
SUBSTITUTE HOUSE BILL 2629

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.

--- END ---