

2003 DRAFTING REQUEST

Bill

Received: **10/03/2002**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Honadel (608) 266-0610**

By/Representing: **Chris Reader**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Honadel@legis.state.wi.us**

Carbon copy (CC:) to: **gordon.malaise@legis.state.wi.us
mike_prentiss75@hotmail.com
nmike_prentiss@pasiinc.com**

Pre Topic:

No specific pre topic given

Topic:

Elevator safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/28/2002	csicilia 11/14/2002		_____			State Crime
/P1	rmarchan 03/14/2003	csicilia 03/21/2003	rschlue 11/18/2002	_____	sbasford 11/18/2002		State Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 04/18/2003	csicilia 04/23/2003	chaskett 03/24/2003	_____	sbasford 03/24/2003		State Crime
/2	rmarchan 07/09/2003	csicilia 07/09/2003	chaskett 04/23/2003	_____	lemery 04/23/2003		State Crime
/3			jfrantze 07/10/2003	_____	lemery 07/10/2003	mbarman 10/01/2003	State Crime
/4	gmalaise 01/30/2004	csicilia 02/03/2004	jfrantze 02/03/2004	_____	lemery 02/03/2004	lemery 02/03/2004	

FE Sent For:

<END>

→ At
Intro.

2003 DRAFTING REQUEST

Bill

Received: 10/03/2002

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **paul**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Huebsch@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**
mike_prentiss75@hotmail.com
Mike_Prentiss@pasiinc.com

Pre Topic:

No specific pre topic given

Topic:

Elevator safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/28/2002	csicilia 11/14/2002		_____			State Crime
/P1	rmarchan 03/14/2003	csicilia 03/21/2003	rschluet 11/18/2002	_____	sbasford 11/18/2002		State Crime

14 jjs 2/3
04

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 04/18/2003	csicilia 04/23/2003	chaskett 03/24/2003	_____	sbasford 03/24/2003		State Crime
/2	rmarchan 07/09/2003	csicilia 07/09/2003	chaskett 04/23/2003	_____	lemery 04/23/2003		State Crime
/3			jfrantze 07/10/2003	_____	lemery 07/10/2003	mbarman 10/01/2003	

FE Sent For:

J 2/3 *J/LS*
2/3
<END>

1/4 cjs 2/3
04

2003 DRAFTING REQUEST

Bill

Received: **10/03/2002**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Honadel (608) 266-0610**

By/Representing: **Chris Reader**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Honadel@legis.state.wi.us**

Carbon copy (CC:) to: **gordon.malaise@legis.state.wi.us**
mike_prentiss75@hotmail.com
nmike_prentiss@pasiinc.com

Pre Topic:

No specific pre topic given

Topic:

Elevator safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/28/2002	csicilia 11/14/2002		_____			State Crime
/P1	rmarchan 03/14/2003	csicilia 03/21/2003	rschluet 11/18/2002	_____	sbasford 11/18/2002		State Crime
/1	rmarchan 04/18/2003	csicilia 04/23/2003	chaskett 03/24/2003	_____	sbasford 03/24/2003		State Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rmarchan 07/09/2003	csicilia 07/09/2003	chaskett 04/23/2003	_____	lemery 04/23/2003		State Crime
/3	gmalaise		jfrantze 07/10/2003	_____	lemery 07/10/2003	mbarman 10/01/2003	State Crime

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 10/03/2002

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **paul**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Huebsch@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**
mike_prentiss75@hotmail.com
Mike_Prentiss@pasiinc.com

Pre Topic:

No specific pre topic given

Topic:

Elevator safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/28/2002	csicilia 11/14/2002					State Crime
/P1	rmarchan 03/14/2003	csicilia 03/21/2003	rschluet 11/18/2002		sbasford 11/18/2002		State Crime

Jacketed

for Assm
Per RJM

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 04/18/2003	csicilia 04/23/2003	chaskett 03/24/2003	_____	sbasford 03/24/2003		State Crime
/2	rmarchan 07/09/2003	csicilia 07/09/2003	chaskett 04/23/2003	_____	lemery 04/23/2003		State Crime
/3			jfrantze 07/10/2003	_____	lemery 07/10/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **10/03/2002**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **paul**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Huebsch@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**
mike_prentiss75@hotmail.com
Mike_Prentiss@pasiinc.com

Pre Topic:

No specific pre topic given

Topic:

Elevator safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/28/2002	csicilia 11/14/2002		_____			State Crime
/P1	rmarchan 03/14/2003	csicilia 03/21/2003	rschluet 11/18/2002	_____	sbasford 11/18/2002		State Crime

2003 DRAFTING REQUEST

Bill

Received: **10/03/2002**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **paul**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Huebsch@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**
mike_prentiss75@hotmail.com
Mike_Prentiss@pasiinc.com

Pre Topic:

No specific pre topic given

Topic:

Elevator safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/28/2002	csicilia 11/14/2002		_____			State Crime
/P1	rmarchan 03/14/2003	csicilia 03/21/2003	rschluet 11/18/2002	_____	sbasford 11/18/2002		State Crime

2003 DRAFTING REQUEST

Bill

Received: 10/03/2002

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **paul**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Huebsch@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**
mike_prentiss75@hotmail.com
Mike_Prentiss@pasiinc.com

Pre Topic:

No specific pre topic given

Topic:

Elevator safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/28/2002	csicilia 11/14/2002		_____			State Crime
/P1			rschluet 11/18/2002	_____	sbasford 11/18/2002		

1 g's 3/20
03

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 10/03/2002

Received By: rmarchan

Wanted: As time permits

Identical to LRB:

For: Michael Huebsch (608) 266-0631

By/Representing: paul

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters:

Subject: Buildings/Safety - misc.

Extra Copies:

Submit via email: YES

Requester's email: Rep.Huebsch@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

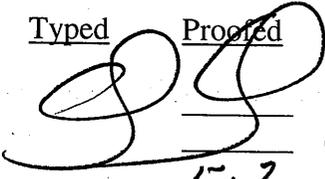
Topic:

Elevator safety

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	rmarchan	PI cjs 11/14 02					
			11-15-02 PB				

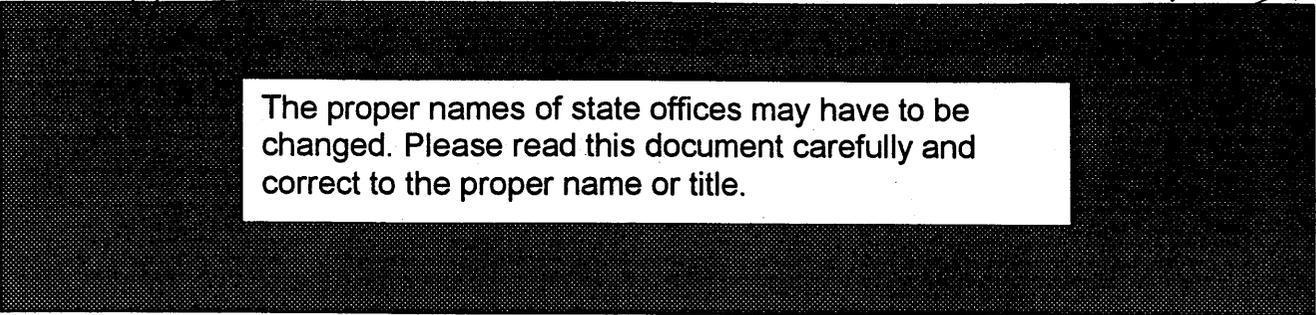
FE Sent For:

<END>

DRAFT

MODEL ELEVATOR LAW

ROB MARCHANT



The proper names of state offices may have to be changed. Please read this document carefully and correct to the proper name or title.

~~XXX~~
4454

LRB
5TH FLOOR

Ch Susch. VII (101.981-?)

~~ELEVATORS, ESCALATORS, PLATFORM AND STAIRWAY CHAIR LIFTS, DUMBWAITERS, MOVING WALKS, AUTOMATED PEOPLE MOVERS AND OTHER CONVEYANCES~~

§1 Equipment Covered by this Chapter

1.1 This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways, (except as modified by Section 2.1).

- (a) Hoisting and lowering mechanisms equipped with a car or platform, which move between two or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3 and ASME A18.1):
 1. Elevators;
 2. Platform lifts and stairway chair lifts;

- (b) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):
 1. Escalators;
 2. Moving Walks;

- (c) Hoisting and lowering mechanisms equipped with a car, which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):
 1. Dumbwaiters;
 2. Material lifts and dumbwaiters with automatic transfer devices.

1.2 This chapter covers the design, construction, operation, inspection, maintenance, alteration and repair of automatic guided transit vehicles on guideways with an exclusive right-of way. This equipment includes, but is not limited to, automated people mover (also see ASCE 21):

§2 Equipment Not Covered by This Chapter

2.1 Equipment not covered by this chapter includes, but not limited to, the following:

MODEL ELEVATOR LAW

- (a) Personnel hoists within the scope of ANSI A10.4
- (b) Material hoists within the scope of ANSI A10.5
- (c) Manlifts within the scope of ASME A90.1
- (d) Mobile scaffolds, towers and platforms within the scope of ANSI A92
- (e) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1
- (f) Conveyors and related equipment within the scope of ASME B20.1;
- (g) Cranes, derricks, hoists, hooks, jacks and slings within the scope of ASME B30;
- (h) Industrial trucks within the scope of ASME B56;
- (i) Portable equipment, except for portable escalators which are covered by ANSI A17.1;
- (j) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story;
- (k) Equipment for feeding or positioning materials at machine tools, printing presses etc.;
- (l) Skip or furnace hoists;
- (m) Wharf ramps;
- (n) Railroad car lifts or dumpers;
- (o) Line jacks, false cars, shafters, moving platforms and similar equipment used for installing an elevator by a contractor licensed in this state.

§3 PURPOSE

3.1 The purpose of this Chapter is to provide for the safety of life and limb, and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. Elevator personnel performing work covered by this Code shall by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Code. This Chapter shall establish the minimum standards for elevator personnel.

3.2 The provisions of this Chapter are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the Code, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1 or ASCE 21.

§4 Definitions

4.1 ADMINISTRATORS – The Commissioner of [Inspections and Community Revitalization] and the Commissioner of [Public Works] or the officer (s) designated by the Elevator Safety Review Board.

4.2 ASCE 21 – American Society of Civil Engineers Automated People Mover Standards.

4.3 ASME A17.1 – The Safety Code for Elevators and Escalators, an American National Standard.

MODEL ELEVATOR LAW

- 4.4 ASME A17.3** – The Safety Code for Existing Elevators and Escalators, an American National Standard.
- 4.5 ASME A18.1** – The Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.
- 4.6 AUTOMATED PEOPLE MOVER** – An installation as defined as an “automated people mover” in ASCE 21.
- 4.7 BOARD** – The Elevator Safety Review Board as described in this chapter.
- 4.8 CERTIFICATE OF OPERATION** - A document issued by the Director of Licenses that indicates that the conveyance has had the required safety inspection and tests and fees have been paid as set forth in this Chapter.
- 4.9 CERTIFICATE OF OPERATION; TEMPORARY** – A document issued by the Director of Licenses which permits the temporary use of a non-compliant conveyance by the general public for a limited time, thirty days while minor repairs are being completed.
- 4.10 CONVEYANCE** - Any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts stairway chairlifts and automated people movers.
- 4.11 DORMANT ELEVATOR, DUMBWAITER OR ESCALATOR** – An installation placed out of service as specified in ASME A17.1 and ASME A18.1.
- 4.12 ELEVATOR** - An installation as defined as an “elevator” in ASME A17.1.
- 4.13 ELEVATOR CONTRACTOR** - Any sole proprietor, firm, or corporation who possesses an elevator contractors license in accordance with the provisions of Section 9 and 10 and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyance covered by this chapter.
- 4.14 ELEVATOR HELPER/APPRENTICE** – Works under the general direction of Licensed Elevator Mechanic. A license is not required.
- 4.15 ELEVATOR INSPECTOR** - Any person, as defined in ASME QE1 as an inspector who possesses an elevator inspector’s license in accordance with the provisions of this chapter.
- 4.16 ELEVATOR MECHANIC** – Any person, who possesses an elevator mechanic license in accordance with the provisions of Section 9 and 10 and who is engaged in erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyance covered by this chapter.
- 4.17 ESCALATOR** - An installation as defined as an “escalator” in ASME A17.1.
- 4.18 EXISTING INSTALLATION** – An installation as defined as an “installation, existing” in ASME A17.1.

MODEL ELEVATOR LAW

NSE - A written license, duly issued by the Director of Licenses, authorizing a person, sole proprietor, firm, or corporation to carry on the business of erecting, constructing, installing, altering, servicing, repairing or maintaining or performing inspections of elevators or related conveyance covered by this chapter.

4.20 LICENSE, ELEVATOR CONTRACTORS - A license which is issued to an elevator contractor who has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyance covered by this chapter.

4.21 LICENSE, INSPECTOR - A license which is issued to an ASME QEI certified elevator inspector who has proven his/her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this chapter.

4.22 LICENSE, LIMITED ELEVATOR CONTRACTORS - A license which is issued by the Director of Licenses, authorizing a sole proprietor, firm, or corporation who employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts, and stairway chairlifts within any building or structure, including but not limited to private residences.

4.23 LICENSE, ELEVATOR MECHANIC - A license, which is issued to a person who has proven his/her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain and perform electrical work on elevators or related conveyance covered by this chapter.

4.24 LICENSEE - The elevator mechanic, elevator contractor or elevator inspector.

4.25 MATERIAL ALTERATION - An "alteration" as defined in the referenced standards.

4.26 MOVING WALK (SIDEWALK) - An installation as defined as a "moving walk" in ASME A17.1.

4.27 PRIVATE RESIDENCE - A separate dwelling or a separate apartment in a multiple dwelling, which is occupied by members of a single-family unit.

4.28 REPAIR - A "repair" as defined in the referenced standards. This does not require a permit.

4.29 TEMPORALLY DORMANT ELEVATOR, DUMBWAITER OR ESCALATOR - An installation whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal shall be installed on the mainline disconnect switch by a licensed elevator inspector. This installation shall not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a licensed elevator inspector. "Temporarily Dormant" status shall be renewable on an annual basis, and shall not exceed a five-year period. The inspector shall file a report with chief elevator inspector describing the current conditions. The wire seal and padlock shall not be removed for any purpose without permission from the elevator inspector.

MODEL ELEVATOR LAW

All other building transportation terms are defined in the latest edition of ASME A 17.1 and ASME A18.1.

§5 License Required

✓ 5.1 No person shall erect, construct, alter, replace, maintain, remove or dismantle any conveyance contained within buildings or structures in the jurisdiction of this state unless an Elevator Mechanic license has been issued as described herein and is working under the direct supervision of a sole proprietor, firm or corporation who is a licensed Elevator Contractor pursuant to this chapter. No person shall wire any conveyance, from the mainline feeder terminals on the controller, in the jurisdiction of this state unless an Elevator Mechanic license has been issued as described herein and is working under the direct supervision of a sole proprietor, firm or corporation who is a licensed Elevator Contractor pursuant to this chapter. No other license shall be required for this work. A licensed elevator contractor is not required for removing or dismantling conveyances, which are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

✓ 5.2 No person shall inspect any conveyance within buildings or structures, including but not limited to private residences, unless an inspector's license has been issued as described herein.

*Advice
& consent of
Senate?*

Attached to or created in Commerce?

X §6 Elevator Safety Review Board

6.1 There is hereby created the Elevator Safety Review Board, herein referred to as the "Board" consisting of nine members, one of whom shall be the Commissioner of [Public Works] or his delegate, one of whom shall be the Commissioner of [Inspections and Community Revitalization] or his delegate. The Governor shall appoint the remaining seven members of the Board as follows; ~~one~~ representative from a major elevator manufacturing company or its authorized representative; ~~one~~ representative from an elevator servicing company; ~~one~~ representative of the architectural design or elevator consulting profession; ~~one~~ representative of the general public; ~~one~~ representative of a municipality in this state; ~~one~~ representative of a building owner or manager; and one representative of Labor involved in the installation, maintenance and repair of elevators.

6.2 The members constituting such Board shall serve for terms of three years, excluding the Commissioner of [Inspections and Community Revitalization], and the Commissioner of [Public Works] who shall serve continuously. ~~The members shall serve without salary. The board member shall receive from the state expenses necessarily incurred by them in performance of their duties.~~ The Governor shall appoint one of the members to serve as Chairman; the Chairman shall be the deciding vote in the event of a tie vote. *need to put a new par. in 15.07 (2)*

§7 Meeting of Board

7.1 The Board shall meet and organize within ten days after the appointment of its members and at such meeting shall elect one Secretary of the Board to serve during the term to be fixed by the rules and regulations to be adopted by the Board. The Board shall meet regularly once in each month at a time and place to be fixed by it and at such times as it is deemed necessary for the consideration of code regulations, appeals, variances and for the transaction of such other business as properly may come before it. Special meetings shall be called as provided in the rules and regulations. Any

MODEL ELEVATOR LAW

appointed Board Member absent from three consecutive meetings shall be dismissed.

§8 Powers of Board

The board or committee
~~8.1~~ The Board shall be authorized to consult with engineering authorities and organizations concerned with standard safety codes; rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and/or inspection of elevators, dumbwaiters, escalators etc, and the qualifications which are adequate, reasonable and necessary for the elevator mechanic, contractor and inspector. Therefore, the Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

~~8.2~~ The Board shall establish the State regulations for the equipment regulated by this Chapter. Said regulations shall include the Safety Code for Elevators and Escalators, ASME A17.1; the Safety Code for Existing Elevators and Escalators, ASME A17.3; the Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1; Standard for the Qualification of Elevator Inspectors, ASME QEI-1; and Automated People Mover Standards, ASCE 21. The Board shall adopt the latest editions of said standards with six months of their effective date. Any modifications to said standards, that the Board deems necessary, shall be justified in writing by the Board.

~~8.3~~ The Board shall also have the authority to grant exceptions and variances from the literal requirements of applicable code and standards, regulations, and/or local legislation in cases where such variances would not jeopardize the public safety and welfare. The Board shall have the authority to hear appeals, hold hearings and decide upon such within 30 days of the appeal.

~~8.4~~ The Board shall establish fee schedules for licenses, permits, certificates and inspections. The fees shall reflect the actual costs and expenses to operate this department and to conduct the duties as described in this chapter.

§9 Application for Elevator Contractors or Inspector's License

consequence?
~~9.1~~ Elevator Contractor; Any sole proprietor, firm or corporation wishing to engage in the business of elevator, dumbwaiter, escalator, moving sidewalks installation, alteration, service, replacement or maintenance within the jurisdiction shall make application for a license with the Director of Licenses on a form provided by the Director.

~~9.2~~ Elevator Mechanic; Any person, wishing to engage in installing, altering, repairing or servicing elevator, dumbwaiter, escalator, moving sidewalks installation, alteration, service, replacement or maintenance within the jurisdiction shall make application for a license with the Director of Licenses on a form provided by the Director.

~~9.3~~ Inspector; Any person, wishing to engage in the business of elevator, dumbwaiter, escalator, moving walks, platform or stairway chairlifts, inspections within the jurisdiction, upon proof of ASME QEI certification shall make application for a license with the Director of Licenses on a form to be provided by the Director.

9.4 The applications shall contain information for the following provisions:

~~(a)~~ If a person or sole proprietor, the name, residence and business address of the applicant.

MODEL ELEVATOR LAW

- (b) If a partnership, the name, residence and business address of each partner.
- (c) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of said corporation; if a corporation other than a domestic corporation, the name and address of an agent located locally who shall be authorized to accept service of process and/or official notices.
- (d) The number of years the applicant has engaged in the business of installing, inspecting, and/or maintaining or servicing elevators and/or platform lifts.
- (e) The approximate number of persons, if any, to be employed by the Elevator Contractor applicant, and if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance.
- (f) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury and property damage insurance.
- (g) Criminal record of convictions, if any, as verified by the Commissioner of Police.
- (h) Such other information as the Director of License may require.

9.5 Qualifications of Elevator Mechanic

- (a) No license shall be granted to any person who has not demonstrated their qualifications and abilities. Applicants for a mechanic license must demonstrate the following qualifications:
 - (b) An acceptable combination of documented experience and education credits: not less than three years work experience in the elevator industry, in construction, maintenance and service/repair, as verified by current and previous employers licensed to do business in this state. Satisfactory completion of a written examination administered by the Elevator Safety Review Board on the most recent referenced codes and standards.
 - (c) Any person who furnishes the commissioner with acceptable proof that they have worked as an elevator constructor, maintenance, or repair person shall upon making application for a license and paying the license fee shall be entitled to receive a license without an examination. They shall have worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment shall not be less than three years immediately prior to the effective date of this document. The person must make application within one year of the effective date of this document.
 - (d) Certificates of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or
 - (e) Certificates of completion of an apprenticeship program for elevator mechanic, having

MODEL ELEVATOR LAW

standards substantially equal to those of this chapter, and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or a state apprenticeship council.

~~9~~ A license shall be issued to an individual holding a valid license from a state having standards substantially equal to those of this chapter, upon application and without examination.

~~9.5~~ Qualifications Elevator Inspector

No inspector's license shall be granted to any person, unless they demonstrate to the satisfaction of the Commissioner or officer designated by the Board, hereinafter referred to as the "administrators," that they meet the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

~~9.7~~ Qualifications of Elevator Contractor

- (a) No license shall be granted to any sole proprietor, firm or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an Elevator Contractor's license must demonstrate the following qualifications:
- (b) Shall have in their employ licensed elevator mechanic(s) who perform the work described in Subsection 5.1 and have proof of compliance with the insurance requirements set forth in Section 18.

~~9.8~~ A license may be issued to a sole proprietor, firm or corporation holding a valid license from a state having standards substantially equal to those of this chapter, upon application.

§10 Issuance and Renewal of Licenses; Fees

~~10.1~~ Upon approval of an application by the administrator, the Director of Licenses may issue a license [s], all of which shall be renewable biannually. The fee for such license [s] for any renewal thereafter shall be set by the Board.

~~10.2~~ When ever an emergency exists in the state due to disaster, act of God or work stoppage and that the number of persons in the state holding licenses granted by the board is insufficient to cope with the emergency, the licensed Elevator Contractor shall respond as necessary to assure the safety of the public. Any person certified by a licensed Elevator Contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an Emergency Elevator Mechanic license from the Director of Licenses within five business days after commencing work requiring a license. ~~The~~ administrator shall issue Emergency Elevator Mechanic licenses. The licensed Elevator Contractor shall furnish proof of competency as the administrator may require. Each such license shall recite that it is valid for a period of thirty days from the date thereof and for such particular elevators or geographical areas as the administrator may designate and otherwise shall entitle the licensee to the rights and privileges of a Elevator Mechanic license issued in this chapter. The administrator shall renew an emergency Elevator Mechanic license during the existence of an emergency. No fee shall be charged for any emergency Elevator Mechanic license or renewal thereof.

MODEL ELEVATOR LAW

~~10.3~~ A licensed Elevator Contractor shall notify the administrator when there are no licensed personnel available to perform elevator work. The licensed Elevator Contractor may request that the administrator issue Temporary Elevator Mechanic licenses to persons certified by the licensed Elevator Contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed Elevator Contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a Temporary Elevator Mechanic license from the Director of Licenses and shall pay such fee, as the Board shall determine. Each such license shall recite that it is valid for a period of thirty days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue.

~~10.4~~ The renewal of all licenses granted under the provisions of this section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the regulations of the Elevator Safety Review Board. Such course shall consist of not less than eight hours of instruction that shall be attended and completed within one year immediately preceding any such license renewal.

~~10.5~~ The courses shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars, and labor training programs. The Elevator Safety Review Board shall approve the continuing education providers. All instructors shall be approved by the Board and exempt from the requirements of the preceding paragraph with regard to their application for license renewal provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

~~10.6~~ A licensee who is unable to complete the continuing education course required under this section prior to the expiration of their license due to a temporary disability may apply for a waiver from the Board. This will be on a form provided by said board which shall be signed under the pains and penalties of perjury and accompanied by a certified statement from a competent physician attesting to such temporary disability. Upon the termination of such temporary disability, such licensee shall submit to said board a certified statement from the same physician, if practicable, attesting to the termination of such temporary disability. At which time a waiver sticker, valid for 90 days, shall be issued to such licensee and affixed to his license.

~~10.7~~ Approved training providers shall keep uniform records, for a period of ten years, of attendance of licensees following a format approved by the Board and such records shall be available for inspection by said board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion; provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.

§11 Civil Penalties, Suspension and Revocation of Licenses

~~11.1~~ A license issued pursuant to this chapter may be suspended, revoked or subject to civil penalty by the administrators upon verification that any one or more of the following reasons exist:

(a) Any false statement as to material matter in the application.

MODEL ELEVATOR LAW

- (b) Fraud, misrepresentation or bribery in securing a license.
- (c) Failure to notify the Director of Licenses and the owner or lessee of an elevator or related mechanisms of any condition not in compliance with this chapter.
- (d) Violation of any provisions of this chapter.

§12 Hearing on Charges; Decision

~~12.1~~ No license shall be suspended, revoked or subject to civil penalty until after a hearing before the administrator upon notice to the licensee of at least ten days at the last known address appearing on the license, served personally or by registered mail. The notice shall state the date, hour, and place of hearing and set forth a statement of facts constituting the grounds for the charges against the licensee. The administrator shall suspend or revoke the license or dismiss the proceeding.

§13 Appeals

~~13.1~~ Any person, sole proprietor firm or corporation whose license is revoked, suspended or subject to civil penalty may appeal from such determination to the Board, which shall within thirty days thereafter, hold a hearing, of which at least fifteen days written notice shall be given to all interested parties. The Board shall, within thirty days after such hearing, issue a decision.

§ 14 Registration of Existing Elevators, Platform Lifts, Dumbwaiters, Escalators, Moving Walks and any Other Conveyance

~~14.1~~ Within six months after the date of the appointment of the Board, the owner or lessee of every existing conveyance shall register with the Director of Licenses each such elevator, dumbwaiter, platform lift, and escalator or device described in section one, owned and operated by them, giving the type, rated load and speed, name of manufacturer, its location and the purpose for which it is used and such additional information as the Director of Licenses may require. Elevators, dumbwaiters, platform lifts escalators and moving walks or other conveyances which construction has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

§15 Compliance with State Fire Prevention and Building Code

15.1 It shall be the responsibility of individuals, firms or corporations licensed as described above to ensure that installation and/or service and maintenance of elevators and devices described in section one, is performed in compliance with the provisions contained in the State Fire Prevention and Building Code, and with generally accepted standards referenced in said code.

§16 Permits

~~16.1~~ No conveyance, covered by this Chapter shall be erected, constructed, installed or altered within buildings or structures within the jurisdiction unless a permit has been obtained from the Director of Licenses before the work is commenced. Where any material alteration, as defined herein, is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1 or ASCE 21 for the alteration. No permit required hereunder shall be issued except to a sole proprietor, firm, or

MODEL ELEVATOR LAW

corporation holding a current Elevator Contractors license, duly issued pursuant to this chapter. A copy of such permit shall be kept at the construction site at all times while the work is in progress.

~~16.2~~ The permit fee shall be as set by the Board. Permit Fees collected are non-refundable.

~~16.3~~ Permit Requirements:

- (a) Each application for a permit shall be accompanied by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building; the location of the machinery room and the equipment to be installed, relocated or altered; and all structural supporting members thereof, including foundations, and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design.
- (b) The applicable fees shall accompany each permit application.

~~16.4~~ Revocation of Permits: Permits may be revoked for the following reasons:

- (a) Where any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.
- (b) Where the permit was issued in error and should not have been issued in accordance with the code.
- (c) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans or specifications or with the code or conditions of the permit.
- (d) Where the Elevator Contractor to whom the permit was issued fails or refuses to comply with a STOP WORK order.

~~16.5~~ Expiration of Permits:

- (a) If the work authorized by such permit is not commenced within six months after the date of issuance, or within a shorter period of time as the Director or his duly authorized representative in his discretion may specify at the time the permit is issued.
- (b) If the work is suspended or abandoned for a period of sixty days, or such shorter period of time as the Director or his duly authorized representative in his discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Director or his representative may allow an extension of the foregoing period at his discretion.

§17 New Installations / Annual inspections and Registrations

~~17.1~~ Installations: [Certificate of Operation required.] All new conveyance installations shall be performed by a sole proprietor, firm or corporation to which a license to install or service conveyances has been issued. Subsequent to installation, said licensed sole proprietor, firm or corporation must certify compliance with the applicable sections of this Chapter. Prior to any conveyance being used,

MODEL ELEVATOR LAW

the property owner or lessee must obtain a Certificate of Operation from the Director of Licenses. A fee as set forth in this Chapter, shall be paid for said certificate of operation. It shall be the responsibility of the licensed Elevator Contractor to complete and submit first time registration[s] for new installations. The Certificate of Operation fee for newly installed platform lifts and stairway chair lifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.

~~17.2~~ The Certificate of Operation fee for all new and existing platform and stairway chair lifts for private residences and any renewal certificate fees shall be waived. The Director of Housing and Property inspections or his designee shall inspect, in accordance with the requirements set forth in this Chapter, all newly installed and existing platform lifts and stairway chair lifts for private residences subsequent to an inspection by a person, firm or corporation to which a license to inspect conveyances has been issued. The Administrator shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including, but not limited to having the owner contact the Administrator in order to ensure that the conveyance is periodically and timely inspected and made safe before the permit for the conveyance expires. The inspection shall only be done at the request and consent of the private residence owner. All penalty provisions of this Act shall not apply to private residence owners.

~~17.3~~ Display Certificate of Operation. Certificate of Operation referenced in Subsections 17.1 and 17.2 above are renewable annually [One year] except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of three years. Certificates of Operation must be clearly displayed on or in each conveyance or in the machine room for use for the benefit of code enforcement staff.

§18 Insurance Requirements

~~18.1~~ Elevator Contractors shall submit to the Director of Licenses, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least one million dollars for injury or death of any number of persons in any one occurrence, with the coverage of at least five hundred thousand dollars for property damage in any one occurrence and the statutory workers compensation insurance coverage.

~~18.2~~ Elevator Inspectors, not employed by the Authority Having Jurisdiction, shall submit to the Director of Licenses, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least one million dollars for injury or death of any number of persons in any one occurrence, with the coverage of at least five hundred thousand dollars for property damage in any one occurrence and the statutory workers compensation insurance coverage.

~~18.3~~ Such policies, or duly certified copies thereof, or an appropriate certificate of insurance, approved as to form by the Corporation Council and as to sufficiency by the Comptroller, shall be delivered to the Director of Licenses before or at the time of the issuance of a license. In the event of any material alteration or cancellation of any policy at least ten days notice thereof shall be given to the Director of Licenses.

MODEL ELEVATOR LAW

§19 Enforcement

~~19.1~~ It shall be the duty of the Elevator Safety Review Board to develop an enforcement program, which will ensure compliance with regulations and requirements referenced in this chapter. This will include but will not be limited to regulations for identification of property locations which are subject to said regulations and requirements; issuing notifications to violating property owners or operators, random on-site inspections and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, sole proprietors, firms or corporations; and assist in development of public awareness programs.

~~19.2~~ Any person may make a request for an investigation into alleged violation of this chapter by giving notice to the director of such violation or danger. Such notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice and shall be signed by the person making the request. Upon the request of any person signing the notice, such person's name shall not appear on any copy of such notice or any record published, released or made available.

~~19.3~~ If upon receipt of such notification the director determines that there are reasonable grounds to believe that such violation or danger exists, the director shall cause to be made an investigation in accordance with the provisions of this chapter as soon as practicable to determine if such violation or danger exists. If the director determines that there are no reasonable grounds to believe that a violation or danger exists, the director shall notify the party in writing of such determination.

§20 Liability

~~20.1~~ This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing or repairing any elevator or other related mechanisms covered by this chapter for damages to person or property caused by any defect therein, nor does the State assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this chapter or any acts or omissions arising hereunder.

§21 Civil Penalties for Offenses

~~21.1~~ Any owner or lessee who shall violate any of the provisions of this chapter, upon conviction thereof, shall be fined in an amount not to exceed one thousand, five hundred dollars or be imprisoned for a period not exceeding thirty days or both fined and imprisonment. 

§22 Provisions not Retroactive

~~22.1~~ The provisions of this chapter are not retroactive unless otherwise stated and equipment shall be required to comply with the applicable code at the date of its installation or within the period determined by the Board for compliance with ASME A17.3, whichever is more stringent.. If upon the inspection of any device covered by this chapter, the equipment is found in dangerous condition or there is an immediate hazard to those riding or using such equipment, or if the design or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the director, he/she shall notify the owner of the condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.

MODEL ELEVATOR LAW

§23 Inspection and Testing

~~23.1~~ Annual Inspections: [Certificate of Operation required.] It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually (ASME A17.1, category one) by a licensed Elevator Inspector. Subsequent to inspection, said licensed elevator inspector shall supply the property owner [s] or lessee and the director with a written inspection report describing any and all code violations. It shall be the responsibility of the director to gain code compliance. Property owners shall have thirty days from the date of the published inspection report to be in full compliance with correcting the violations.

~~23.2~~ It shall be the responsibility of the owner of all conveyances to have a licensed Elevator Contractor, as described herein this chapter, insure that the required tests are performed at intervals in compliance with the ASME A17.1, ASME A18.1 and ASCE 21.

~~23.3~~ All tests shall be performed by a licensed Elevator Mechanic.

§24 State Law, Code or Regulation

24.1. Whenever a provision in this chapter is found to be inconsistent with any provision of the applicable state law, code or regulation, the state law shall prevail. This chapter, unless specifically stated otherwise, is not intended to establish more stringent or more restrictive standards than standards set forth in the applicable state law.

h:\wpdocs\neii\model elevator law revision 1.doc

Add Rule making requirement to do w/in 12 mos.

101.12

101.12 Approval and inspection of public buildings and places of employment and components.

101.12(1)

(1) (intro.) Except for plans that are reviewed by the department of health and family services under ss. 50.02 (2) (b) and 50.36 (2), the department shall require the submission of essential drawings, calculations and specifications for public buildings, public structures and places of employment including the following components:

101.12(1)(c)

(c) Elevators, escalators, ski lift and towing devices and power dumbwaiters.

101.12(2)

(2) Plans of said buildings, structures and components shall be examined for compliance with the rules of the department and a statement of the examination returned to the designer and owner before construction is started. Nothing in this section shall relieve the designer of the responsibility for designing a safe building, structure or component.

101.12(3)

(3) (intro.) The department shall:

101.12(3)(c)

(c) Determine and certify the competency of inspectors of boilers, unfired pressure vessels, refrigeration plants, elevators, escalators and power dumbwaiters.

101.123(2)

(2) Regulation of smoking.

101.123(2)(a)

(a) (intro.) Except as provided in sub. (3), no person may smoke in the following places:

101.123(2)(a)6.

6. Passenger elevators.

101.13(1)

(1) In this section, "access" means the physical characteristics of a place which allow persons with functional limitations caused by impairments of sight, hearing, coordination or perception or persons with semiambulatory or nonambulatory disabilities to enter, circulate within and leave a place of employment or public building and to use the public toilet facilities and passenger elevators in the place of employment or public building without assistance.

101.13(2)(b)

(b) The requirements of par. (a) may be accomplished by at least one ground or street level entrance and exit without steps, by ramps with slopes not more than one foot of rise in 12 feet, coated with a nonskid surface, or by elevator or such other arrangement as may be reasonably appropriate under the circumstances and which meets with the approval of the department or in lieu thereof with the approval of the municipality wherein the building is located. The doors of such entrance and exit must have a clear opening of at least 40

inches in width and shall otherwise conform to the department building code.

101.13(8)

(8) Every passenger elevator installed in a place of employment or public building after October 1, 1978 shall be equipped with raised letters and numerals on the operating panel and the external door frame on each floor, and the letters and numerals shall be designed and placed to maximize the ability of persons with functional limitations to use the passenger elevator without assistance.

101.19(1)

(1) (intro.) The department, by rule promulgated under ch. 227, shall fix and collect fees which shall, as closely as possible, equal the cost of providing the following services:

101.19(1)(b)

(b) The required inspection of boilers, pressure vessels, refrigeration plants, liquefied petroleum gas vessels, anhydrous ammonia tanks and containers, elevators, ski towing and lift devices, escalators, dumbwaiters, and amusement or thrill rides but not of amusement attractions.

Marchant, Robert

From: Marchant, Robert
Sent: Thursday, October 03, 2002 1:58 PM
To: Petite, Paul
Subject: Elevator safety draft

Hello, Paul--

I am trying to get a start on the elevator safety draft you requested, but it is quite a difficult task. I don't mean to be a pest, but there are a couple of things I need your help with.

First, I can't discern from the model law provided to me just what policies the legislation is intended to accomplish. I need someone to give me specific drafting instructions. I am a bit disappointed in the group that is asking for this legislation. The model law they have provided is a model federal law, which says that if any provision is "inconsistent with . . . state law, code or regulation, the state law shall prevail." Obviously, there must be something in state law that the legislation is intended to change. I think the group asking for this legislation should describe, in plain English, the policies they want enacted. It would be very helpful if they would provide me with an explanation of each policy they intend to accomplish, written in plain English rather than in the form of a model law. Along these same lines, it would be good if I had a contact person who is familiar with the law in this area and the policies intended to be enacted.

Second, the model law makes reference to numerous professional standards that are not part of the statutes. We generally try to avoid placing these types of references in the statutes. It would be very helpful if the group asking for this legislation could provide me with a copy of the relevant standards. The standards I am looking for are ASME 17.1, A17.3, A18.1, A90.1, B20.1, B30, B56, and QEI; ASCE 21; and ANSI A10.4, A10.5, A92, 120.1, and A17.1. If they are unable to provide me with these copies, please let me know so I can try and locate them from another source.

Thank you for your assistance.

Robert J. Marchant
Legislative Attorney
State of Wisconsin Legislative Reference Bureau
608-261-4454



Office Of:

Mike Huebsch
State Representative

P.O. Box 8952, State Capitol
Madison, WI 53708-8952
Tel: (608) 266-0632
Fax: (608) 282-3694
paul.petitte@legis.state.wi.us

Marchant, Robert

From: Petite, Paul
Sent: Friday, October 18, 2002 10:23 AM
To: Marchant, Robert
Subject: FW: Elevator safety draft

-----Original Message-----

From: Mike Prentiss [mailto:Mike_Prentiss@pasiinc.com]
Sent: Monday, October 14, 2002 4:18 PM
To: 'Petitte, Paul'
Subject: RE: Elevator safety draft

Paul,

Sorry to be late in getting back to you. I don't have Rob's e-mail, could you please forward this to him for me? Thanks.

In response to some of Rob's questions, the ASME and other codes are unfortunately not available on-line, and cost upwards of \$800 to purchase. The Department of Commerce's elevator office should have a copy of he needs one for reference, and LRB might as well.

Also, here are copies of the law as passed in other state's. I'm not sure if this will be at all helpful to him, but thought I'd pass it along:

California:

http://www.leginfo.ca.gov/pub/bill/sen/sb_1851-1900/sb_1886_bill_2002093_0_chaptered.pdf

Florida:

The statute is Chapter 399 and the administrative code is at http://www.state.fl.us/dbpr/hr/rules_statutes/rule61c_5.shtml

Indiana:

http://www.in.gov/serv/lisa_billinfo?year=2002&session=1&request=getBill&doctype=SB&docno=0488

Washington:

<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=2629>

Thanks again for your help,

Mike

-----Original Message-----

From: Petite, Paul [mailto:Paul.Petitte@legis.state.wi.us]
Sent: Friday, October 04, 2002 1:57 PM
To: mike_prentiss@pasiinc.com
Subject: FW: Elevator safety draft

> -----Original Message-----

> From: Marchant, Robert
> Sent: Thursday, October 03, 2002 1:58 PM
> To: Petite, Paul
> Subject: Elevator safety draft

>

> Hello, Paul--
>
> I am trying to get a start on the elevator safety draft you requested,
>
> but it is quite a difficult task. I don't mean to be a pest, but
> there are a couple of things I need your help with.
>
> First, I can't discern from the model law provided to me just what
> policies the legislation is intended to accomplish. I need someone to
> give me specific drafting instructions. I am a bit disappointed in the
> group that is asking for this legislation. The model law they have
> provided is a model federal law, which says that if any provision is
> "inconsistent with . . . state law, code or regulation, the state law
> shall prevail." Obviously, there must be something in state law that
> the legislation is intended to change. I think the group asking for
> this legislation should describe, in plain English, the policies they
> want enacted. It would be very helpful if they would provide me with an
> explanation of each policy they intend to accomplish, written in plain
> English rather than in the form of a model law. Along these same lines,
> it would be good if I had a contact person who is familiar with the law
> in this area and the policies intended to be enacted.
>
> Second, the model law makes reference to numerous professional
> standards that are not part of the statutes. We generally try to
> avoid placing these types of references in the statutes. It would be
> very helpful if the group asking for this legislation could provide me
>
> with a copy of the relevant standards. The standards I am looking for
>
> are ASME 17.1, A17.3, A18.1, A90.1, B20.1, B30, B56, and QEI; ASCE 21;
>
> and ANSI A10.4, A10.5, A92, 120.1, and A17.1. If they are unable to
> provide me with these copies, please let me know so I can try and
> locate them from another source.
>
> Thank you for your assistance.
>
> Robert J. Marchant
> Legislative Attorney
> State of Wisconsin Legislative Reference Bureau
> 608-261-4454
>

Marchant, Robert

From: Petite, Paul
Sent: Friday, October 18, 2002 10:24 AM
To: Marchant, Robert
Subject: FW: clarification

-----Original Message-----

From: mike_prentiss@pasiinc.com [mailto:mike_prentiss@pasiinc.com]
Sent: Monday, October 14, 2002 9:29 PM
To: paul.petitte@legis.state.wi.us
Subject: clarification

Paul,

A quick clarification to the Florida link I sent earlier -- that bill was not the one that the EIWPF was working for, and they had to go in after the fact and pursue clean-up legislation in response to the Florida bill I sent.

For the purposes of seeing how other states drafted theirs, California and the others might be the better ones to look at.

Sorry for the confusion.

Mike

FINAL BILL REPORT

SHB 2629

C 98 L 02

Synopsis as Enacted

Brief Description: Regulating elevator contractors and mechanics.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Kenney, Dickerson and Lysen).

House Committee on Commerce & Labor

Senate Committee on Labor, Commerce & Financial Institutions

Background:

The Department of Labor and Industries administers and enforces state laws providing for the safe operation, installation, inspection, and repair of publicly and privately owned elevators, escalators, and other similar conveyances. In general, these laws require owners to obtain installation permits from the department before conveyances are built, installed, moved, or altered. These laws also require owners to obtain operating permits for conveyances. The department must annually inspect and test conveyances.

Consistent with its responsibility to administer and enforce these laws, the department has adopted rules and established fees for permits and inspections.

Summary:

State laws governing conveyances are amended to: (1) establish licensing requirements for elevator mechanics and elevator contractors; and (2) create an elevator safety advisory committee. The licensing requirements include work experience, training, examination, and continuing education

Purposes

The purposes of state laws governing conveyances are expanded to include ensuring the safe design and maintenance of conveyances, and establishing minimum standards for elevator personnel performing work on conveyances. State laws are not intended to prevent the use of equivalent or superior systems, methods or devices, so long as their equivalency is documented.

Licensing

General: Licenses for elevator mechanics and elevator contractors are established. The Department of Labor and Industries may issue licenses that are valid for two years. The

department must adopt rules setting license issuance and renewal fees.

A person must be an elevator mechanic licensee and work under the direct supervision of an elevator contractor licensee to erect, construct, wire, alter, replace, maintain, remove, or dismantle a conveyance within a building. An exception for certain types of demolitions is provided.

Elevator Contractors: A person wishing to engage in the business of installing, altering, servicing, replacing, or maintaining elevators and certain other conveyances must apply to be a licensed elevator contractor under these laws and a registered general or specialty contractor under the contractor registration laws. An applicant must have either: (1) five years' work experience in elevator construction, maintenance, and service or repair; or (2) satisfactorily completed a written examination.

Elevator Mechanics: A person wishing to engage in installing, altering, repairing, or servicing elevators and certain other conveyances must apply to be a licensed elevator mechanic. An applicant must have: (1) an acceptable combination of experience and education including not less than three years' work experience in elevator construction, maintenance, and service or repair; and (2) satisfactorily completed a written examination.

Certain persons are entitled to become licensed elevator mechanics without an examination. Such applicants must have: (1) worked for an elevator contractor for not less than three years immediately before the act's effective date and applied for an elevator mechanic license within one year of the act's effective date; (2) completed and successfully passed the mechanic examination for a nationally recognized training program for the elevator industry; (3) completed a state-approved apprenticeship program for elevator mechanics; or (4) obtained a valid license from a state that has entered into a reciprocal licensing agreement with Washington and that has "substantially equal" licensing standards.

Temporary Licenses: The department may issue temporary elevator mechanic licenses. A licensed elevator contractor must certify that the applicant is qualified and competent. A temporary license is valid for 30 days and in a designated geographic area.

Continuing Education: Prior to renewal, licensees must complete a continuing education course on new and existing department rules. The course must consist of not less than eight hours of instruction, and be completed within one year prior to license renewal. A department-approved training provider must teach the course. Training providers must keep attendance records for 10 years. The department may inspect such records.

Suspension and Revocation: The department may suspend or revoke a license, or subject a licensee to civil penalties, because of: (1) a false statement in the application; (2) fraud, misrepresentation, or bribery in securing the license; (3) a failure to give notice

of a conveyance not in compliance with state law; and (4) a violation of other state laws governing conveyances.

The department must notify the licensee of its action and the reason for the action in writing. The licensee may request a hearing. If the department suspends or revokes a license because of fraud or error, and a hearing is requested, the suspension or revocation is stayed until the hearing is concluded and a decision is issued. If the department suspends or revokes a license because elevator personnel are not working in a safe manner, the suspension or revocation is effective immediately and may not be stayed. The department must remove a suspension or reinstate a revoked license if the licensee pays the assessed penalties and demonstrates that other licensing requirements are met.

Criminal Penalties: The construction, installation, relocation, alteration, maintenance, or operation of a conveyance without a license by any person is a misdemeanor. Each day without a license is a separate violation. If an applicant has requested the issuance or renewal of a license, but the department has not acted on the request, the violation cannot be prosecuted. The maintenance of a conveyance without a permit by an owner is also a misdemeanor.

Advisory Committee

An elevator safety advisory committee is established. The committee advises the department on rulemaking, enforcement, and administration, and other matters of concern to stakeholders. The committee consists of five persons appointed by the department director with the advice of the chief elevator inspector. Committee members serve for four years. The secretary of the committee is the chief elevator inspector. The committee meets quarterly and at other times at the discretion of the chief elevator inspector. The committee members do not receive compensation for per diem or travel expenses. The department may adopt rules necessary to establish and administer the committee.

Other

Standard of Care: In a suit for damages allegedly caused by a failure or malfunction of a conveyance, conformity with the department's rules is prima facie evidence that maintenance of the conveyance is reasonably safe.

Public Buildings: The department has jurisdiction over the maintenance of conveyances in public buildings, other than those located in and owned by cities with their own elevator codes.

Inspections: The department may conduct random on-site inspections and tests on existing installations to ensure satisfactory performance by licensees and to develop public awareness programs.

Notice: The notice that licensees must provide to the department before completing work on a conveyance need not be in writing or be provided at least seven days before completion of the work.

Rulemaking: When adopting rules governing conveyances, the department may consult with engineering authorities and organizations concerned with standard safety codes, other rules governing conveyances, and elevator personnel qualifications.

Construction: State laws cannot be construed to relieve or lessen the responsibility or liability of a person for damages to persons or property caused by defects in an elevator or other conveyance. The state does not assume liability or responsibility for such defects or for acts or omissions arising under state laws.

Votes on Final Passage:

House 59 38

Senate 29 17

Effective: June 13, 2002

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2629

Chapter 98, Laws of 2002

57th Legislature
2002 Regular Session

ELEVATOR CONTRACTORS AND MECHANICS

EFFECTIVE DATE: 6/13/02

Passed by the House February 19, 2002
Yeas 59 Nays 38

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate March 6, 2002
Yeas 29 Nays 17

BRAD OWEN
President of the Senate

Approved March 22, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2629** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 22, 2002 - 12:46 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2629

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Kenney, Dickerson and Lysen)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to licensing elevator contractors and mechanics;
2 amending RCW 70.87.010, 70.87.020, 70.87.030, 70.87.050, 70.87.100,
3 70.87.125, 70.87.145, 70.87.170, and 70.87.180; adding new sections to
4 chapter 70.87 RCW; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.87.010 and 1998 c 137 s 1 are each amended to read
7 as follows:

8 For the purposes of this chapter, except where a different
9 interpretation is required by the context:

10 (1) "Owner" means any person having title to or control of a
11 conveyance, as guardian, trustee, lessee, or otherwise;

12 (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt
13 manlift, automobile parking elevator, moving walk, and other elevating
14 devices, as defined in this section;

15 (3) "Existing installations" means (~~all conveyances for which~~
16 ~~plans were completed and accepted by the owner, or for which the plans~~
17 ~~and specifications have been filed with and approved by the department~~
18 ~~before June 13, 1963, and work on the erection of which was begun not~~
19 ~~more than twelve months thereafter)) an installation defined as an~~

1 "installation, existing" in this chapter or in rules adopted under this
2 chapter;

3 (4) "Elevator" means a hoisting or lowering machine equipped with
4 a car or platform that moves in guides and serves two or more floors or
5 landings of a building or structure;

6 (a) "Passenger elevator" means an elevator (i) on which passengers
7 are permitted to ride and (ii) that may be used to carry freight or
8 materials when the load carried does not exceed the capacity of the
9 elevator;

10 (b) "Freight elevator" means an elevator (i) used primarily for
11 carrying freight and (ii) on which only the operator, the persons
12 necessary for loading and unloading, and other employees approved by
13 the department are permitted to ride;

14 (c) "Sidewalk elevator" means a freight elevator that: (i)
15 Operates between a sidewalk or other area outside the building and
16 floor levels inside the building below the outside area, (ii) has no
17 landing opening into the building at its upper limit of travel, and
18 (iii) is not used to carry automobiles;

19 (d) "Hand elevator" means an elevator utilizing manual energy to
20 move the car;

21 (e) "Inclined elevator" means an elevator that travels at an angle
22 of inclination of seventy degrees or less from the horizontal;

23 (f) "Multideck elevator" means an elevator having two or more
24 compartments located one immediately above the other;

25 (g) "Observation elevator" means an elevator designed to permit
26 exterior viewing by passengers while the car is traveling;

27 (h) "Power elevator" means an elevator utilizing energy other than
28 gravitational or manual to move the car;

29 (i) "Electric elevator" means an elevator where the energy is
30 applied by means of an electric driving machine;

31 (j) "Hydraulic elevator" means an elevator where the energy is
32 applied by means of a liquid under pressure in a cylinder equipped with
33 a plunger or piston;

34 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator
35 having a plunger or cylinder directly attached to the car frame or
36 platform;

37 (l) "Electro-hydraulic elevator" means a direct-plunger elevator
38 where liquid is pumped under pressure directly into the cylinder by a
39 pump driven by an electric motor;

- 1 (m) "Maintained-pressure hydraulic elevator" means a direct-plunger
2 elevator where liquid under pressure is available at all times for
3 transfer into the cylinder;
- 4 (n) "Roped hydraulic elevator" means a hydraulic elevator having
5 its plunger or piston connected to the car with wire ropes or
6 indirectly coupled to the car by means of wire ropes and sheaves;
- 7 (o) "Rack and pinion elevator" means a power elevator, with or
8 without a counterweight, that is supported, raised, and lowered by a
9 motor or motors that drive a pinion or pinions on a stationary rack
10 mounted in the hoistway;
- 11 (p) "Screw column elevator" means a power elevator having an
12 uncounterweighted car that is supported, raised, and lowered by means
13 of a screw thread;
- 14 (q) "Rooftop elevator" means a power passenger or freight elevator
15 that operates between a landing at roof level and one landing below and
16 opens onto the exterior roof level of a building through a horizontal
17 opening;
- 18 (r) "Special purpose personnel elevator" means an elevator that is
19 limited in size, capacity, and speed, and permanently installed in
20 structures such as grain elevators, radio antenna, bridge towers,
21 underground facilities, dams, power plants, and similar structures to
22 provide vertical transportation of authorized personnel and their tools
23 and equipment only;
- 24 (s) "Workmen's construction elevator" means an elevator that is not
25 part of the permanent structure of a building and is used to raise and
26 lower workers and other persons connected with, or related to, the
27 building project;
- 28 (t) "Boat launching elevator" means an elevator, as defined by
29 subsections (2) and (4) of this section, that serves a boat launching
30 structure and a beach or water surface and is used for the carrying or
31 handling of boats in which people ride;
- 32 (u) "Limited-use/limited-application elevator" means a power
33 passenger elevator where the use and application is limited by size,
34 capacity, speed, and rise, intended principally to provide vertical
35 transportation for people with physical disabilities;
- 36 (5) "Escalator" means a power-driven, inclined, continuous stairway
37 used for raising and lowering passengers;
- 38 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped
39 with a car (a) that moves in guides in a substantially vertical

1 direction, (b) the floor area of which does not exceed nine square
2 feet, (c) the inside height of which does not exceed four feet, (d) the
3 capacity of which does not exceed five hundred pounds, and (e) that is
4 used exclusively for carrying materials;

5 (7) "Automobile parking elevator" means an elevator: (a) Located
6 in either a stationary or horizontally moving hoistway; (b) used
7 exclusively for parking automobiles where, during the parking process,
8 each automobile is moved either under its own power or by means of a
9 power-driven transfer device onto and off the elevator directly into
10 parking spaces or cubicles in line with the elevator; and (c) in which
11 no persons are normally stationed on any level except the receiving
12 level;

13 (8) "Moving walk" means a passenger carrying device (a) on which
14 passengers stand or walk and (b) on which the passenger carrying
15 surface remains parallel to its direction of motion;

16 (9) "Belt manlift" means a power driven endless belt provided with
17 steps or platforms and a hand hold for the transportation of personnel
18 from floor to floor;

19 (10) "Department" means the department of labor and industries;

20 (11) "Director" means the director of the department or his or her
21 representative;

22 (12) "Inspector" means an elevator inspector of the department or
23 an elevator inspector of a municipality having in effect an elevator
24 ordinance pursuant to RCW 70.87.200;

25 (13) "Permit" means a permit issued by the department to construct,
26 install, or operate a conveyance;

27 (14) "Person" means this state, a political subdivision, any public
28 or private corporation, any firm, or any other entity as well as an
29 individual;

30 (15) "One-man capacity manlift" means a single passenger, hand-
31 powered counterweighted device, or electric-powered device, that
32 travels vertically in guides and serves two or more landings;

33 (16) "Private residence conveyance" means a conveyance installed in
34 or on the premises of a single-family dwelling and operated for
35 transporting persons or property from one elevation to another;

36 (17) "Material hoist" means a hoist that is not a part of a
37 permanent structure used to raise or lower materials during
38 construction, alteration, or demolition. It is not applicable to the

1 temporary use of permanently installed personnel elevators as material
2 ((hoist[s])) hoists;

3 (18) "Material lift" means a lift that (a) is permanently
4 installed, (b) is comprised of a car or platform that moves in guides,
5 (c) serves two or more floors or landings, (d) travels in a vertical or
6 inclined position, (e) is an isolated, self-contained lift, (f) is not
7 part of a conveying system, and (g) is installed in a commercial or
8 industrial area not accessible to the general public or intended to be
9 operated by the general public;

10 (19) "Casket lift" means a lift that (a) is installed at a
11 mortuary, (b) is designed exclusively for carrying of caskets, (c)
12 moves in guides in a basically vertical direction, and (d) serves two
13 or more floors or landings;

14 (20) "Wheelchair lift" means a lift that travels in a vertical or
15 inclined direction and is designed for use by physically handicapped
16 persons;

17 (21) "Stairway chair lift" means a lift that travels in a basically
18 inclined direction and is designed for use by physically handicapped
19 persons;

20 (22) "Personnel hoist" means a hoist that is not a part of a
21 permanent structure, is installed inside or outside buildings during
22 construction, alteration, or demolition, and used to raise or lower
23 workers and other persons connected with, or related to, the building
24 project. The hoist may also be used for transportation of materials;

25 (23) "Advisory committee" means the elevator advisory committee as
26 described in this chapter;

27 (24) "Elevator helper/apprentice" means a person who works under
28 the general direction of a licensed elevator mechanic. A license is
29 not required to be an elevator helper/apprentice;

30 (25) "Elevator mechanic" means any person who possesses an elevator
31 mechanic license in accordance with this chapter and who is engaged in
32 erecting, constructing, installing, altering, serving, repairing, or
33 maintaining elevators or related conveyances covered by this chapter;

34 (26) "License" means a written license, duly issued by the
35 department, authorizing a person, firm, or company to carry on the
36 business of erecting, constructing, installing, altering, servicing,
37 repairing, or maintaining elevators or related conveyances covered by
38 this chapter;

1 (27) "Elevator contractor license" means a license that is issued
2 to an elevator contractor who has met the qualification requirements
3 established in section 12 of this act;

4 (28) "Elevator mechanic license" means a license that is issued to
5 a person who has met the qualification requirements established in
6 section 12 of this act;

7 (29) "Licensee" means the elevator mechanic or elevator contractor.

8 **Sec. 2.** RCW 70.87.020 and 1983 c 123 s 2 are each amended to read
9 as follows:

10 (1) The purpose of this chapter is to provide for safety of life
11 and limb, to promote safety awareness, and to ensure the safe, design,
12 mechanical and electrical operation, erection, installation,
13 alteration, maintenance, inspection, and repair of conveyances, and all
14 such operation, erection, installation, alteration, inspection, and
15 repair subject to the provisions of this chapter shall be reasonably
16 safe to persons and property and in conformity with the provisions of
17 this chapter and the applicable statutes of the state of Washington,
18 and all orders, and rules (~~(, and regulations)~~) of the department. The
19 use of unsafe and defective lifting devices imposes a substantial
20 probability of serious and preventable injury to employees and the
21 public exposed to unsafe conditions. The prevention of these injuries
22 and protection of employees and the public from unsafe conditions is in
23 the best interest of the people of this state. Elevator personnel
24 performing work covered by this chapter must, by documented training or
25 experience or both, be familiar with the operation and safety functions
26 of the components and equipment. Training and experience must include,
27 but not be limited to, recognizing the safety hazards and performing
28 the procedures to which they are assigned in conformance with the
29 requirements of the chapter. This chapter establishes the minimum
30 standards for elevator personnel.

31 (2) This chapter is not intended to prevent the use of systems,
32 methods, or devices of equivalent or superior quality, strength, fire
33 resistance, code effectiveness, durability, and safety to those
34 required by this chapter, provided that there is technical
35 documentation to demonstrate the equivalency of the system, method, or
36 device, as prescribed in this chapter and the rules adopted under this
37 chapter.

1 (3) In any suit for damages allegedly caused by a failure or
2 malfunction of the conveyance, conformity with the rules of the
3 department is prima facie evidence that the operation, erection,
4 installation, alteration, maintenance, inspection, and repair of the
5 conveyance is reasonably safe to persons and property.

6 **Sec. 3.** RCW 70.87.030 and 1998 c 137 s 2 are each amended to read
7 as follows:

8 The department shall adopt rules governing the mechanical and
9 electrical operation, erection, installation, alterations, inspection,
10 acceptance tests, and repair of conveyances that are necessary and
11 appropriate and shall also adopt minimum standards governing existing
12 installations. In the execution of this rule-making power and before
13 the adoption of rules, the department shall consider the rules for the
14 safe mechanical operation, erection, installation, alteration,
15 inspection, and repair of conveyances, including the American National
16 Standards Institute Safety Code for Personnel and Material Hoists, the
17 American Society of Mechanical Engineers Safety Code for Elevators,
18 Dumbwaiters, and Escalators, and any amendatory or supplemental
19 provisions thereto. The department by rule shall establish a schedule
20 of fees to pay the costs incurred by the department for the work
21 related to administration and enforcement of this chapter. Nothing in
22 this chapter limits the authority of the department to prescribe or
23 enforce general or special safety orders as provided by law.

24 The department may consult with: Engineering authorities and
25 organizations concerned with standard safety codes; rules and
26 regulations governing the operation, maintenance, servicing,
27 construction, alteration, installation, and/or inspection of elevators,
28 dumbwaiters, and escalators, etcetera; and the qualifications that are
29 adequate, reasonable, and necessary for the elevator mechanic,
30 contractor, and inspector.

31 **Sec. 4.** RCW 70.87.050 and 1983 c 123 s 5 are each amended to read
32 as follows:

33 The operation, erection, installation, alteration, maintenance,
34 inspection, and repair of any conveyance located in, or used in
35 connection with, any building owned by the state, a county, or a
36 political subdivision, other than those located within and owned by a

1 city having an elevator code, shall be under the jurisdiction of the
2 department.

3 **Sec. 5.** RCW 70.87.100 and 1983 c 123 s 11 are each amended to read
4 as follows:

5 (1) All new conveyance installations, relocations, or alterations
6 must be performed by a person, firm, or company to which a license to
7 install, relocate, or alter conveyances has been issued.

8 (2) The person or firm installing, relocating, or altering a
9 conveyance shall notify the department (~~in writing, at least seven~~
10 ~~days~~) before completion of the work, and shall subject the new, moved,
11 or altered portions of the conveyance to the acceptance tests.

12 ~~((2))~~ (3) All new, altered, or relocated conveyances for which a
13 permit has been issued, shall be inspected for compliance with the
14 requirements of this chapter by an authorized representative of the
15 department. The authorized representative shall also witness the test
16 specified.

17 **Sec. 6.** RCW 70.87.125 and 1983 c 123 s 10 are each amended to read
18 as follows:

19 (1) A license issued under this chapter may be suspended, revoked,
20 or subject to civil penalty by the department upon verification that
21 any one or more of the following reasons exist:

22 (a) Any false statement as to a material matter in the application;

23 (b) Fraud, misrepresentation, or bribery in securing a license;

24 (c) Failure to notify the department and the owner or lessee of an
25 elevator or related mechanisms of any condition not in compliance with
26 this chapter; and

27 (d) A violation of any provisions of this chapter.

28 (2) The department may suspend or revoke a permit if:

29 (a) The permit was obtained through fraud or by error if, in the
30 absence of error, the department would not have issued the permit;

31 (b) The conveyance for which the permit was issued has not been
32 constructed, installed, maintained, or repaired in accordance with the
33 requirements of this chapter; or

34 (c) The conveyance has become unsafe.

35 ~~((2))~~ (3) The department shall notify in writing the owner,
36 licensee, or person installing the conveyance, of its action and the
37 reason for the action. The department shall send the notice by

1 certified mail to the last known address of the owner or person. The
2 notice shall inform the owner or person that a hearing may be requested
3 pursuant to RCW 70.87.170.

4 ~~((+3))~~ (4)(a) If the department has suspended or revoked a permit
5 or license because of fraud or error, and a hearing is requested, the
6 suspension or revocation shall be stayed until the hearing is concluded
7 and a decision is issued.

8 (b) If the department has revoked or suspended a license because
9 the elevator personnel performing the work covered by this chapter is
10 working in a manner that does not effectively prevent injuries or
11 deaths or protect employees and the public from unsafe conditions as is
12 required by this chapter, the suspension or revocation is effective
13 immediately and shall not be stayed by a request for a hearing.

14 (c) If the department has revoked or suspended a permit because the
15 conveyance is unsafe or is not constructed, installed, maintained, or
16 repaired in accordance with this chapter, the suspension or revocation
17 is effective immediately and shall not be stayed by a request for a
18 hearing.

19 ~~((+4))~~ (5) The department must remove a suspension or reinstate a
20 revoked license if the licensee pays all the assessed civil penalties
21 and is able to demonstrate to the department that the licensee has met
22 all the qualifications established by this chapter.

23 (6) The department shall remove a suspension or reinstate a revoked
24 permit if a conveyance is repaired or modified to bring it into
25 compliance with this chapter.

26 **Sec. 7.** RCW 70.87.145 and 1983 c 123 s 15 are each amended to read
27 as follows:

28 (1) An authorized representative of the department may order the
29 owner or person operating a conveyance to discontinue the operation of
30 a conveyance, and may place a notice that states that the conveyance
31 may not be operated on a conspicuous place in the conveyance, if the
32 conveyance:

33 (a) Has not been constructed, installed, maintained, or repaired in
34 accordance with the requirements of this chapter; or

35 (b) Has otherwise become unsafe.

36 The order is effective immediately, and shall not be stayed by a
37 request for a hearing.

1 (2) The department shall prescribe a form for the order to
2 discontinue operation. The order shall specify why the conveyance
3 violates this chapter or is otherwise unsafe, and shall inform the
4 owner or operator that he or she may request a hearing pursuant to RCW
5 70.87.170. A request for a hearing does not stay the effect of the
6 order.

7 (3) The department shall rescind the order to discontinue operation
8 if the conveyance is fixed or modified to bring it into compliance with
9 this chapter.

10 (4) An owner or a person that knowingly operates or allows the
11 operation of a conveyance in contravention of an order to discontinue
12 operation, or removes a notice not to operate, is:

13 (a) Guilty of a misdemeanor; and

14 (b) Subject to a civil penalty under RCW 70.87.185.

15 (5) The department may conduct random on-site inspections and tests
16 on existing installations, witnessing periodic inspections and testing
17 in order to ensure satisfactory performance by licensed persons, firms,
18 or companies, and assist in development of public awareness programs.

19 **Sec. 8.** RCW 70.87.170 and 1983 c 123 s 16 are each amended to read
20 as follows:

21 (1) Any person aggrieved by an order or action of the department
22 denying, suspending, revoking, or refusing to renew a permit or
23 license; assessing a penalty for a violation of this chapter; or
24 ordering the operation of a conveyance to be discontinued, may request
25 a hearing within fifteen days after notice the department's order or
26 action is received. The date the hearing was requested shall be the
27 date the request for hearing was postmarked. The party requesting the
28 hearing must accompany the request with a certified or cashier's check
29 for two hundred dollars payable to the department. The department
30 shall refund the two hundred dollars if the party requesting the
31 hearing prevails at the hearing; otherwise, the department shall retain
32 the two hundred dollars.

33 If the department does not receive a timely request for hearing,
34 the department's order or action is final and may not be appealed.

35 (2) If the aggrieved party requests a hearing, the department shall
36 ask an administrative law judge to preside over the hearing. The
37 hearing shall be conducted in accordance with chapter 34.05 RCW.

1 **Sec. 9.** RCW 70.87.180 and 1983 c 123 s 17 are each amended to read
2 as follows:

3 (1) The construction, installation, relocation, alteration,
4 maintenance, or operation of a conveyance without a permit by any
5 person owning or having the custody, management, or operation thereof,
6 except as provided in RCW 70.87.080 and 70.87.090, is a misdemeanor.
7 Each day of violation is a separate offense. No prosecution may be
8 maintained where the issuance or renewal of a permit has been requested
9 but upon which no action has been taken by the department.

10 (2) The construction, installation, relocation, alteration,
11 maintenance, or operation of a conveyance without a license by any
12 person is a misdemeanor. Each day of violation is a separate offense.
13 No prosecution may be maintained where the issuance or renewal of a
14 license has been requested by an applicant but upon which no action has
15 been taken by the department.

16 NEW SECTION. Sec. 10. A new section is added to chapter 70.87 RCW
17 to read as follows:

18 No person shall erect, construct, wire, alter, replace, maintain,
19 remove, or dismantle any conveyance contained within a building or
20 structures within the jurisdiction of this state unless he or she has
21 an elevator mechanic license and the person is working under the direct
22 supervision of a person, firm, or company who has an elevator
23 contractors license pursuant to this chapter. A person, firm, or
24 company is not required to have an elevator contractors license for
25 removing or dismantling conveyances that are destroyed as a result of
26 a complete demolition of a secured building or structure or where the
27 building is demolished back to the basic support structure whereby no
28 access is permitted therein to endanger the safety and welfare of a
29 person.

30 NEW SECTION. Sec. 11. A new section is added to chapter 70.87 RCW
31 to read as follows:

32 The department may adopt the rules necessary to establish and
33 administer the elevator safety advisory committee. The purpose of the
34 advisory committee is to advise the department on the adoption of rules
35 that apply to conveyances; methods of enforcing and administering this
36 chapter; and matters of concern to the conveyance industry and to the
37 individual installers, owners, and users of conveyances. The advisory

1 committee consists of five persons appointed by the director of the
2 department or his or her designee with the advice of the chief elevator
3 inspector. The committee members shall serve four years.

4 The committee shall meet on the third Tuesday of February, May,
5 August, and November of each year, and at other times at the discretion
6 of the chief of the elevator section. The committee members shall
7 serve without per diem or travel expenses.

8 The chief elevator inspector shall be the secretary for the
9 advisory committee.

10 NEW SECTION. **Sec. 12.** A new section is added to chapter 70.87 RCW
11 to read as follows:

12 (1) Any person, firm, or company wishing to engage in the business
13 of installing, altering, servicing, replacing, or maintaining
14 elevators, dumbwaiters, escalators, or moving sidewalks within the
15 jurisdiction must make application for a license with the department on
16 a form provided by the department and be a registered general or
17 specialty contractor under chapter 18.27 RCW.

18 (2) Any person wishing to engage in installing, altering,
19 repairing, or servicing elevators, dumbwaiters, escalators, or moving
20 sidewalks within the jurisdiction must make application for a license
21 with the department on a form provided by the department.

22 (3) No elevator contractor license may be granted to any person or
23 firm who has not proven to possess the following qualifications:

24 (a) Five years' work experience in the elevator industry in
25 construction, maintenance, and service or repair, as verified by
26 current and previous elevator contractor licenses to do business; or

27 (b) Satisfactory completion of a written examination administered
28 by the department on this chapter and the rules adopted under this
29 chapter.

30 (4) No elevator mechanic license may be granted to any person who
31 has not proven to possess the following qualifications:

32 (a) An acceptable combination of documented experience and
33 education credits: Not less than three years' work experience in the
34 elevator industry, in construction, or maintenance and service or
35 repair, as verified by current and previous employers licensed to do
36 business in this state; and

1 (b) Satisfactory completion of a written examination administered
2 by the department on this chapter and the rules adopted under this
3 chapter.

4 (5) Any person who furnishes the department with acceptable proof
5 that he or she has worked as an elevator constructor, or as a
6 maintenance or repair person shall upon making application for a
7 license and paying the license fee is entitled to receive a license
8 without an examination. The person must have:

9 (a) Worked without direct and immediate supervision for an elevator
10 contractor licensed to do business in this state. This employment may
11 not be less than three years immediately before the effective date of
12 this act. The person must make application within one year of the
13 effective date of this act;

14 (b) Obtained a certificate of completion and successfully passed
15 the mechanic examination of a nationally recognized training program
16 for the elevator industry such as the national elevator industry
17 educational program or its equivalent; or

18 (c) Obtained a certificate of completion of an apprenticeship
19 program for an elevator mechanic, having standards substantially equal
20 to those of this chapter, and registered with the Washington state
21 apprenticeship and training council.

22 (6) A license must be issued to an individual holding a valid
23 license from a state having entered into a reciprocal agreement with
24 the department and having standards substantially equal to those of
25 this chapter, upon application and without examination.

26 NEW SECTION. Sec. 13. A new section is added to chapter 70.87 RCW
27 to read as follows:

28 (1) Upon approval of an application, the department may issue a
29 license that is biannually renewable. The fee for the license and for
30 any renewal shall be set by the department in rule.

31 (2) The department may issue temporary elevator mechanic licenses.
32 These temporary elevator mechanic licenses will be issued to those
33 certified as qualified and competent by licensed elevator contractors.
34 The company shall furnish proof of competency as the department may
35 require. Each license must recite that it is valid for a period of
36 thirty days from the date of issuance and for such particular elevators
37 or geographical areas as the department may designate, and otherwise
38 entitles the licensee to the rights and privileges of an elevator

1 mechanic license issued in this chapter. A temporary elevator mechanic
2 license must be renewed by the department and a fee as established in
3 rule must be charged for any temporary elevator mechanic license or
4 renewal.

5 (3) The renewal of all licenses granted under this section is
6 conditioned upon the submission of a certificate of completion of a
7 course designed to ensure the continuing education of licensees on new
8 and existing rules of the department. The course must consist of not
9 less than eight hours of instruction that must be attended and
10 completed within one year immediately preceding any license renewal.

11 (4) The courses must be taught by instructors through continuing
12 education providers that may include, but are not limited to,
13 association seminars and labor training programs. The department must
14 approve the continuing education providers. All instructors must be
15 approved by the department and are exempt from the requirements of
16 subsection (3) of this section with regard to his or her application
17 for license renewal, provided that such applicant was qualified as an
18 instructor at any time during the one year immediately preceding the
19 scheduled date for such renewal.

20 (5) A licensee who is unable to complete the continuing education
21 course required under this section before the expiration of his or her
22 license due to a temporary disability may apply for a waiver from the
23 department. This will be on a form provided by the department and
24 signed under the pains and penalties of perjury and accompanied by a
25 certified statement from a competent physician attesting to the
26 temporary disability. Upon the termination of the temporary
27 disability, the licensee must submit to the department a certified
28 statement from the same physician, if practicable, attesting to the
29 termination of the temporary disability. At which time a waiver
30 sticker, valid for ninety days, must be issued to the licensee and
31 affixed to his or her license.

32 (6) Approved training providers must keep uniform records, for a
33 period of ten years, of attendance of licensees and must be available
34 for inspection by the department at its request. Approved training
35 providers are responsible for the security of all attendance records
36 and certificates of completion. However, falsifying or knowingly
37 allowing another to falsify attendance records or certificates of
38 completion constitutes grounds for suspension or revocation of the
39 approval required under this section.

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 70.87 RCW
2 to read as follows:

3 This chapter cannot be construed to relieve or lessen the
4 responsibility or liability of any person, firm, or corporation owning,
5 operating, controlling, maintaining, erecting, constructing,
6 installing, altering, inspecting, testing, or repairing any elevator or
7 other related mechanisms covered by this chapter for damages to person
8 or property caused by any defect therein, nor does the state assume any
9 such liability or responsibility therefore or any liability to any
10 person for whatever reason whatsoever by the adoption of this chapter
11 or any acts or omissions arising hereunder.

 Passed the House February 19, 2002.

 Passed the Senate March 6, 2002.

 Approved by the Governor March 22, 2002.

 Filed in Office of Secretary of State March 22, 2002.