

SENATE BILL REPORT

SHB 2629

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, February 28, 2002

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

Brief Description: Regulating elevator contractors and mechanics.

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

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 2/27/02, 2/28/02 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Minority Report: Do not pass.

Signed by Senators Benton, Hochstatter and Honeyford.

Staff: Matthew Adams (786-7784)

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 of Bill: State laws governing conveyances are amended to: (1) establish licensing requirements for elevator mechanics and elevator contractors related to 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.

Licensing: Licensing requirements for elevator contractors and elevator mechanics are established. In order to become licensed, a person must have either worked a requisite

number of years in the business or completed a written examination. Certain persons are entitled to become licensed elevator mechanics without an examination.

The department 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.

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

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.

Suspension and Revocation: The department may suspend or revoke a license, or subject a licensee to civil penalties under certain circumstances. Notice and hearing requirements are established. 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.

Advisory Committee: A five member elevator safety advisory committee is established. The committee advises the department on rulemaking, enforcement, and administration, and other matters of concern to stakeholders. Members are appointed for four-year terms by the department director, with the advice of the chief elevator inspector, and do not receive compensation for per diem or travel expenses.

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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Elevators and escalators are sophisticated machinery. Injuries and fatalities have occurred because workers did not have appropriate qualifications and training to install, repair, or operate the conveyance. This bill represents the industry's best effort to address safety, training, and education concerns without impacting WISHA's jurisdiction.

Testimony Against: None.

Testified: Charles Val, IUEC Local 19; Jav Gould, Thyssen Krupp Elevator; Richard King, IBEW Local 46; Suzanne Mager, L&I.