
SUBSTITUTE SENATE BILL 5340

State of Washington

65th Legislature

2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators Keiser, Baumgartner, and Conway; by request of Department of Labor & Industries)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to class B elevator work permits; amending RCW
2 70.87.100; reenacting and amending RCW 70.87.010; and adding a new
3 section to chapter 70.87 RCW.

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

5 **Sec. 1.** RCW 70.87.010 and 2012 c 54 s 2 are each reenacted and
6 amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Advisory committee" means the elevator advisory committee as
10 described in this chapter.

11 (2) "Alteration" means any change to equipment, including its
12 parts, components, and/or subsystems, other than maintenance, repair,
13 or replacement. A major alteration is any alteration where the
14 national standards referenced in RCW 70.87.030 mandate witness
15 inspection and test requirements. A minor alteration is any
16 alteration that is not a major alteration.

17 (3) "Automobile parking elevator" means an elevator: (a) Located
18 in either a stationary or horizontally moving hoistway; (b) used
19 exclusively for parking automobiles where, during the parking
20 process, each automobile is moved either under its own power or by
21 means of a power-driven transfer device onto and off the elevator

1 directly into parking spaces or cubicles in line with the elevator;
2 and (c) in which persons are not normally stationed on any level
3 except the receiving level.

4 (4) "Belt manlift" means a power driven endless belt provided
5 with steps or platforms and a hand hold for the transportation of
6 personnel from floor to floor.

7 (5) "Casket lift" means a lift that (a) is installed at a
8 mortuary, (b) is designed exclusively for carrying of caskets, (c)
9 moves in guides in a basically vertical direction, and (d) serves two
10 or more floors or landings.

11 (6) "Class B elevator work" means:

12 (a) Minor alterations; or

13 (b) Installations of private residential stairway chair lifts.

14 (7) "Conveyance" means an elevator, escalator, dumbwaiter, belt
15 manlift, automobile parking elevator, moving walk, and other
16 elevating devices, as defined in this section.

17 (~~(7)~~) (8) "Conveyance work" means the alteration, construction,
18 dismantling, erection, installation, maintenance, relocation, and
19 wiring of a conveyance.

20 (~~(8)~~) (9) "Department" means the department of labor and
21 industries.

22 (~~(9)~~) (10) "Director" means the director of the department or
23 his or her representative.

24 (~~(10)~~) (11) "Dumbwaiter" means a hoisting and lowering
25 mechanism equipped with a car (a) that moves in guides in a
26 substantially vertical direction, (b) the floor area of which does
27 not exceed nine square feet, (c) the inside height of which does not
28 exceed four feet, (d) the capacity of which does not exceed five
29 hundred pounds, and (e) that is used exclusively for carrying
30 materials.

31 (~~(11)~~) (12) "Elevator" means a hoisting or lowering machine
32 equipped with a car or platform that moves in guides and serves two
33 or more floors or landings of a building or structure;

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

38 (b) "Freight elevator" means an elevator (i) used primarily for
39 carrying freight and (ii) on which only the operator, the persons

1 necessary for loading and unloading, and other employees approved by
2 the department are permitted to ride;

3 (c) "Sidewalk elevator" means a freight elevator that: (i)
4 Operates between a sidewalk or other area outside the building and
5 floor levels inside the building below the outside area, (ii) does
6 not have a landing opening into the building at its upper limit of
7 travel, and (iii) is not used to carry automobiles;

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

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

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

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

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

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

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

23 (k) "Direct-plunger hydraulic elevator" means a hydraulic
24 elevator having a plunger or cylinder directly attached to the car
25 frame or platform;

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

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

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

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

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

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

8 (r) "Special purpose personnel elevator" means an elevator that
9 is limited in size, capacity, and speed, and permanently installed in
10 structures such as grain elevators, radio antenna, bridge towers,
11 underground facilities, dams, power plants, and similar structures to
12 provide vertical transportation of authorized personnel and their
13 tools and equipment only;

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

18 (t) "Boat launching elevator" means a conveyance that serves a
19 boat launching structure and a beach or water surface and is used for
20 the carrying or handling of boats in which people ride;

21 (u) "Limited-use/limited-application elevator" means a power
22 passenger elevator where the use and application is limited by size,
23 capacity, speed, and rise, intended principally to provide vertical
24 transportation for people with physical disabilities.

25 ~~((12))~~ (13) "Elevator contractor" means any person, firm, or
26 company that possesses an elevator contractor license in accordance
27 with this chapter and who is engaged in the business of performing
28 conveyance work covered by this chapter.

29 ~~((13))~~ (14) "Elevator contractor license" means a license that
30 is issued to an elevator contractor who has met the qualification
31 requirements established in RCW 70.87.240.

32 ~~((14))~~ (15) "Elevator helper/apprentice" means a person who
33 works under the general direction of a licensed elevator mechanic. A
34 license is not required to be an elevator helper/apprentice.

35 ~~((15))~~ (16) "Elevator mechanic" means any person who possesses
36 an elevator mechanic license in accordance with this chapter and who
37 is engaged in performing conveyance work covered by this chapter.

38 ~~((16))~~ (17) "Elevator mechanic license" means a license that is
39 issued to a person who has met the qualification requirements
40 established in RCW 70.87.240.

1 ~~((17))~~ (18) "Employee" means any person employed by an elevator
2 contractor.

3 ~~((18))~~ (19) "Escalator" means a power-driven, inclined,
4 continuous stairway used for raising and lowering passengers.

5 ~~((19))~~ (20) "Existing installations" means an installation
6 defined as an "installation, existing" in this chapter or in rules
7 adopted under this chapter.

8 ~~((20))~~ (21) "Inspector" means an elevator inspector of the
9 department or an elevator inspector of a municipality having in
10 effect an elevator ordinance pursuant to RCW 70.87.200.

11 ~~((21))~~ (22) "License" means a written license, duly issued by
12 the department, authorizing a person, firm, or company to carry on
13 the business of performing conveyance work or to perform conveyance
14 work covered by this chapter.

15 ~~((22))~~ (23) "Licensee" means the elevator mechanic or elevator
16 contractor.

17 ~~((23))~~ (24) "Maintenance" means a process of routine
18 examination, lubrication, cleaning, servicing, and adjustment of
19 parts, components, and/or subsystems for the purpose of ensuring
20 performance in accordance with this chapter. "Maintenance" includes
21 repair and replacement, but not alteration.

22 ~~((24))~~ (25) "Material hoist" means a hoist that is not a part
23 of a permanent structure used to raise or lower materials during
24 construction, alteration, or demolition. It is not applicable to the
25 temporary use of permanently installed personnel elevators as
26 material hoists.

27 ~~((25))~~ (26) "Material lift" means a lift that (a) is
28 permanently installed, (b) is comprised of a car or platform that
29 moves in guides, (c) serves two or more floors or landings, (d)
30 travels in a vertical or inclined position, (e) is an isolated, self-
31 contained lift, (f) is not part of a conveying system, and (g) is
32 installed in a commercial or industrial area not accessible to the
33 general public or intended to be operated by the general public.

34 ~~((26))~~ (27) "Moving walk" means a passenger-carrying device (a)
35 on which passengers stand or walk and (b) on which the passenger-
36 carrying surface remains parallel to its direction of motion.

37 ~~((27))~~ (28) "One-man capacity manlift" means a single
38 passenger, hand-powered counterweighted device, or electric-powered
39 device, that travels vertically in guides and serves two or more
40 landings.

1 ~~((+28+))~~ (29) "Owner" means any person having title to or control
2 of a conveyance, as guardian, trustee, lessee, or otherwise.

3 ~~((+29+))~~ (30) "Permit" means a permit issued by the department:
4 (a) To perform conveyance work, other than maintenance; or (b) to
5 operate a conveyance.

6 ~~((+30+))~~ (31) "Person" means this state, a political subdivision,
7 any public or private corporation, any firm, or any other entity as
8 well as an individual.

9 ~~((+31+))~~ (32) "Personnel hoist" means a hoist that is not a part
10 of a permanent structure, is installed inside or outside buildings
11 during construction, alteration, or demolition, and used to raise or
12 lower workers and other persons connected with, or related to, the
13 building project. The hoist may also be used for transportation of
14 materials.

15 ~~((+32+))~~ (33) "Platform" means a rigid surface that is maintained
16 in a horizontal position at all times when in use, and upon which
17 passengers stand or a load is carried.

18 ~~((+33+))~~ (34) "Private residence conveyance" means a conveyance
19 installed in or on the premises of a single-family dwelling and
20 operated for transporting persons or property from one elevation to
21 another.

22 ~~((+34+))~~ (35) "Public agency" means a county, incorporated city
23 or town, municipal corporation, state agency, institution of higher
24 education, political subdivision, or other public agency and includes
25 any department, bureau, office, board, commission or institution of
26 such public entities.

27 ~~((+35+))~~ (36) "Repair" means the reconditioning or renewal of
28 parts, components, and/or subsystems necessary to keep equipment in
29 compliance with this chapter.

30 ~~((+36+))~~ (37) "Replacement" means the substitution of a device,
31 component, and/or subsystem in its entirety with a unit that is
32 basically the same as the original for the purpose of ensuring
33 performance in accordance with this chapter. Replacements of specific
34 components that require inspections and tests by the national
35 standards referenced in RCW 70.87.030 will be considered alterations.

36 ~~((+37+))~~ (38) "Single-occupancy farm conveyance" means a hand-
37 powered counterweighted single-occupancy conveyance that travels
38 vertically in a grain elevator and is located on a farm that does not
39 accept commercial grain.

1 (~~(38)~~) (39) "Stairway chair lift" means a lift that travels in
2 a basically inclined direction and is designed for use by individuals
3 with disabilities.

4 (~~(39)~~) (40) "Wheelchair lift" means a lift that travels in a
5 vertical or inclined direction and is designed for use by individuals
6 with disabilities.

7 (~~(40)~~) (41) "Whistleblower" means any employee who in good
8 faith reports practices or opposes practices that may violate the
9 provisions of this chapter or the rules promulgated hereunder, or of
10 the safety, installation, repair, or maintenance policies of his or
11 her employer. The term also means (a) an employee who is believed to
12 have reported such practices but who, in fact, has not reported such
13 practices or (b) an employee who has assisted in the reporting of
14 practices or has provided testimony or information in connection with
15 the reporting of practices.

16 (~~(41)~~) (42) "Workplace reprisal or retaliatory action" includes
17 actions such as discharge or in any manner discrimination against any
18 employee who has reported or filed any complaint or instituted or
19 caused to be instituted any proceeding under or related to this
20 chapter, or has testified or is about to testify in any such
21 proceeding or because of the exercise by such employee on behalf of
22 himself or herself or others of any right or responsibility afforded
23 by this chapter.

24 **Sec. 2.** RCW 70.87.100 and 2003 c 143 s 15 are each amended to
25 read as follows:

26 (1) All conveyance installations, relocations, or alterations
27 must be performed by an elevator contractor employing an elevator
28 mechanic.

29 (2) The elevator contractor employing an elevator mechanic
30 performing such conveyance work shall notify the department before
31 completion of the work, and shall subject the new, moved, or altered
32 portions of the conveyance to the acceptance tests.

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

38 (4) The department may issue class B elevator work permits for
39 the performance of class B elevator work without the requirement of a

1 witness inspection of the equipment before it is placed into
2 operation.

3 (a) Class B permitted alterations or private residential stairway
4 chair lift installations must be performed and tested, if required,
5 by a licensed elevator contractor using a licensed elevator mechanic.

6 (b) Class B permits may be purchased by a licensed elevator
7 contractor upon the effective date of this section. To maintain
8 eligibility to purchase class B permits, the department may require a
9 licensed elevator contractor to demonstrate competency in
10 consistently performing code compliant work for all alterations, as
11 specified by rule of the department.

12 (c) The department shall inspect class B work on a random basis,
13 as specified by rule of the department.

14 (d) The department may by rule establish fees for class B
15 permits.

16 NEW SECTION. Sec. 3. A new section is added to chapter 70.87
17 RCW to read as follows:

18 No later than July 1, 2018, the department must review, identify,
19 and rescind policies, bulletins, administrative rules, laws of
20 Washington, and other applicable authorities inconsistent with RCW
21 70.87.010(6) including, but not limited to, rescission of WAC
22 296-96-01006(2)(b) (i) and (ii).

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