

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5942

Chapter 143, Laws of 2003

58th Legislature
2003 Regular Session

ELEVATOR CONTRACTORS

EFFECTIVE DATE: 5/7/03

Passed by the Senate April 22, 2003
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 17, 2003
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 7, 2003.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
certify that the attached is
**ENGROSSED SUBSTITUTE SENATE BILL
5942** as passed by the Senate and
the House of Representatives on
the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 7, 2003 - 3:17 p.m.

**Secretary of State
State of Washington**

1 and performing maintenance; (2) for a public agency performing
2 maintenance; or (3) under the direct supervision of ((a person, firm,
3 or company who has an elevator contractors [contractor] license
4 pursuant to this chapter)) an elevator contractor. A person, firm,
5 public agency, or company is not required to ((have an elevator
6 contractors [contractor] license)) be an elevator contractor for
7 removing or dismantling conveyances that are destroyed as a result of
8 a complete demolition of a secured building or structure or where the
9 building is demolished back to the basic support structure whereby no
10 access is permitted therein to endanger the safety and welfare of a
11 person.

12 **Sec. 2.** RCW 70.87.240 and 2002 c 98 s 12 are each amended to read
13 as follows:

14 (1) Any person, firm, public agency, or company wishing to engage
15 in the business of ((installing, altering, servicing, replacing, or
16 maintaining elevators, dumbwaiters, escalators, or moving sidewalks))
17 performing conveyance work within the ((jurisdiction)) state must
18 ((make application)) apply for ((a)) an elevator contractor license
19 with the department on a form provided by the department and be a
20 registered general or specialty contractor under chapter 18.27 RCW.

21 (2) Except as provided by section 4 of this act, any person wishing
22 to ((engage in installing, altering, repairing, or servicing elevators,
23 dumbwaiters, escalators, or moving sidewalks)) perform conveyance work
24 within the ((jurisdiction)) state must ((make application)) apply for
25 ((a)) an elevator mechanic license with the department on a form
26 provided by the department.

27 (3) ((No)) An elevator contractor license may not be granted to any
28 person or firm who ((has not proven to)) does not possess the following
29 qualifications:

30 (a) Five years' ((work)) experience ((in the elevator industry in
31 construction, maintenance, and service or repair)) performing
32 conveyance work, as verified by current and previous elevator
33 contractors ((licenses)) licensed to do business; or

34 (b) Satisfactory completion of a written examination administered
35 by the department on this chapter and the rules adopted under this
36 chapter.

1 (4) ~~((No))~~ Except as provided in subsection (5) of this section and
2 section 3 of this act, an elevator mechanic license may not be granted
3 to any person who ~~((has not proven to))~~ does not possess the following
4 qualifications:

5 (a) An acceptable combination of documented experience and
6 education credits: Not less than three years' ~~((work))~~ experience ~~((in~~
7 ~~the elevator industry, in construction, or maintenance and service or~~
8 ~~repair))~~ performing conveyance work, as verified by current and
9 previous employers licensed to do business in this state or public
10 agency employers; and

11 (b) Satisfactory completion of a written examination administered
12 by the department on this chapter and the rules adopted under this
13 chapter.

14 (5) Any person who furnishes the department with acceptable proof
15 that he or she has ~~((worked as an elevator constructor, or as a~~
16 ~~maintenance or repair person))~~ performed conveyance work in the
17 category for which a license is sought shall upon making application
18 for a license and paying the license fee ~~((is entitled to))~~ receive a
19 license without an examination. The person must have:

20 (a) Worked without direct and immediate supervision for ~~((an~~
21 ~~elevator contractor licensed to do business))~~ a general or specialty
22 contractor registered under chapter 18.27 RCW and engaged in the
23 business of performing conveyance work in this state. This employment
24 may not be less than each and all of the three years immediately before
25 ~~((June 13, 2002))~~ March 1, 2004. The person must ~~((make application~~
26 ~~within one year of June 13, 2002))~~ apply within ninety days after the
27 effective date of rules adopted under this chapter establishing
28 licensing requirements;

29 (b) Worked without direct and immediate supervision for an owner
30 exempt from licensing requirements under section 4 of this act or a
31 public agency as an individual responsible for maintenance of
32 conveyances owned by the owner exempt from licensing requirements under
33 section 4 of this act or the public agency. This employment may not be
34 less than each and all of the three years immediately before March 1,
35 2004. The person must apply within ninety days after the effective
36 date of rules adopted under this chapter establishing licensing
37 requirements;

1 (c) Obtained a certificate of completion and successfully passed
2 the mechanic examination of a nationally recognized training program
3 for the elevator industry such as the national elevator industry
4 educational program or its equivalent; or

5 ((+e)) (d) Obtained a certificate of completion of an
6 apprenticeship program for an elevator mechanic, having standards
7 substantially equal to those of this chapter, and registered with the
8 Washington state apprenticeship and training council.

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

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.87 RCW
14 to read as follows:

15 CATEGORIES OF LICENSURE. A material lift mechanic license to
16 perform conveyance work on material lifts subject to WAC 296-96-05010
17 may be granted to any person who possesses the following
18 qualifications:

19 (1) The person: (a) Must be employed by an elevator contractor
20 that complies with subsections (2) and (3) of this section; (b) must
21 have successfully completed the training described in subsection (2) of
22 this section; and (c) after successfully completing such training, must
23 have passed a written examination administered by the department that
24 is designed to demonstrate competency with regard to conveyance work on
25 material lifts;

26 (2) The employer must provide the persons specified in subsection
27 (1) of this section adequate training, including any training provided
28 by the manufacturer, ensuring worker safety and adherence to the
29 published operating specifications of the conveyance manufacturer; and

30 (3) The employer must maintain: (a) A conveyance work log
31 identifying the equipment, describing the conveyance work performed,
32 and identifying the person who performed the conveyance work; (b) a
33 training log describing the course of study applicable to each
34 conveyance and identifying each employee who has successfully completed
35 the training described in subsection (2) of this section and when such
36 training was completed; and (c) a record evidencing that the employer

1 has notified the conveyance owner in writing that the conveyance is not
2 designed to, is not intended to, and should not be used to convey
3 workers.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.87 RCW
5 to read as follows:

6 EXEMPTIONS FROM LICENSURE. (1) The licensing requirements of this
7 chapter do not apply to the maintenance of conveyances specified in (a)
8 of this subsection if a person specified in (b) of this subsection
9 performs the maintenance and the owner complies with the requirements
10 specified in (c) and (d) of this subsection.

11 (a) The conveyance: (i) Must be a conveyance other than a
12 passenger elevator to which the general public has access; and (ii)
13 must be located in a facility in which agricultural products are
14 stored, food products are processed, goods are manufactured, energy is
15 generated, or similar industrial or agricultural processes are
16 performed.

17 (b) The person performing the maintenance: (i) Must be regularly
18 employed by the owner; (ii) must have completed the training described
19 in (c) of this subsection; and (iii) must have attained journey level
20 status in an electrical or mechanical trade, but only if the employer
21 has or uses an established journey level program to train its
22 electrical or mechanical trade employees and the employees perform
23 maintenance in the course of their regular employment.

24 (c) The owner must provide the persons specified in (b) of this
25 subsection adequate training to ensure worker safety and adherence to
26 the published operating specifications of the conveyance manufacturer,
27 the applicable provisions of this chapter, and any rules adopted under
28 this chapter.

29 (d) The owner also must maintain both a maintenance log and a
30 training log. The maintenance log must describe maintenance work
31 performed on the conveyance and identify the person who performed the
32 work. The training log must describe the course of study provided to
33 the persons specified in (b) of this subsection, including whether it
34 is general or conveyance specific, and when the persons completed the
35 course of study.

36 (2) It is a violation of chapter 49.17 RCW for an owner or an
37 employer: (a) To allow a conveyance exempt from the licensing

1 requirements of this chapter under subsection (1) of this section to be
2 maintained by a person other than a person specified in subsection
3 (1)(b) of this section or a licensee; or (b) to fail to maintain the
4 logs required under subsection (1)(d) of this section.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.87 RCW
6 to read as follows:

7 In order to effectively administer and implement the elevator
8 mechanic licensing of this chapter, the department may establish
9 elevator mechanic license categories in rule.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.87 RCW
11 to read as follows:

12 The department of labor and industries may not adopt rules to
13 implement chapter 98, Laws of 2002, and to implement this act that take
14 effect before March 1, 2004.

15 **PART II - ADVISORY COMMITTEE**

16 **Sec. 7.** RCW 70.87.220 and 2002 c 98 s 11 are each amended to read
17 as follows:

18 (1) The department may adopt the rules necessary to establish and
19 administer the elevator safety advisory committee. The purpose of the
20 advisory committee is to advise the department on the adoption of rules
21 that apply to conveyances; methods of enforcing and administering this
22 chapter; and matters of concern to the conveyance industry and to the
23 individual installers, owners, and users of conveyances.

24 (2) The advisory committee shall consist(~~(s)~~) of (~~(five)~~) seven
25 persons (~~(appointed by)~~). The director of the department or his or her
26 designee with the advice of the chief elevator inspector shall appoint
27 the committee members as follows:

28 (a) One representative of licensed elevator contractors;

29 (b) One representative of elevator mechanics licensed to perform
30 all types of conveyance work;

31 (c) One representative of owner-employed mechanics exempt from
32 licensing requirements under section 4 of this act;

33 (d) One registered architect or professional engineer
34 representative;

1 (e) One building owner or manager representative;

2 (f) One registered general commercial contractor representative;

3 and

4 (g) One ad hoc member representing a municipality maintaining
5 jurisdiction of conveyances in accordance with RCW 70.87.210.

6 (3) The committee members shall serve terms of four years.

7 (4) The committee shall meet on the third Tuesday of February, May,
8 August, and November of each year, and at other times at the discretion
9 of the chief ~~((of the))~~ elevator ~~((section))~~ inspector. The committee
10 members shall serve without per diem or travel expenses.

11 (5) The chief elevator inspector shall be the secretary for the
12 advisory committee.

13 NEW SECTION. Sec. 8. A new section is added to chapter 70.87 RCW
14 to read as follows:

15 (1) The elevator safety advisory committee shall review this
16 chapter as it pertains to the regulation of private residence
17 conveyances. The advisory committee shall report its findings and
18 recommendations to the legislature by January 1, 2004. Until July 1,
19 2004, the licensing requirements of this chapter do not apply to
20 conveyance work on private residential conveyances if the person
21 performing the conveyance work is working at the direction of the
22 owner, and the owner resides in the residence at which the conveyance
23 is located. This section shall not be construed as modifying any other
24 requirements of this chapter applicable to private residential
25 conveyances.

26 (2) This section expires July 1, 2004.

27 **PART III - DEFINITIONS**

28 **Sec. 9.** RCW 70.87.010 and 2002 c 98 s 1 are each amended to read
29 as follows:

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

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

34 (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt

1 manlift, automobile parking elevator, moving walk, and other elevating
2 devices, as defined in this section;

3 (3) "Existing installations" means an installation defined as an
4 "installation, existing" in this chapter or in rules adopted under this
5 chapter;

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

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

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

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

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

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

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

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

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

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

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

37 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator

1 having a plunger or cylinder directly attached to the car frame or
2 platform;

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

6 (m) "Maintained-pressure hydraulic elevator" means a direct-plunger
7 elevator where liquid under pressure is available at all times for
8 transfer into the cylinder;

9 (n) "Roped hydraulic elevator" means a hydraulic elevator having
10 its plunger or piston connected to the car with wire ropes or
11 indirectly coupled to the car by means of wire ropes and sheaves;

12 (o) "Rack and pinion elevator" means a power elevator, with or
13 without a counterweight, that is supported, raised, and lowered by a
14 motor or motors that drive a pinion or pinions on a stationary rack
15 mounted in the hoistway;

16 (p) "Screw column elevator" means a power elevator having an
17 uncounterweighted car that is supported, raised, and lowered by means
18 of a screw thread;

19 (q) "Rooftop elevator" means a power passenger or freight elevator
20 that operates between a landing at roof level and one landing below and
21 opens onto the exterior roof level of a building through a horizontal
22 opening;

23 (r) "Special purpose personnel elevator" means an elevator that is
24 limited in size, capacity, and speed, and permanently installed in
25 structures such as grain elevators, radio antenna, bridge towers,
26 underground facilities, dams, power plants, and similar structures to
27 provide vertical transportation of authorized personnel and their tools
28 and equipment only;

29 (s) "Workmen's construction elevator" means an elevator that is not
30 part of the permanent structure of a building and is used to raise and
31 lower workers and other persons connected with, or related to, the
32 building project;

33 (t) "Boat launching elevator" means (~~an elevator, as defined by~~
34 ~~subsections (2) and (4) of this section,~~) a conveyance that serves a
35 boat launching structure and a beach or water surface and is used for
36 the carrying or handling of boats in which people ride;

37 (u) "Limited-use/limited-application elevator" means a power

1 passenger elevator where the use and application is limited by size,
2 capacity, speed, and rise, intended principally to provide vertical
3 transportation for people with physical disabilities;

4 (5) "Escalator" means a power-driven, inclined, continuous stairway
5 used for raising and lowering passengers;

6 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped
7 with a car (a) that moves in guides in a substantially vertical
8 direction, (b) the floor area of which does not exceed nine square
9 feet, (c) the inside height of which does not exceed four feet, (d) the
10 capacity of which does not exceed five hundred pounds, and (e) that is
11 used exclusively for carrying materials;

12 (7) "Automobile parking elevator" means an elevator: (a) Located
13 in either a stationary or horizontally moving hoistway; (b) used
14 exclusively for parking automobiles where, during the parking process,
15 each automobile is moved either under its own power or by means of a
16 power-driven transfer device onto and off the elevator directly into
17 parking spaces or cubicles in line with the elevator; and (c) in which
18 ((no)) persons are not normally stationed on any level except the
19 receiving level;

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

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

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

27 (11) "Director" means the director of the department or his or her
28 representative;

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

32 (13) "Permit" means a permit issued by the department: (a) To
33 ((construct, install,)) perform conveyance work, other than
34 maintenance; or (b) to operate a conveyance;

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

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

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

7 (17) "Material hoist" means a hoist that is not a part of a
8 permanent structure used to raise or lower materials during
9 construction, alteration, or demolition. It is not applicable to the
10 temporary use of permanently installed personnel elevators as material
11 hoists;

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

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

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

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

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

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

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

1 (25) "Elevator contractor" means any person, firm, or company that
2 possesses an elevator contractor license in accordance with this
3 chapter and who is engaged in the business of performing conveyance
4 work covered by this chapter;

5 (26) "Elevator mechanic" means any person who possesses an elevator
6 mechanic license in accordance with this chapter and who is engaged in
7 (~~erecting, constructing, installing, altering, serving [servicing],~~
8 ~~repairing, or maintaining elevators or related conveyances~~) performing
9 conveyance work covered by this chapter;

10 (~~(26)~~) (27) "License" means a written license, duly issued by the
11 department, authorizing a person, firm, or company to carry on the
12 business of (~~erecting, constructing, installing, altering, servicing,~~
13 ~~repairing, or maintaining elevators or related conveyances~~) performing
14 conveyance work or to perform conveyance work covered by this chapter;

15 (~~(27)~~) (28) "Elevator contractor license" means a license that is
16 issued to an elevator contractor who has met the qualification
17 requirements established in RCW 70.87.240;

18 (~~(28)~~) (29) "Elevator mechanic license" means a license that is
19 issued to a person who has met the qualification requirements
20 established in RCW 70.87.240;

21 (~~(29)~~) (30) "Licensee" means the elevator mechanic or elevator
22 contractor;

23 (31) "Conveyance work" means the alteration, construction,
24 dismantling, erection, installation, maintenance, relocation, and
25 wiring of a conveyance;

26 (32) "Alteration" means any change to equipment, including its
27 parts, components, and/or subsystems, other than maintenance, repair,
28 or replacement;

29 (33) "Maintenance" means a process of routine examination,
30 lubrication, cleaning, servicing, and adjustment of parts, components,
31 and/or subsystems for the purpose of ensuring performance in accordance
32 with this chapter. "Maintenance" includes repair and replacement, but
33 not alteration;

34 (34) "Repair" means the reconditioning or renewal of parts,
35 components, and/or subsystems necessary to keep equipment in compliance
36 with this chapter;

37 (35) "Replacement" means the substitution of a device, component,

1 and/or subsystem in its entirety with a unit that is basically the same
2 as the original for the purpose of ensuring performance in accordance
3 with this chapter;

4 (36) "Public agency" means a county, incorporated city or town,
5 municipal corporation, state agency, institution of higher education,
6 political subdivision, or other public agency and includes any
7 department, bureau, office, board, commission or institution of such
8 public entities;

9 (37) "Platform" means a rigid surface that is maintained in a
10 horizontal position at all times when in use, and upon which passengers
11 stand or a load is carried.

12 **PART IV - TECHNICAL AMENDMENTS**

13 **Sec. 10.** RCW 70.87.020 and 2002 c 98 s 2 are each amended to read
14 as follows:

15 (1) The purpose of this chapter is to provide for safety of life
16 and limb, to promote safety awareness, and to ensure the safe((~~7~~))
17 design, mechanical and electrical operation, ((~~erection, installation,~~
18 ~~alteration, maintenance, inspection, and repair of conveyances~~)) and
19 inspection of conveyances, and performance of conveyance work, and all
20 such operation, ((~~erection, installation, alteration,~~)) inspection, and
21 ((~~repair~~)) conveyance work subject to the provisions of this chapter
22 shall be reasonably safe to persons and property and in conformity with
23 the provisions of this chapter and the applicable statutes of the state
24 of Washington, and all orders, and rules of the department. The use of
25 unsafe and defective ((~~lifting devices~~)) conveyances imposes a
26 substantial probability of serious and preventable injury to employees
27 and the public exposed to unsafe conditions. The prevention of these
28 injuries and protection of employees and the public from unsafe
29 conditions is in the best interest of the people of this state.
30 ((~~Elevator~~)) Personnel performing work covered by this chapter must, by
31 documented training or experience or both, be familiar with the
32 operation and safety functions of the components and equipment.
33 Training and experience must include, but not be limited to,
34 recognizing the safety hazards and performing the procedures to which
35 ((~~they~~)) the personnel performing conveyance work covered by this

1 chapter are assigned in conformance with the requirements of (~~the~~
2 ~~{this}~~) this chapter. This chapter establishes the minimum standards
3 for (~~elevator~~) personnel performing conveyance work.

4 (2) This chapter is not intended to prevent the use of systems,
5 methods, or devices of equivalent or superior quality, strength, fire
6 resistance, code effectiveness, durability, and safety to those
7 required by this chapter, provided that there is technical
8 documentation to demonstrate the equivalency of the system, method, or
9 device, as prescribed in this chapter and the rules adopted under this
10 chapter.

11 (3) In any suit for damages allegedly caused by a failure or
12 malfunction of the conveyance, conformity with the rules of the
13 department is prima facie evidence that the (~~operation, erection,~~
14 ~~installation, alteration, maintenance, inspection, and repair of the~~)
15 conveyance work, operation, and inspection is reasonably safe to
16 persons and property.

17 **Sec. 11.** RCW 70.87.030 and 2002 c 98 s 3 are each amended to read
18 as follows:

19 The department shall adopt rules governing the mechanical and
20 electrical operation, (~~erection, installation, alterations,~~
21 ~~inspection,~~) acceptance tests, (~~and repair of conveyances~~)
22 conveyance work, operation, and inspection that are necessary and
23 appropriate and shall also adopt minimum standards governing existing
24 installations. In the execution of this rule-making power and before
25 the adoption of rules, the department shall consider the rules for
26 (~~the safe mechanical operation, erection, installation, alteration,~~
27 ~~inspection, and repair of conveyances~~) safe conveyance work,
28 operation, and inspection, including the American National Standards
29 Institute Safety Code for Personnel and Material Hoists, the American
30 Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters,
31 and Escalators, and any amendatory or supplemental provisions thereto.
32 The department by rule shall establish a schedule of fees to pay the
33 costs incurred by the department for the work related to administration
34 and enforcement of this chapter. Nothing in this chapter limits the
35 authority of the department to prescribe or enforce general or special
36 safety orders as provided by law.

1 The department may consult with: Engineering authorities and
2 organizations concerned with standard safety codes; rules and
3 regulations governing (~~the operation, maintenance, servicing,~~
4 ~~construction, alteration, installation, and/or inspection of elevators,~~
5 ~~dumbwaiters, and escalators, etcetera~~) conveyance work, operation, and
6 inspection; and the qualifications that are adequate, reasonable, and
7 necessary for the elevator mechanic, contractor, and inspector.

8 **Sec. 12.** RCW 70.87.050 and 2002 c 98 s 4 are each amended to read
9 as follows:

10 The (~~operation, erection, installation, alteration, maintenance,~~
11 ~~inspection, and repair~~) conveyance work on, and the operation and
12 inspection of any conveyance located in, or used in connection with,
13 any building owned by the state, a county, or a political subdivision,
14 other than those located within and owned by a city having an elevator
15 code, shall be under the jurisdiction of the department.

16 **Sec. 13.** RCW 70.87.060 and 1983 c 123 s 6 are each amended to read
17 as follows:

18 (1) The person (~~installing, relocating, or altering a~~), elevator
19 contractor, or public agency performing conveyance work is responsible
20 for (~~its~~) operation and maintenance of the conveyance until the
21 department has issued an operating permit for the conveyance, except
22 during the period when a limited operating permit in accordance with
23 RCW 70.87.090(2) is in effect, and is also responsible for all tests of
24 a new, relocated, or altered conveyance until the department has issued
25 an operating permit for the conveyance.

26 (2) The owner or his or her duly appointed agent shall be
27 responsible for the safe operation and proper maintenance of the
28 conveyance after the department has issued the operating permit and
29 also during the period of effectiveness of any limited operating permit
30 in accordance with RCW 70.87.090(2). The owner shall be responsible
31 for all periodic tests required by the department.

32 **Sec. 14.** RCW 70.87.080 and 1983 c 123 s 8 are each amended to read
33 as follows:

34 (1) (~~An installation~~) A permit shall be obtained from the

1 department before (~~erecting, installing, relocating, or altering~~)
2 performing work, other than maintenance, on a conveyance under the
3 jurisdiction of the department.

4 (2) The installer of the conveyance shall submit an application for
5 the permit in duplicate, in a form that the department may prescribe.

6 (3) The permit issued by the department shall be kept posted
7 conspicuously at the site of installation.

8 (4) (~~No~~) A permit is not required for (~~repairs and replacement~~
9 ~~normally necessary for maintenance and made with parts of equivalent~~
10 ~~materials, strength, and design~~) maintenance.

11 (5) After the effective date of rules adopted under this chapter
12 establishing licensing requirements, the department may issue a permit
13 for conveyance work only to an elevator contractor unless the permit is
14 for conveyance work on private residence conveyances. After July 1,
15 2004, the department may not issue a permit for conveyance work on
16 private residence conveyances to a person other than an elevator
17 contractor.

18 **Sec. 15.** RCW 70.87.100 and 2002 c 98 s 5 are each amended to read
19 as follows:

20 (1) All (~~new~~) conveyance installations, relocations, or
21 alterations must be performed by (~~a person, firm, or company to which~~
22 ~~a license to install, relocate, or alter conveyances has been issued~~)
23 an elevator contractor employing an elevator mechanic.

24 (2) The (~~person or firm installing, relocating, or altering a~~)
25 elevator contractor employing an elevator mechanic performing such
26 conveyance work shall notify the department before completion of the
27 work, and shall subject the new, moved, or altered portions of the
28 conveyance to the acceptance tests.

29 (3) All new, altered, or relocated conveyances for which a permit
30 has been issued, shall be inspected for compliance with the
31 requirements of this chapter by an authorized representative of the
32 department. The authorized representative shall also witness the test
33 specified.

34 **Sec. 16.** RCW 70.87.125 and 2002 c 98 s 6 are each amended to read
35 as follows:

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

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

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

6 (c) Failure to notify the department and the owner or lessee of
7 (~~an elevator~~) a conveyance or related mechanisms of any condition not
8 in compliance with this chapter; (~~and~~)

9 (d) A violation of any provisions of this chapter; and

10 (e) If the elevator contractor does not employ an individual
11 designated as the primary point of contact with the department and who
12 has successfully completed the elevator contractor examination. In the
13 case of a separation of employment, termination of this relationship or
14 designation, or death of the designated individual, the elevator
15 contractor must, within ninety days, designate a new individual who has
16 successfully completed the elevator contractor examination.

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

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

20 (b) The conveyance for which the permit was issued has not been
21 (~~constructed, installed, maintained, or repaired~~) worked on in
22 accordance with (~~the requirements of~~) this chapter; or

23 (c) The conveyance has become unsafe.

24 (3) The department shall suspend any license issued under this
25 chapter promptly after receiving notice from the department of social
26 and health services that the holder of the license has been certified
27 pursuant to RCW 74.20A.320 as a person who is not in compliance with a
28 support order. If the person has continued to meet all other license
29 requirements during the suspension, reissuance of the license shall be
30 automatic upon the department's receipt of a release issued by the
31 department of social and health services stating that the person is in
32 compliance with the order.

33 (4) The department shall notify in writing the owner, licensee, or
34 person (~~installing the conveyance~~) performing conveyance work, of its
35 action and the reason for the action. The department shall send the
36 notice by certified mail to the last known address of the owner or
37 person. The notice shall inform the owner or person that a hearing may
38 be requested pursuant to RCW 70.87.170.

1 ~~((4))~~ (5)(a) If the department has suspended or revoked a permit
2 or license because of fraud or error, and a hearing is requested, the
3 suspension or revocation shall be stayed until the hearing is concluded
4 and a decision is issued.

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

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

17 ~~((5))~~ (6) The department must remove a suspension or reinstate a
18 revoked license if the licensee pays all the assessed civil penalties
19 and is able to demonstrate to the department that the licensee has met
20 all the qualifications established by this chapter.

21 ~~((6))~~ (7) The department shall remove a suspension or reinstate
22 a revoked permit if a conveyance is repaired or modified to bring it
23 into compliance with this chapter.

24 **Sec. 17.** RCW 70.87.145 and 2002 c 98 s 7 are each amended to read
25 as follows:

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

31 (a) The conveyance work has not been ~~((constructed, installed,~~
32 ~~maintained, or repaired))~~ permitted and performed in accordance with
33 ~~((the requirements of))~~ this chapter; or

34 (b) The conveyance has otherwise become unsafe.
35 The order is effective immediately, and shall not be stayed by a
36 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~~) conveyance
18 work by persons, firms, or companies performing conveyance work, and
19 assist in development of public awareness programs.

20 **Sec. 18.** RCW 70.87.170 and 2002 c 98 s 8 are each amended to read
21 as follows:

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

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

36 (2) If the aggrieved party requests a hearing, the department shall

1 ask an administrative law judge to preside over the hearing. The
2 hearing shall be conducted in accordance with chapter 34.05 RCW.

3 **Sec. 19.** RCW 70.87.180 and 2002 c 98 s 9 are each amended to read
4 as follows:

5 (1) The ~~((construction, installation, relocation, alteration,~~
6 ~~maintenance, or))~~ performance of conveyance work, other than
7 maintenance, or the operation of a conveyance without a permit by any
8 person owning or having the custody, management, or operation thereof,
9 except as provided in RCW 70.87.080 and 70.87.090, is a misdemeanor.
10 Each day of violation is a separate offense. ~~((No))~~ A prosecution may
11 not be maintained ~~((where))~~ if a person has requested the issuance or
12 renewal of a permit ~~((has been requested but upon which no action has~~
13 ~~been taken by))~~ but the department has not acted.

14 (2) The ~~((construction, installation, relocation, alteration,~~
15 ~~maintenance, or operation of a conveyance))~~ performance of conveyance
16 work, other than the maintenance of conveyances as specified in section
17 4 of this act, without a license by any person is a misdemeanor. Each
18 day of violation is a separate offense. ~~((No))~~ A prosecution may not
19 be maintained ~~((where))~~ if a person has requested the issuance or
20 renewal of a license ~~((has been requested by an applicant but upon~~
21 ~~which no action has been taken by))~~ but the department has not acted.

22 **Sec. 20.** RCW 70.87.200 and 1983 c 123 s 22 are each amended to
23 read as follows:

24 (1) The provisions of this chapter do not apply where:

25 (a) A conveyance is permanently removed from service or made
26 effectively inoperative; or

27 (b) Lifts, man hoists, or material hoists are erected temporarily
28 for use during construction work only and are of such a design that
29 they must be operated by a workman stationed at the hoisting machine.

30 (2) Except as limited by RCW 70.87.050, municipalities having in
31 effect an elevator code prior to June 13, 1963 may continue to assume
32 jurisdiction over ~~((the operation, erection, installation, alteration,~~
33 ~~or repair of elevators, escalators, dumbwaiters, moving walks,~~
34 ~~manlifts, and parking elevators))~~ conveyance work and may inspect,
35 issue permits, collect fees, and prescribe minimum requirements for
36 ~~((the construction, design, use, and maintenance of conveyances))~~

1 conveyance work and operation if the requirements are equal to the
2 requirements of this chapter and to all rules pertaining to conveyances
3 adopted and administered by the department. Upon the failure of a
4 municipality having jurisdiction over conveyances to carry out the
5 provisions of this chapter with regard to a conveyance, the department
6 may assume jurisdiction over the conveyance. If a municipality elects
7 not to maintain jurisdiction over certain conveyances located therein,
8 it may enter into a written agreement with the department transferring
9 exclusive jurisdiction of the conveyances to the department. The city
10 may not reassume jurisdiction after it enters into such an agreement
11 with the department.

12 **Sec. 21.** RCW 70.87.250 and 2002 c 98 s 13 are each amended to read
13 as follows:

14 (1) Upon approval of an application, the department may issue a
15 license that is ((~~biannually~~ [~~biennially~~])) biennially renewable. The
16 fee for the license and for any renewal shall be set by the department
17 in rule.

18 (2) The department may issue temporary elevator mechanic licenses.
19 These temporary elevator mechanic licenses will be issued to those
20 certified as qualified and competent by licensed elevator contractors.
21 The company shall furnish proof of competency as the department may
22 require. Each license must recite that it is valid for a period of
23 thirty days from the date of issuance and for such particular
24 ((~~elevators~~)) conveyance or geographical areas as the department may
25 designate, and otherwise entitles the licensee to the rights and
26 privileges of an elevator mechanic license issued in this chapter. A
27 temporary elevator mechanic license ((~~must~~)) may be renewed by the
28 department and a fee as established in rule must be charged for any
29 temporary elevator mechanic license or renewal.

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

36 (4) The courses must be taught by instructors through continuing
37 education providers that may include, but are not limited to,

1 association seminars and labor training programs. The department must
2 approve the continuing education providers. All instructors must be
3 approved by the department and are exempt from the requirements of
4 subsection (3) of this section with regard to his or her application
5 for license renewal, provided that such applicant was qualified as an
6 instructor at any time during the one year immediately preceding the
7 scheduled date for such renewal.

8 (5) A licensee who is unable to complete the continuing education
9 course required under this section before the expiration of his or her
10 license due to a temporary disability may apply for a waiver from the
11 department. This will be on a form provided by the department and
12 signed under the pains and penalties of perjury and accompanied by a
13 certified statement from a competent physician attesting to the
14 temporary disability. Upon the termination of the temporary
15 disability, the licensee must submit to the department a certified
16 statement from the same physician, if practicable, attesting to the
17 termination of the temporary disability. At which time a waiver
18 sticker, valid for ninety days, must be issued to the licensee and
19 affixed to his or her license.

20 (6) Approved training providers must keep uniform records, for a
21 period of ten years, of attendance of licensees and these records must
22 be available for inspection by the department at its request. Approved
23 training providers are responsible for the security of all attendance
24 records and certificates of completion. However, falsifying or
25 knowingly allowing another to falsify attendance records or
26 certificates of completion constitutes grounds for suspension or
27 revocation of the approval required under this section.

28 **Sec. 22.** RCW 70.87.260 and 2002 c 98 s 14 are each amended to read
29 as follows:

30 This chapter cannot be construed to relieve or lessen the
31 responsibility or liability of any person, firm, or corporation owning,
32 operating, controlling, ~~((maintaining, erecting, constructing,~~
33 ~~installing, altering, inspecting, testing, or repairing any elevator))~~
34 testing, inspecting, or performing conveyance work on any conveyance
35 or other related mechanisms covered by this chapter for damages to
36 person or property caused by any defect therein, nor does the state

1 assume any such liability or responsibility therefore or any liability
2 to any person for whatever reason whatsoever by the adoption of this
3 chapter or any acts or omissions arising hereunder.

4 **PART V - EFFECTIVE DATE**

5 NEW SECTION. **Sec. 23.** Part headings and captions used in this act
6 are not any part of the law.

7 NEW SECTION. **Sec. 24.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

Passed by the Senate April 22, 2003.

Passed by the House April 17, 2003.

Approved by the Governor May 7, 2003.

Filed in Office of Secretary of State May 7, 2003.