

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2313

Chapter 137, Laws of 1998
(partial veto)

55th Legislature
1998 Regular Session

ELEVATORS AND OTHER CONVEYANCES--ENFORCEMENT

EFFECTIVE DATE: 6/11/98

Passed by the House February 2, 1998
Yeas 95 Nays 1

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 10, 1998
Yeas 37 Nays 10

BRAD OWEN
President of the Senate

Approved March 25, 1998, with the
exception of section 5, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2313** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 25, 1998 - 4:23 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2313

Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Boldt and Conway; by request of Department of Labor & Industries)

Read first time 01/29/98. Referred to Committee on .

1 AN ACT Relating to enforcement of the elevator and other
2 conveyances law; amending RCW 70.87.010, 70.87.030, 70.87.090, and
3 70.87.120; adding a new section to chapter 70.87 RCW; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 70.87.010 and 1997 c 216 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, ~~((or))~~ moving walk, ~~((all))~~ and
14 other elevating devices, as defined in this section;

15 (3) "Existing installations" means all conveyances for which plans
16 were completed and accepted by the owner, or for which the plans and
17 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;

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

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

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

12 (c) "Sidewalk elevator" means a freight elevator that: (i)
13 Operates between a sidewalk or other area outside the building and
14 floor levels inside the building below the outside area, (ii) has no
15 landing opening into the building at its upper limit of travel, and
16 (iii) is not used to carry automobiles;

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

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

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

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

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

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

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

32 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator
33 having a plunger or cylinder directly attached to the car frame or
34 platform;

35 (l) "Electro-hydraulic elevator" means a direct-plunger elevator
36 where liquid is pumped under pressure directly into the cylinder by a
37 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;

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 **Sec. 2.** RCW 70.87.030 and 1994 c 164 s 28 are each amended to read
26 as follows:

27 ~~((The department shall administer this chapter through the~~
28 ~~supervisor of building and construction safety inspection services.~~
29 ~~However, except for the new construction thereof, all hand powered~~
30 ~~elevators, belt manlifts, and one man capacity manlifts installed in or~~
31 ~~on grain elevators are the responsibility of the supervisor of~~
32 ~~industrial safety and health of the department.)) The department shall
33 adopt rules governing the mechanical and electrical operation,
34 erection, installation, alterations, inspection, acceptance tests, and
35 repair of conveyances that are necessary and appropriate and shall also
36 adopt minimum standards governing existing installations. In the
37 execution of this rule-making power and before the adoption of rules,
38 the department shall consider the rules for the safe mechanical~~

1 operation, erection, installation, alteration, inspection, and repair
2 of conveyances, including the American National Standards Institute
3 Safety Code for Personnel and Material Hoists, the American Society of
4 Mechanical Engineers Safety Code for Elevators, Dumbwaiters, and
5 Escalators, and any amendatory or supplemental provisions thereto. The
6 department by rule shall establish a schedule of fees to pay the costs
7 incurred by the department for the work related to administration and
8 enforcement of this chapter. Nothing in this chapter limits the
9 authority of the department to prescribe or enforce general or special
10 safety orders as provided by law.

11 **Sec. 3.** RCW 70.87.090 and 1983 c 123 s 9 are each amended to read
12 as follows:

13 (1) An operating permit is required for each conveyance operated in
14 the state of Washington except during its erection by the person or
15 firm responsible for its installation. A permit issued by the
16 department shall be kept conspicuously posted near the conveyance.

17 (2) The department may permit the temporary use of a conveyance
18 during its installation or alteration, under the authority of a limited
19 permit issued by the department for each class of service. Limited
20 permits shall be issued for a period not to exceed thirty days and may
21 be renewed at the discretion of the department. This limited-use
22 permit is to provide transportation for construction personnel, tools,
23 and materials only. Where a limited permit is issued, a notice bearing
24 the information that the equipment has not been finally approved shall
25 be conspicuously posted.

26 **Sec. 4.** RCW 70.87.120 and 1997 c 216 s 2 are each amended to read
27 as follows:

28 (1) The department shall appoint and employ inspectors, as may be
29 necessary to carry out the provisions of this chapter, under the
30 provisions of the rules adopted by the Washington personnel resources
31 board in accordance with chapter 41.06 RCW.

32 (2)(a) Except as provided in (b) of this subsection, the department
33 shall cause all conveyances to be inspected and tested at least once
34 each year. Inspectors have the right during reasonable hours to enter
35 into and upon any building or premises in the discharge of their
36 official duties, for the purpose of making any inspection or testing
37 any conveyance contained thereon or therein. Inspections and tests

1 shall conform with the rules adopted by the department. The department
2 shall inspect all installations before it issues any initial permit for
3 operation. Permits shall not be issued until the fees required by this
4 chapter have been paid.

5 (b)(i) Private residence conveyances operated exclusively for
6 single-family use shall be inspected and tested only when required
7 under RCW 70.87.100 or as necessary for the purposes of subsection (4)
8 of this section and shall be exempt from RCW 70.87.090 unless an annual
9 inspection and operating permit are requested by the owner.

10 (ii) The department may perform additional inspections of a private
11 residence conveyance at the request of the owner of the conveyance.
12 Fees for these inspections shall be in accordance with the schedule of
13 fees adopted for operating permits pursuant to RCW 70.87.030. An
14 inspection requested under this subsection (2)(b)(ii) shall not be
15 performed until the required fees have been paid.

16 (3) If inspection shows a conveyance to be in an unsafe condition,
17 the department shall issue an inspection report in writing requiring
18 the repairs or alterations to be made to the conveyance that are
19 necessary to render it safe and may also suspend or revoke a permit
20 pursuant to RCW 70.87.125 or order the operation of a conveyance
21 discontinued pursuant to RCW 70.87.145.

22 (a) A penalty may be assessed under RCW 70.87.185 for failure to
23 correct a violation within ninety days after the owner is notified in
24 writing of inspection results.

25 (b) The owner may be assessed a penalty under RCW 70.87.185 for
26 failure to submit official notification in writing to the department
27 that all corrections have been completed.

28 (4) The department may investigate accidents and alleged or
29 apparent violations of this chapter.

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

32 ***Any fee authorized under this chapter shall not be newly imposed or***
33 ***increased without prior legislative approval.***

34 ****Sec. 5 was vetoed. See message at end of chapter.***

Passed the House February 2, 1998.

Passed the Senate March 10, 1998.

Approved by the Governor March 25, 1998, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 25, 1998.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 5,
3 Engrossed Substitute House Bill No. 2313 entitled:

4 "AN ACT Relating to enforcement of the elevator and other
5 conveyances law;"

6 This bill assures uniform enforcement of safety standards for the
7 wide variety of elevators and other conveyances used by the public. It
8 will enhance both public and worker safety.

9 However, section 5 of ESHB 2313 would prohibit the Department of
10 Labor and Industries from imposing new fees or increasing fees for the
11 elevator inspection program without prior legislative approval, even
12 when necessary to maintain the solvency of the program. Such a
13 requirement would cause delays that could jeopardize public safety and
14 is unnecessary. The Legislature has included a proviso in the budget
15 which limits expenditures of the elevator program to a level that does
16 not exceed the revenues generated by the program. Furthermore, the
17 department is already restricted by Initiative 601 as to the amount the
18 fees can be increased.

19 For these reasons, I have vetoed section 5 of Engrossed Substitute
20 House Bill No. 2313.

21 With the exception of section 5, I am approving Engrossed
22 Substitute House Bill No. 2313."