing process.

特种设备检验、检测机构及其检验、检测人员不得从事有关特种设备的生产、经营活动，不得推荐或者监制、监销特种设备。

Special equipment inspection and test institutions and their inspection and test staff shall not engage in any special equipment production or operation activity, nor shall they recommend, or supervise the manufacturing or sale of, special equipment.

第五十六条   特种设备检验机构及其检验人员利用检验工作故意刁难特种设备生产、经营、使用单位的，特种设备生产、经营、使用单位有权向负责特种设备安全监督管理的部门投诉，接到投诉的部门应当及时进行调查处理。

Article 56 Where special equipment inspection institutions and their inspection staff take advantage of the inspection work to deliberately make things difficult for entities producing, operating or using special equipment, the said entities are entitled to file complaints with authorities in charge of special equipment safety, and such authorities shall timely investigate and handle the complaints.

第四章 监督管理

Chapter 4 Supervision and Administration

第五十七条   负责特种设备安全监督管理的部门依照本法规定，对特种设备生产、经营、使用单位和检验、检测机构实施监督检查。

Article 57 Authorities in charge of special equipment safety shall, in accordance with this Law, carry out supervision and inspection on entities producing, operating and using special equipment as well as inspection and test institutions.

负责特种设备安全监督管理的部门应当对学校、幼儿园以及医院、车站、客运码头、商场、体育场馆、展览馆、公园等公众聚集场所的特种设备，实施重点安全监督检查。

Authorities in charge of special equipment safety shall carry out key inspections on special equipment at public gathering places including schools, kindergartens, hospitals, stations, passenger terminals, shopping malls, stadiums, exhibition halls and parks.

第五十八条   负责特种设备安全监督管理的部门实施本法规定的许可工作，应当依照本法和其他有关法律、行政法规规定的条件和程序以及安全技术规范的要求进行审查；不符合规定的，不得许可。

Article 58 When implementing the licensing hereof, the department in charge of the supervision and administration of special equipment safety shall carry out examination in accordance with the conditions and procedures provided for in the Law and other relevant laws and administrative regulations as well as the requirements of safety technical specifications; and shall not license those failing to conform to the provisions.

第五十九条   负责特种设备安全监督管理的部门在办理本法规定的许可时，其受理、审查、许可的程序必须公开，并应当自受理申请之日起三十日内，作出许可或者不予许可的决定；不予许可的，应当书面向申请人说明理由。

Article 59 When handling the licensing as provided for in the Law, the department in charge of the supervision and administration of special equipment safety must make open the procedures for acceptance, examination and licensing, and shall make the decision on whether or not to grant the license within 30 days from the day when it accepts the application; and shall explain the reasons to the applicant in writing in the case of disapproval.

第六十条   负责特种设备安全监督管理的部门对依法办理使用登记的特种设备应当建立完整的监督管理档案和信息查询系统；对达到报废条件的特种设备，应当及时督促特种设备使用单位依法履行报废义务。

Article 60 The department in charge of the supervision and administration of special equipment safety shall establish a complete archive and information inquiry system for supervision and administration of special equipment that has been registered for use in accordance with the law; for special equipment that has met the conditions for scrapping, the department in charge of the supervision and administration of special equipment safety shall promptly urge the entities using such special equipment to fulfill the obligation of scrapping in accordance with the law.

第六十一条   负责特种设备安全监督管理的部门在依法履行监督检查职责时，可以行使下列职权：

Article 61 When performing their duties of supervision and inspection according to the law, the departments in charge of the supervision and administration of special equipment safety may exercise the following functions and powers:

（一）进入现场进行检查，向特种设备生产、经营、使用单位和检验、检测机构的主要负责人和其他有关人员调查、了解有关情况；

1. carrying out on-site inspections, and investigating and learning the information from major responsible persons and other relevant personnel of the entities producing, operating or using special equipment and the inspection and testing institutions;

（二）根据举报或者取得的涉嫌违法证据，查阅、复制特种设备生产、经营、使用单位和检验、检测机构的有关合同、发票、账簿以及其他有关资料；

(II) consulting and duplicating relevant contracts, invoices, account books and other relevant materials of the entities producing, operating and using special equipment and the inspection and testing institutions, according to the reported or acquired evidence for suspicion of illegality; and

（三）对有证据表明不符合安全技术规范要求或者存在严重事故隐患的特种设备实施查封、扣押；

(III) sealing up or detaining the special equipment that fail to meet the requirements of the safety technical norms or that have serious hidden dangers as proved by evidence;

（四）对流入市场的达到报废条件或者已经报废的特种设备实施查封、扣押；

(IV) sealing up or detaining the special equipment that enter the market and meet the conditions for scrapping or have been scrapped;

（五）对违反本法规定的行为作出行政处罚决定。

(V) imposing administrative penalties on violations of this Law.

第六十二条   负责特种设备安全监督管理的部门在依法履行职责过程中，发现违反本法规定和安全技术规范要求的行为或者特种设备存在事故隐患时，应当以书面形式发出特种设备安全监察指令，责令有关单位及时采取措施予以改正或者消除事故隐患。紧急情况下要求有关单位采取紧急处置措施的，应当随后补发特种设备安全监察指令。

Article 62 When performing their duties according to the law, the departments in charge of the supervision and administration of special equipment safety shall issue written instructions with respect to safety supervision of special equipment if they find any violation of the provisions hereof or the requirements of the safety technical norms or any accident hazards in the special equipment, and order the relevant entities to take timely measures to make corrections or eliminate accident hazards. In case of requesting relevant entities to take emergency measures, special equipment safety supervisory instruction shall be made retrospectively.

第六十三条   负责特种设备安全监督管理的部门在依法履行职责过程中，发现重大违法行为或者特种设备存在严重事故隐患时，应当责令有关单位立即停止违法行为、采取措施消除事故隐患，并及时向上级负责特种设备安全监督管理的部门报告。接到报告的负责特种设备安全监督管理的部门应当采取必要措施，及时予以处理。

Article 63 When performing their duties according to the law and finding any serious illegal acts or any special equipment has serious hidden dangers, the departments in charge of the supervision and administration of special equipment safety shall order the relevant entities to immediately stop the illegal acts, take measures to eliminate the hidden dangers, and timely report to the departments in charge of the supervision and administration of special equipment safety at higher levels. The department in charge of the supervision and administration of special equipment safety receiving the report shall take necessary measures to handle the matter in time.

对违法行为、严重事故隐患的处理需要当地人民政府和有关部门的支持、配合时，负责特种设备安全监督管理的部门应当报告当地人民政府，并通知其他有关部门。当地人民政府和其他有关部门应当采取必要措施，及时予以处理。

If the support and co-ordination from the local people's governments and relevant departments are needed to handle the law-breaking acts and serious hidden dangers, the departments in charge of the supervision and administration of special equipment safety shall report to the local people's governments and notify other relevant departments. The local people's government and other relevant departments shall take necessary measures to handle the matter in time.

第六十四条   地方各级人民政府负责特种设备安全监督管理的部门不得要求已经依照本法规定在其他地方取得许可的特种设备生产单位重复取得许可，不得要求对已经依照本法规定在其他地方检验合格的特种设备重复进行检验。

Article 64 Authorities in charge of special equipment safety under local people's governments at all levels shall not require entities producing special equipment which have already been licensed in other places according to the provisions hereof to acquire a repeated license, nor shall they require special equipment which has already passed inspection in other places according to the provisions hereof to be repeatedly inspected.

第六十五条   负责特种设备安全监督管理的部门的安全监察人员应当熟悉相关法律、法规，具有相应的专业知识和工作经验，取得特种设备安全行政执法证件。

Article 65 Safety supervisors from any department in charge of the supervision and administration of special equipment safety shall be familiar with the relevant laws and regulations, have corresponding professional knowledge and work experience, and obtain the administrative enforcement certificates for special equipment safety.

特种设备安全监察人员应当忠于职守、坚持原则、秉公执法。

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

负责特种设备安全监督管理的部门实施安全监督检查时，应当有二名以上特种设备安全监察人员参加，并出示有效的特种设备安全行政执法证件。

When exercising safety supervision over and inspection of special equipment, the department in charge of the supervision and administration of special equipment safety shall have two or more special equipment safety inspectors present and produce a valid special equipment safety administrative law enforcement certificate.

第六十六条   负责特种设备安全监督管理的部门对特种设备生产、经营、使用单位和检验、检测机构实施监督检查，应当对每次监督检查的内容、发现的问题及处理情况作出记录，并由参加监督检查的特种设备安全监察人员和被检查单位的有关负责人签字后归档。被检查单位的有关负责人拒绝签字的，特种设备安全监察人员应当将情况记录在案。

Article 66 When exercising supervision over entities producing, operating or using special equipment or over inspection and test institutions, any department in charge of the supervision and administration of special equipment safety shall keep records of the contents of each supervision and inspection, problems discovered and solutions therefor, and place such records on file after both the special equipment safety supervisors who participate in the supervision and inspection and the relevant persons in charge of the entities subject to inspection have signed their names. If the relevant principals of the inspected entities refuse to sign their names, the special equipment safety supervisors shall make a record of the matter.

第六十七条   负责特种设备安全监督管理的部门及其工作人员不得推荐或者监制、监销特种设备；对履行职责过程中知悉的商业秘密负有保密义务。

Article 67 Authorities in charge of special equipment safety and their staff shall not recommend, supervise the manufacturing or sale of special equipment and shall be obliged to keep confidential the trade secrets known in the course of performing duties.

第六十八条   国务院负责特种设备安全监督管理的部门和省、自治区、直辖市人民政府负责特种设备安全监督管理的部门应当定期向社会公布特种设备安全总体状况。

Article 68 Authorities in charge of special equipment safety under the State Council and authorities in charge of special equipment safety of people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall regularly publish to the public the overall situation of special equipment safety.

第五章 事故应急救援与调查处理

Chapter 5 Emergency Rescue, Investigation and Handling

第六十九条   国务院负责特种设备安全监督管理的部门应当依法组织制定特种设备重特大事故应急预案，报国务院批准后纳入国家突发事件应急预案体系。

Article 69 The department in charge of the supervision and administration of special equipment safety under the State Council shall organize to formulate an emergency preplan for serious and extremely serious accidents according to the law, and shall include the said preplan into the national emergency preplan system for accidents.

县级以上地方各级人民政府及其负责特种设备安全监督管理的部门应当依法组织制定本行政区域内特种设备事故应急预案，建立或者纳入相应的应急处置与救援体系。

All the local people's governments above the county level and their departments in charge of the supervision and administration of special equipment safety shall organize to formulate special equipment accident emergency preplan for their respective administrative regions in accordance with the law, and establish or include the said preplan into corresponding emergency treatment and rescue system.

特种设备使用单位应当制定特种设备事故应急专项预案，并定期进行应急演练。

Entities using special equipment shall formulate special equipment accident emergency preplans and have emergency drills on a regular basis.

第七十条   特种设备发生事故后，事故发生单位应当按照应急预案采取措施，组织抢救，防止事故扩大，减少人员伤亡和财产损失，保护事故现场和有关证据，并及时向事故发生地县级以上人民政府负责特种设备安全监督管理的部门和有关部门报告。

Article 70 After a special equipment accident occurs, the entity where the accident occurs shall take measures according to the emergency plan, organize rescue work, prevent the expansion of the accident, reduce casualties and property losses, protect the scene of the accident and relevant evidence, and timely report to the department in charge of the supervision and administration of special equipment safety under the people's government at or above the county level and relevant departments.

县级以上人民政府负责特种设备安全监督管理的部门接到事故报告，应当尽快核实情况，立即向本级人民政府报告，并按照规定逐级上报。必要时，负责特种设备安全监督管理的部门可以越级上报事故情况。对特别重大事故、重大事故，国务院负责特种设备安全监督管理的部门应当立即报告国务院并通报国务院安全生产监督管理部门等有关部门。

The department in charge of the supervision and administration of special equipment safety under the local people's governments at or above the county level shall, upon receiving the accident report, verify the relevant information as soon as possible, immediately report to the people's government at the corresponding level and report the accident level by level as required. When necessary, authorities in charge of special equipment safety may report the accidents by bypassing the immediate leadership. With regard to extremely serious accidents and serious accidents, authorities in charge of special equipment safety under the State Council shall immediately report to the State Council and relevant departments including administration of work safety under the State Council.

与事故相关的单位和人员不得迟报、谎报或者瞒报事故情况，不得隐匿、毁灭有关证据或者故意破坏事故现场。

Entities and personnel related to the accidents shall not delay, falsify or conceal the conditions of the accidents, and shall not conceal, destroy relevant evidences or deliberately destroy the site of the accidents.

第七十一条   事故发生地人民政府接到事故报告，应当依法启动应急预案，采取应急处置措施，组织应急救援。

Article 71 Upon receipt of an accident report, the People's Government at the place where the accident occurs shall activate the contingency plan pursuant to the law, adopt emergency handling measures, and organise emergency rescue.

第七十二条   特种设备发生特别重大事故，由国务院或者国务院授权有关部门组织事故调查组进行调查。

Article 72 Extremely serious accidents shall be investigated by the accident investigation team organized by the State Council or relevant departments authorized by the State Council.

发生重大事故，由国务院负责特种设备安全监督管理的部门会同有关部门组织事故调查组进行调查。

Serious accidents shall be investigated by an accident investigation team organized by the department in charge of the supervision and administration of special equipment safety under the State Council in concert with relevant departments.

发生较大事故，由省、自治区、直辖市人民政府负责特种设备安全监督管理的部门会同有关部门组织事故调查组进行调查。

Less serious accidents shall be investigated by an accident investigation team organized by the departments in charge of the supervision and administration of special equipment safety under the local people's governments of the provinces, autonomous regions and municipalities directly under the Central Government in concert with relevant departments.

发生一般事故，由设区的市级人民政府负责特种设备安全监督管理的部门会同有关部门组织事故调查组进行调查。

Common accidents shall be investigated by an accident investigation team organized by the departments in charge of the supervision and administration of special equipment safety under the local people's governments of the cities divided into districts in concert with relevant departments.

事故调查组应当依法、独立、公正开展调查，提出事故调查报告。

The accident investigation team shall carry out the investigation in a lawful, independent and fair manner and prepare an accident investigation report.

第七十三条   组织事故调查的部门应当将事故调查报告报本级人民政府，并报上一级人民政府负责特种设备安全监督管理的部门备案。有关部门和单位应当依照法律、行政法规的规定，追究事故责任单位和人员的责任。

Article 73 The department responsible for the arrangement of accident investigation shall submit the accident investigation report to the people's government at the same level and to the department in charge of the supervision and administration of special equipment safety at higher level for the record. Relevant departments and entities shall investigate the liability of entities and personnel responsible for the accident in accordance with the provisions of laws and administrative regulations.

事故责任单位应当依法落实整改措施，预防同类事故发生。事故造成损害的，事故责任单位应当依法承担赔偿责任。

The entity responsible for the accident shall implement rectification measures according to the law to prevent the occurrence of similar accidents. If there is any damage caused by the accident, the entity responsible for the accident shall undertake the compensation liability.

第六章 法律责任

Chapter 6 Legal Liabilities

第七十四条   违反本法规定，未经许可从事特种设备生产活动的，责令停止生产，没收违法制造的特种设备，处十万元以上五十万元以下罚款；有违法所得的，没收违法所得；已经实施安装、改造、修理的，责令恢复原状或者责令限期由取得许可的单位重新安装、改造、修理。

Article 74 Where a person, in violation of this Law, produces special equipment without license, he shall be ordered to stop the production, the special equipment illegally produced shall be confiscated and he shall be imposed a fine of not less than 100,000 yuan but not more than 500,000 yuan; the illegal gains, if any, shall be confiscated; if installation, refitting or repair has been carried out, he shall be ordered to restore the facilities to their original conditions, or it shall be ordered that such installation, refitting or repair will be redone by a licensed entity within a time limit.

第七十五条   违反本法规定，特种设备的设计文件未经鉴定，擅自用于制造的，责令改正，没收违法制造的特种设备，处五万元以上五十万元以下罚款。

Article 75 Any person who, in breach of this Law, uses uncertified design documents in special equipment production shall be ordered to make corrections, have his unlawfully produced equipment confiscated and be imposed a fine of not less than 50,000 yuan but not more than 500,000 yuan.

第七十六条   违反本法规定，未进行型式试验的，责令限期改正；逾期未改正的，处三万元以上三十万元以下罚款。

Article 76 Any person who, in breach of this Law, fails to conduct a type test shall be ordered to make corrections within a stipulated time; failing which, he shall be imposed a fine of not less than 30,000 yuan but not more than 300,000 yuan.

第七十七条   违反本法规定，特种设备出厂时，未按照安全技术规范的要求随附相关技术资料和文件的，责令限期改正；逾期未改正的，责令停止制造、销售，处二万元以上二十万元以下罚款；有违法所得的，没收违法所得。

Article 77 Any person who, in breach of this Law, fails to attach relevant technical data and documents to special equipment leaving factories as required by safety technical specifications shall be ordered to make corrections within a stipulated time. Failing which, he shall be ordered to stop manufacturing or selling, and be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; his illegal gains, if any, shall be confiscated.

第七十八条   违反本法规定，特种设备安装、改造、修理的施工单位在施工前未书面告知负责特种设备安全监督管理的部门即行施工的，或者在验收后三十日内未将相关技术资料和文件移交特种设备使用单位的，责令限期改正；逾期未改正的，处一万元以上十万元以下罚款。

Article 78 In case of violation of provisions hereof, where any construction entity installing, modifying and maintaining special equipment fails to notify in writing the department in charge of the supervision and administration of special equipment safety before the construction, or fails to transfer relevant technical materials and documents to the entity using the special equipment within 30 days after the acceptance, it shall be ordered to make corrections within a time limit; if no corrections are made upon the expiry of the time limit, a fine of not less than CNY10,000 but not more than CNY100 ,000 shall be imposed.

第七十九条   违反本法规定，特种设备的制造、安装、改造、重大修理以及锅炉清洗过程，未经监督检验的，责令限期改正；逾期未改正的，处五万元以上二十万元以下罚款；有违法所得的，没收违法所得；情节严重的，吊销生产许可证。

Article 79 Any person who, in breach of this Law, produces, installs, refits or overhauls special equipment or clean a boiler in the absence of supervision or inspection shall be ordered to make corrections within a stipulated time; failing which, he will be imposed a fine of not less than 50,000 yuan but not more than 200,000 yuan; his illegal gains, if any, shall be confiscated; his production license shall be revoked if the circumstances are serious.

第八十条   违反本法规定，电梯制造单位有下列情形之一的，责令限期改正；逾期未改正的，处一万元以上十万元以下罚款：

Article 80 In case of any violation of the provisions hereof and any of the following circumstances, the entity manufacturing elevators shall be ordered to make corrections within a time limit; a fine of not less than CNY10,000 but not more than CNY100 ,000 shall be imposed if no corrections are made upon the expiry of the time limit:

（一）未按照安全技术规范的要求对电梯进行校验、调试的；

1. Failing to verify and debug the lift as required by the safety technical code; or

（二）对电梯的安全运行情况进行跟踪调查和了解时，发现存在严重事故隐患，未及时告知电梯使用单位并向负责特种设备安全监督管理的部门报告的。

(II) Failing to promptly notify the entity using the elevator and report to the department in charge of the supervision and administration of special equipment safety upon discovery of any serious hidden danger when conducting follow-up investigation of and learning the safe operation of the elevator.

第八十一条   违反本法规定，特种设备生产单位有下列行为之一的，责令限期改正；逾期未改正的，责令停止生产，处五万元以上五十万元以下罚款；情节严重的，吊销生产许可证：

Article 81 In case of any violation of the provisions hereof and any of the following acts, the entity manufacturing the special equipment shall be ordered to make corrections within a time limit; it shall be ordered to stop the production and a fine of not less than CNY50,000 but not more than CNY500,000 shall be imposed if no corrections are made upon the expiry of the time limit; if the circumstances are serious, the production license shall be revoked:

（一）不再具备生产条件、生产许可证已经过期或者超出许可范围生产的；

1. no longer having the production conditions, the production license has expired, or the production exceeds the scope of license;

（二）明知特种设备存在同一性缺陷，未立即停止生产并召回的。

(II) failing to halt production and recall the special equipment with identical defects clearly known.

违反本法规定，特种设备生产单位生产、销售、交付国家明令淘汰的特种设备的，责令停止生产、销售，没收违法生产、销售、交付的特种设备，处三万元以上三十万元以下罚款；有违法所得的，没收违法所得。

In case of any violation of the provisions hereof, where the entity manufacturing special equipment produces, sells or delivers any special equipment explicitly ordered to be eliminated by the state, it shall be ordered to stop the production or sale, the special equipment illegally produced, sold or delivered shall be confiscated, and a fine of not less than CNY30,000 but not more than CNY300,000 shall be imposed; the illegal income shall, if any, be confiscated.

特种设备生产单位涂改、倒卖、出租、出借生产许可证的，责令停止生产，处五万元以上五十万元以下罚款；情节严重的，吊销生产许可证。

Where a special equipment manufacturer alters, sells, leases or lends its production license, it shall be ordered to stop production and be imposed a fine of not less than 50,000 yuan but not more than 500,000 yuan; if the circumstances are serious, the production license shall be revoked.

第八十二条   违反本法规定，特种设备经营单位有下列行为之一的，责令停止经营，没收违法经营的特种设备，处三万元以上三十万元以下罚款；有违法所得的，没收违法所得：

Article 82 In case of any violation of the provisions hereof and any of the following acts, the entity operating special equipment shall be ordered to stop operation, the special equipment illegally operated shall be confiscated, and a fine of not less than CNY30,000 but not more than CNY300,000 shall be imposed; the illegal income shall, if any, be confiscated:

（一）销售、出租未取得许可生产，未经检验或者检验不合格的特种设备的；

1. selling or leasing the special equipment that is produced without production license, not inspected or fails to pass the inspection;

（二）销售、出租国家明令淘汰、已经报废的特种设备，或者未按照安全技术规范的要求进行维护保养的特种设备的。

(II) selling or leasing the special equipment that is ordered to be eliminated by the state or that is obsolete, or failing to maintain the special equipment in accordance with the requirements of the safety technical norms.

违反本法规定，特种设备销售单位未建立检查验收和销售记录制度，或者进口特种设备未履行提前告知义务的，责令改正，处一万元以上十万元以下罚款。

In case of any violation of the provisions hereof, where the entity selling special equipment fails to establish the system for checking the records of acceptance check and sales, or fails to perform the obligation to notify in advance for the import of special equipment, it shall be ordered to make corrections, and shall be fined not less than CNY10,000 but not more than CNY100 ,000.

特种设备生产单位销售、交付未经检验或者检验不合格的特种设备的，依照本条第一款规定处罚；情节严重的，吊销生产许可证。

Where the entity manufacturing special equipment sells or delivers the special equipment that is not inspected or fails to pass the inspection, it shall be punished in accordance with Paragraph 1 of this Article; if the circumstances are serious, the production license shall be revoked.

第八十三条   违反本法规定，特种设备使用单位有下列行为之一的，责令限期改正；逾期未改正的，责令停止使用有关特种设备，处一万元以上十万元以下罚款：

Article 83 In case of any violation of the provisions hereof and any of the following acts, the entity using special equipment shall be ordered to make corrections within a time limit; it shall be ordered to stop using relevant special equipment and shall be fined not less than CNY10,000 but not more than CNY100 ,000 if no corrections are made upon the expiry of the time limit:

（一）使用特种设备未按照规定办理使用登记的；

1. Failing to go through registration formalities in accordance with provisions when using special equipments;

（二）未建立特种设备安全技术档案或者安全技术档案不符合规定要求，或者未依法设置使用登记标志、定期检验标志的；

2. failing to establish special equipment safety technical files or establishing safety technical files that do not meet the prescribed requirements, or failing to set the use registration mark or the regular inspection mark in accordance with the law;

（三）未对其使用的特种设备进行经常性维护保养和定期自行检查，或者未对其使用的特种设备的安全附件、安全保护装置进行定期校验、检修，并作出记录的；

(III) failure to conduct regular maintenance or periodic self-inspection for the special equipment used by it, or failure to conduct regular calibration, inspection and maintenance for the safety accessories and safety protection devices of the special equipment and make records;

（四）未按照安全技术规范的要求及时申报并接受检验的；

(IV) Failing to make declaration in time and accept examination in accordance with the requirements of the safety technical codes;

（五）未按照安全技术规范的要求进行锅炉水（介）质处理的；

(V) Failing to conduct quality treatment of boiler water (medium) as required by the safety technical code;

（六）未制定特种设备事故应急专项预案的。

(VI) failing to formulate special emergency preplans against the accidents of special equipments.

第八十四条   违反本法规定，特种设备使用单位有下列行为之一的，责令停止使用有关特种设备，处三万元以上三十万元以下罚款：

Article 84 In case of any violation of the provisions hereof and any of the following acts, the entity using special equipment shall be ordered to stop using relevant special equipment and shall be fined not less than CNY30,000 but not more than CNY300,000:

（一）使用未取得许可生产，未经检验或者检验不合格的特种设备，或者国家明令淘汰、已经报废的特种设备的；

1. using special equipment that has not obtained production license, has not been inspected or has failed the inspection, or special equipment that is ordered to be eliminated by the state or that is obsolete;

（二）特种设备出现故障或者发生异常情况，未对其进行全面检查、消除事故隐患，继续使用的；

(II) continuing to use special equipments without making an all-round check and eliminating hidden dangers in case of breakdown or abnormality of such special equipments;

（三）特种设备存在严重事故隐患，无改造、修理价值，或者达到安全技术规范规定的其他报废条件，未依法履行报废义务，并办理使用登记证书注销手续的。

(III) The special equipment has serious accident potential and has no value for modification or repair, or has met other conditions for scrapping provided by the safety technical norms, or fails to perform the obligation of scrapping and go through the use registration certificate cancellation formalities.

第八十五条   违反本法规定，移动式压力容器、气瓶充装单位有下列行为之一的，责令改正，处二万元以上二十万元以下罚款；情节严重的，吊销充装许可证：

Article 85 In case of any violation of the provisions hereof and any of the following acts, the entity engaged in filling transportable pressure vessels or gas cylinders shall be ordered to make corrections and be fined not less than CNY20,000 but not more than CNY200,000; if the circumstances are serious, the filling license shall be revoked:

（一）未按照规定实施充装前后的检查、记录制度的；

1. failing to implement the system of inspection and record before and after filling in accordance with the provisions;

（二）对不符合安全技术规范要求的移动式压力容器和气瓶进行充装的。

(II) filling the transportable pressure vessels or the gas cylinders not meeting the requirements of the safety technical norms.

违反本法规定，未经许可，擅自从事移动式压力容器或者气瓶充装活动的，予以取缔，没收违法充装的气瓶，处十万元以上五十万元以下罚款；有违法所得的，没收违法所得。

In case of any violation of the provisions hereof, where anyone is engaged in filling transportable pressure vessels or gas cylinders without due licensing, such filling shall be banned, the illegally filled gas cylinders shall be confiscated and a fine of not less than CNY100 ,000 but not more than CNY500,000 shall be imposed; the illegal income shall, if any, be confiscated.

第八十六条   违反本法规定，特种设备生产、经营、使用单位有下列情形之一的，责令限期改正；逾期未改正的，责令停止使用有关特种设备或者停产停业整顿，处一万元以上五万元以下罚款：

Article 86 In case of any violation of the provisions hereof and any of the following acts, the entity manufacturing, operating or using special equipment shall be ordered to make corrections within a time limit; it shall be ordered to stop using relevant special equipment or suspend the production or business for rectification and shall be fined not less than CNY10,000 but not more than CNY50,000 if no corrections are made upon the expiry of the time limit:

（一）未配备具有相应资格的特种设备安全管理人员、检测人员和作业人员的；

(I) failing to employ special equipment safety administration personnel, inspectors and operators with relevant qualifications;

（二）使用未取得相应资格的人员从事特种设备安全管理、检测和作业的；

(II) employing personnel without corresponding qualifications to conduct special equipment safety management, inspection and operation;

（三）未对特种设备安全管理人员、检测人员和作业人员进行安全教育和技能培训的。

3. failing to provide safety education and skill training for special equipment safety administrator, inspector or operator.

第八十七条   违反本法规定，电梯、客运索道、大型游乐设施的运营使用单位有下列情形之一的，责令限期改正；逾期未改正的，责令停止使用有关特种设备或者停产停业整顿，处二万元以上十万元以下罚款：

Article 87 In case of any violation of the provisions hereof, where any entity running or using elevators, passenger cableways or large entertainment facilities commits any of the following acts, it shall be ordered to make corrections within a time limit; an order shall be made to stop using or suspend the production or business for rectification, and a fine of not less than CNY20,000 but not more than CNY100 ,000 shall be imposed if no corrections are made upon the expiry of the time limit:

（一）未设置特种设备安全管理机构或者配备专职的特种设备安全管理人员的；

1. failing to set up an administration agency of special equipment safety or be staffed with full-time special equipment safety administrators;

（二）客运索道、大型游乐设施每日投入使用前，未进行试运行和例行安全检查，未对安全附件和安全保护装置进行检查确认的；

(II) failing to make trial operation or routine safety inspection before putting passenger cableways or large entertainment facilities into use each day, or failing to check and confirm the safety of safety accessories and safety protection devices; or

（三）未将电梯、客运索道、大型游乐设施的安全使用说明、安全注意事项和警示标志置于易于为乘客注意的显著位置的。

3. failing to place the safety instructions for use, safety precautions and warning marks of elevators, passenger cableways or large entertainment facilities in a prominent position that can be easily noticed by the passengers.

第八十八条   违反本法规定，未经许可，擅自从事电梯维护保养的，责令停止违法行为，处一万元以上十万元以下罚款；有违法所得的，没收违法所得。

Article 88 In case of any violation of the provisions hereof, where any entity engages in elevator maintenance without a license, it shall be ordered to stop such illegal act and be fined not less than CNY10,000 but not more than CNY100 ,000; the illegal income shall, if any, be confiscated.

电梯的维护保养单位未按照本法规定以及安全技术规范的要求，进行电梯维护保养的，依照前款规定处罚。

Where an entity engaged in elevator maintenance fails to maintain the elevator in accordance with the provisions hereof and the requirements of safety technical norms, it shall be punished in accordance with the provisions of the preceding paragraph.

第八十九条   发生特种设备事故，有下列情形之一的，对单位处五万元以上二十万元以下罚款；对主要负责人处一万元以上五万元以下罚款；主要负责人属于国家工作人员的，并依法给予处分：

Article 89 Where a special equipment accident falls under any of the following circumstances, a fine of not less than CNY50,000 but not more than CNY200,000 shall be imposed upon the entity; a fine of not less than CNY10,000 but not more than CNY50,000 shall be imposed upon the main principal; if the main principal is a state functionary, he or she shall be punished in accordance with the law:

（一）发生特种设备事故时，不立即组织抢救或者在事故调查处理期间擅离职守或者逃匿的；

1. Where, in case of a special equipment accident, the person fails to make immediate arrangements for rescue operation or leaves his post without permission or goes into hiding during the period of investigation and handling of the accident;

（二）对特种设备事故迟报、谎报或者瞒报的。

(II) The person delays the reporting or makes false or deceptive reports of special equipment accidents.

第九十条   发生事故，对负有责任的单位除要求其依法承担相应的赔偿等责任外，依照下列规定处以罚款：

Article 90 In case of any accidents, the entity responsible for the accident shall, in addition to undertaking corresponding liabilities for compensation and others, be fined in accordance with the following provisions:

（一）发生一般事故，处十万元以上二十万元以下罚款；

1. for a common accident, a fine of not less than 100,000 yuan but not more than 200,000 yuan shall be imposed; and

（二）发生较大事故，处二十万元以上五十万元以下罚款；

2. in the event of a relatively serious accident, fines of more than CNY200,000 but less than CNY500,000;

（三）发生重大事故，处五十万元以上二百万元以下罚款。

(III) for a serious accident, a fine of not less than CNY500,000 but not more than CNY2 million shall be imposed.

第九十一条   对事故发生负有责任的单位的主要负责人未依法履行职责或者负有领导责任的，依照下列规定处以罚款；属于国家工作人员的，并依法给予处分：

Article 91 Where the persons chiefly in charge of the entities liable for the accidents fail to perform their duties in accordance with the law or have leadership liability, fines shall be imposed according to the following provisions. If they are state functionaries, they shall be punished according to the law:

（一）发生一般事故，处上一年年收入百分之三十的罚款；

1. for a common accident, a fine of 30% of the income of last year shall be imposed;

（二）发生较大事故，处上一年年收入百分之四十的罚款；

(II) for a bigger accident, 40% of the annual revenue of the preceding year;

（三）发生重大事故，处上一年年收入百分之六十的罚款。

3. for a serious accident, a fine of 60% of the income of last year shall be imposed.

第九十二条   违反本法规定，特种设备安全管理人员、检测人员和作业人员不履行岗位职责，违反操作规程和有关安全规章制度，造成事故的，吊销相关人员的资格。

Article 92 In case of any violation of the provisions hereof, where an accident is caused by nonperformance of job duties by special equipment safety administrator, inspector or operator in violation of operating procedures or relevant safety rules and regulations, the qualification of relevant personnel shall be revoked.

第九十三条   违反本法规定，特种设备检验、检测机构及其检验、检测人员有下列行为之一的，责令改正，对机构处五万元以上二十万元以下罚款，对直接负责的主管人员和其他直接责任人员处五千元以上五万元以下罚款；情节严重的，吊销机构资质和有关人员的资格：

Article 93 In case of any violation of the provisions hereof, where the special equipment inspection and testing institution or its inspector or tester commits any of the following acts, it shall be ordered to make corrections, such institution shall be fined not less than CNY50,000 but not more than CNY200,000, and the in-charge persons bearing direct responsibility and other persons subject to direct liability shall be fined not less than CNY5,000 but not more than CNY50,000; if the circumstances are serious, the qualifications of such institution and persons concerned shall be revoked:

（一）未经核准或者超出核准范围、使用未取得相应资格的人员从事检验、检测的；

1. employing any person without corresponding qualifications to be engaged in inspection and testing without approval or beyond the scope of approval;

（二）未按照安全技术规范的要求进行检验、检测的；

2. failing to conduct inspection or testing in accordance with the requirements of safety technical norms;

（三）出具虚假的检验、检测结果和鉴定结论或者检验、检测结果和鉴定结论严重失实的；

(III) issuing false results of inspection or testing or expert conclusions, or issuing results of inspection or testing or expert conclusions that are seriously inconsistent with the facts;

（四）发现特种设备存在严重事故隐患，未及时告知相关单位，并立即向负责特种设备安全监督管理的部门报告的；

(IV) upon discovery of any serious hidden danger in special equipment, failing to promptly inform the relevant entity of the same and immediately report the same to the department in charge of the supervision and administration of special equipment safety;

（五）泄露检验、检测过程中知悉的商业秘密的；

(V) divulging the trade secret known during the process of inspection or testing;

（六）从事有关特种设备的生产、经营活动的；

(VI) engaging in the production and operation of relevant special equipment; or

（七）推荐或者监制、监销特种设备的；

(VII) recommending or supervising the manufacture or sales of special equipment;

（八）利用检验工作故意刁难相关单位的。

(VIII) willfully creating difficulties for relevant entities by taking advantage of the inspection and testing work.

违反本法规定，特种设备检验、检测机构的检验、检测人员同时在两个以上检验、检测机构中执业的，处五千元以上五万元以下罚款；情节严重的，吊销其资格。

In case of any violation of the provisions hereof, where the inspector or tester of a special equipment inspection and testing institution simultaneously practices in two or more inspection and testing institutions, a fine of not less than CNY5,000 but not more than CNY50,000 shall be imposed; if the circumstances are serious, the qualifications thereof shall be revoked.

第九十四条   违反本法规定，负责特种设备安全监督管理的部门及其工作人员有下列行为之一的，由上级机关责令改正；对直接负责的主管人员和其他直接责任人员，依法给予处分：

Article 94 In case of any violation of the provisions hereof, where the department in charge of the supervision and administration of special equipment safety or its employees commit any of the following acts, it shall be ordered by the authority at the higher level to make corrections; the directly responsible person in charge and other directly responsible persons shall be punished in accordance with the law:

（一）未依照法律、行政法规规定的条件、程序实施许可的；

1. failing to implement the license pursuant to the conditions and procedures prescribed in laws and administrative regulations;

（二）发现未经许可擅自从事特种设备的生产、使用或者检验、检测活动不予取缔或者不依法予以处理的；

2. failing to ban or deal with, in accordance with the law, the manufacture, use, inspection or testing of special equipment without permission upon the discovery thereof;

（三）发现特种设备生产单位不再具备本法规定的条件而不吊销其许可证，或者发现特种设备生产、经营、使用违法行为不予查处的；

3. failing to revoke the license upon the discovery that the entity manufacturing the special equipment no longer meets the conditions hereof, or failing to investigate and punish the illegal acts in the production, operation or use of special equipment;

（四）发现特种设备检验、检测机构不再具备本法规定的条件而不撤销其核准，或者对其出具虚假的检验、检测结果和鉴定结论或者检验、检测结果和鉴定结论严重失实的行为不予查处的；

(IV) failing to revoke the approval granted for the special equipment inspection and testing institution which no longer meets the conditions hereof, or failing to investigate and punish the acts of issuing false inspection or testing results or expert conclusions or issuing inspection or testing results or expert conclusions that are seriously inconsistent with the facts;

（五）发现违反本法规定和安全技术规范要求的行为或者特种设备存在事故隐患，不立即处理的；

(V) failing to immediately, upon discovery, handle any violation of the provisions hereof or the requirements of the safety technical norms or any accident potential of special equipment;

（六）发现重大违法行为或者特种设备存在严重事故隐患，未及时向上级负责特种设备安全监督管理的部门报告，或者接到报告的负责特种设备安全监督管理的部门不立即处理的；

(VI) Failing to make a prompt report to the department in charge of the supervision and administration of special equipment safety at the higher level upon discovery of any grave law-breaking act or serious hidden danger in special equipment, or the department in charge of the supervision administration of special equipment safety receiving the report fails to handle the matter immediately;

（七）要求已经依照本法规定在其他地方取得许可的特种设备生产单位重复取得许可，或者要求对已经依照本法规定在其他地方检验合格的特种设备重复进行检验的；

(VII) requiring the entity producing special equipment which has already been licensed in another locality according to the Law to acquire a repeated license, or requiring the special equipment which has already passed inspection in another locality according to the Law to be repeatedly inspected;

（八）推荐或者监制、监销特种设备的；

(VIII) recommending or supervising the manufacture or sales of special equipment;

（九）泄露履行职责过程中知悉的商业秘密的；

(IX) Divulging any business secret he has access to during the course of performing his duties;

（十）接到特种设备事故报告未立即向本级人民政府报告，并按照规定上报的；

(X) failing to make a prompt report to the people's government at the corresponding level and report to the superior authorities in accordance with provisions when receiving the special equipment accident report;

（十一）迟报、漏报、谎报或者瞒报事故的；

(XI) Delay, omission, lying or concealment of report of accidents;

（十二）妨碍事故救援或者事故调查处理的；

(XII) impeding the rescue of the accident or the investigation and handling of the accident;

（十三）其他滥用职权、玩忽职守、徇私舞弊的行为。

(XIII) Other acts of abusing powers, neglecting duties or practicing favoritism for himself or his relative.

第九十五条   违反本法规定，特种设备生产、经营、使用单位或者检验、检测机构拒不接受负责特种设备安全监督管理的部门依法实施的监督检查的，责令限期改正；逾期未改正的，责令停产停业整顿，处二万元以上二十万元以下罚款。

Article 95 In case of any violation of the provisions hereof, where the entities producing, operating or using special equipment or the inspection and testing institutions of special equipment refuse to accept the supervision and inspection legally conducted by the departments in charge of the supervision and administration of special equipment safety, they shall be ordered to make corrections within a time limit; or ordered to suspend production or business operation for rectification and shall be fined not less than CNY20,000 but not more than CNY200,000 if no corrections are made upon the expiry of the time limit.

特种设备生产、经营、使用单位擅自动用、调换、转移、损毁被查封、扣押的特种设备或者其主要部件的，责令改正，处五万元以上二十万元以下罚款；情节严重的，吊销生产许可证，注销特种设备使用登记证书。

Where any entity producing, operating or using special equipment uses, exchanges, transfers or damages the special equipment or its main components that have been sealed up or detained, it shall be ordered to make corrections and a fine of not less than 50,000 yuan but not more than 200,000 yuan shall be imposed thereon; if the circumstances are serious, the production license shall be revoked and the registration certificate for use of special equipment shall be canceled.

第九十六条   违反本法规定，被依法吊销许可证的，自吊销许可证之日起三年内，负责特种设备安全监督管理的部门不予受理其新的许可申请。

Article 96 If any license is revoked due to the entity's violation of the provisions hereof, the department in charge of the supervision and administration of special equipment safety shall not accept its new application for license within three years from the date of revocation.

第九十七条   违反本法规定，造成人身、财产损害的，依法承担民事责任。

Article 97 Whoever, in violation of this Law, causes any personal or property damage shall bear civil liability in accordance with the law.

违反本法规定，应当承担民事赔偿责任和缴纳罚款、罚金，其财产不足以同时支付时，先承担民事赔偿责任。

Where civil compensatory liability shall be assumed and an administrative or criminal fine shall be paid for any violation of this Law, if the violator's assets are insufficient for making such compensation and payment at the same time, the civil compensatory liability shall be fulfilled first.

第九十八条   违反本法规定，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 98 For violation of the provisions of this Law which constitute a violation of public security administration, the offender shall be subject to public security administration punishment pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第七章 附 则

Chapter 7 Supplementary Provisions

第九十九条   特种设备行政许可、检验的收费，依照法律、行政法规的规定执行。

Article 99 The fees charged for the administrative licensing, inspection and testing of special equipment shall be governed by the laws and administrative regulations.

第一百条   军事装备、核设施、航空航天器使用的特种设备安全的监督管理不适用本法。

Article 100 This Law shall not apply to the supervision and administration of special equipment used in military equipment, nuclear facilities, aerospace vehicles.

铁路机车、海上设施和船舶、矿山井下使用的特种设备以及民用机场专用设备安全的监督管理，房屋建筑工地、市政工程工地用起重机械和场（厂）内专用机动车辆的安装、使用的监督管理，由有关部门依照本法和其他有关法律的规定实施。

The safety supervision over and administration of special equipment used in railway locomotives, marine facilities and ships, as well as the special equipment used in underground mines and civil airports, and safety supervision over and administration of the installment and the use of cranes used in house construction sites and municipal project construction sites as well as the in-plant (in-factory) special motor vehicles shall be carried out by the relevant departments pursuant to the present Law and other relevant laws.

第一百零一条   本法自2014年1月1日起施行。

Article 101 This Law shall be effective 1 January 2014.