

HOUSE BILL REPORT

HB 2629

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to licensing elevator contractors and mechanics.

Brief Description: Regulating elevator contractors and mechanics.

Sponsors: Representatives Wood, Conway, Kenney, Dickerson and Lysen.

Brief History:

Committee Activity:

Commerce & Labor: 2/4/02, 2/7/02 [DPS].

Brief Summary of Substitute Bill

- Establishes licensing requirements for elevator mechanics and elevator contractors.
- Creates the elevator safety advisory committee.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Conway, Chair; Wood, Vice Chair; Kenney and Lysen.

Minority Report: Do not pass. Signed by 2 members: Representatives Clements, Ranking Minority Member; and Chandler.

Staff: Jill Reinmuth (786-7134); Chris Cordes (786-7103).

Background:

The Department of Labor and Industries (department) 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 of Substitute Bill:

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

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

In 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 bill's effective date and applied for an elevator mechanic license within one year of the bill'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.

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.

Substitute Bill Compared to Original Bill:

The substitute bill deletes the elevator safety account and deletes the requirement for funds received under the elevator chapter to be deposited in the elevator safety account instead of the state general fund.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is a product of the elevator industry trying to address safety concerns by developing a model elevator law that could be incorporated into existing state statutes. The purpose of this bill is to increase and promote elevator and conveyance safety awareness for those working on and using elevators. Ten other states have licensing for elevator mechanics and contractors and eight states are pursuing licensing. This bill accomplishes its goals by establishing minimum standards for the licensing of elevator contractors and mechanics and requiring continuing education. Elevator contractors and personnel performing work covered by this chapter must be familiar with the operations and safety functions of the components of the equipment covered by this chapter. There is a grandfather-clause for on the job training for people that have been working in the field already. A certificate of completion requirement makes sure the people know they are doing it right. Because the industry has made significant changes and improvements in safety procedures and policies, it has been over 15 years since the last fatality of an elevator constructor. Nonetheless, in the past two years, there have been two deaths involving workers lacking the proper training and experience. The industry does a good job with safety redundancy systems, but they are only as good as the operator using them. The dedicated account should be set up as it is for electrical and plumbing industries. A dedicated fund allows the department to know how much money is in the bank so they can react quickly and make sure they have enough employees to inspect the work. A few years ago safety inspections, which are supposed to occur every 12 months, were occurring every 22 months.

Testimony Against: None.

Testified: Representative Alex Wood, prime sponsor; Jim Bender, International Union of Elevator Constructors; Rod Kauffman, Building Owners and Managers Association; Jan Gould, Thyssenkrupp Elevator; and Dick King, International Brotherhood of Electrical Workers.