

ESSB 5942 - H COMM AMD
By Committee on Commerce & Labor

1 Strike everything after the enacting clause and insert the
2 following:

3 **"PART I - LICENSING REQUIREMENTS**

4 **Sec. 1.** RCW 70.87.230 and 2002 c 98 s 10 are each amended to read
5 as follows:

6 ~~((No person shall erect, construct, wire, alter, replace, maintain,~~
7 ~~remove, or dismantle any conveyance contained within a building or~~
8 ~~structures within the jurisdiction of this)) Except as provided in
9 section 4 of this act, a person may not perform conveyance work within
10 the state unless he or she ((has)) is an elevator mechanic ((license
11 and the person)) who is regularly employed by and is working: (1) For
12 an owner exempt from licensing requirements under section 4 of this act
13 and performing maintenance; (2) for a public agency performing
14 maintenance; or (3) under the direct supervision of ((a person, firm,
15 or company who has an elevator contractors [contractor] license
16 pursuant to this chapter)) an elevator contractor. A person, firm,
17 public agency, or company is not required to ~~((have an elevator~~
18 ~~contractors [contractor] license)) be an elevator contractor for
19 removing or dismantling conveyances that are destroyed as a result of
20 a complete demolition of a secured building or structure or where the
21 building is demolished back to the basic support structure whereby no
22 access is permitted therein to endanger the safety and welfare of a
23 person.~~~~

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

26 (1) Any person, firm, public agency, or company wishing to engage
27 in the business of ~~((installing, altering, servicing, replacing, or~~
28 ~~maintaining elevators, dumbwaiters, escalators, or moving sidewalks))~~

1 performing conveyance work within the ((~~jurisdiction~~)) state must
2 ((~~make application~~)) apply for ((a)) an elevator contractor license
3 with the department on a form provided by the department and be a
4 registered general or specialty contractor under chapter 18.27 RCW.

5 (2) Except as provided by section 4 of this act, any person wishing
6 to ((~~engage in installing, altering, repairing, or servicing elevators,~~
7 ~~dumbwaiters, escalators, or moving sidewalks~~)) perform conveyance work
8 within the ((~~jurisdiction~~)) state must ((~~make application~~)) apply for
9 ((a)) an elevator mechanic license with the department on a form
10 provided by the department.

11 (3) ((~~No~~)) An elevator contractor license may not be granted to any
12 person or firm who ((~~has not proven to~~)) does not possess the following
13 qualifications:

14 (a) Five years' ((~~work~~)) experience ((~~in the elevator industry in~~
15 ~~construction, maintenance, and service or repair~~)) performing
16 conveyance work, as verified by current and previous elevator
17 contractors ((~~licenses~~)) licensed to do business; or

18 (b) Satisfactory completion of a written examination administered
19 by the department on this chapter and the rules adopted under this
20 chapter.

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

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

31 (b) Satisfactory completion of a written examination administered
32 by the department on this chapter and the rules adopted under this
33 chapter.

34 (5) Any person who furnishes the department with acceptable proof
35 that he or she has ((~~worked as an elevator constructor, or as a~~
36 ~~maintenance or repair person~~)) performed conveyance work in the

1 category for which a license is sought shall upon making application
2 for a license and paying the license fee (~~(is entitled to)~~) receive a
3 license without an examination. The person must have:

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

13 (b) Worked without direct and immediate supervision for an owner
14 exempt from licensing requirements under section 4 of this act or a
15 public agency as an individual responsible for maintenance of
16 conveyances owned by the owner exempt from licensing requirements under
17 section 4 of this act or the public agency. This employment may not be
18 less than each and all of the three years immediately before March 1,
19 2004. The person must apply within ninety days after the effective
20 date of rules adopted under this chapter establishing licensing
21 requirements;

22 (c) Obtained a certificate of completion and successfully passed
23 the mechanic examination of a nationally recognized training program
24 for the elevator industry such as the national elevator industry
25 educational program or its equivalent; or

26 (~~(e)~~) (d) Obtained a certificate of completion of an
27 apprenticeship program for an elevator mechanic, having standards
28 substantially equal to those of this chapter, and registered with the
29 Washington state apprenticeship and training council.

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

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

36 CATEGORIES OF LICENSURE. A material lift mechanic license to

1 perform conveyance work on material lifts subject to WAC 296-96-05010
2 may be granted to any person who possesses the following
3 qualifications:

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

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

15 (3) The employer must maintain: (a) A conveyance work log
16 identifying the equipment, describing the conveyance work performed,
17 and identifying the person who performed the conveyance work; (b) a
18 training log describing the course of study applicable to each
19 conveyance and identifying each employee who has successfully completed
20 the training described in subsection (2) of this section and when such
21 training was completed; and (c) a record evidencing that the employer
22 has notified the conveyance owner in writing that the conveyance is not
23 designed to, is not intended to, and should not be used to convey
24 workers.

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

27 EXEMPTIONS FROM LICENSURE. (1) The licensing requirements of this
28 chapter do not apply to the maintenance of conveyances specified in (a)
29 of this subsection if a person specified in (b) of this subsection
30 performs the maintenance and the owner complies with the requirements
31 specified in (c) and (d) of this subsection.

32 (a) The conveyance: (i) Must be a conveyance other than a
33 passenger elevator to which the general public has access; and (ii)
34 must be located in a facility in which agricultural products are
35 stored, food products are processed, goods are manufactured, energy is

1 generated, or similar industrial or agricultural processes are
2 performed.

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

10 (c) The owner must provide the persons specified in (b) of this
11 subsection adequate training to ensure worker safety and adherence to
12 the published operating specifications of the conveyance manufacturer,
13 the applicable provisions of this chapter, and any rules adopted under
14 this chapter.

15 (d) The owner also must maintain both a maintenance log and a
16 training log. The maintenance log must describe maintenance work
17 performed on the conveyance and identify the person who performed the
18 work. The training log must describe the course of study provided to
19 the persons specified in (b) of this subsection, including whether it
20 is general or conveyance specific, and when the persons completed the
21 course of study.

22 (2) It is a violation of chapter 49.17 RCW for an owner or an
23 employer: (a) To allow a conveyance exempt from the licensing
24 requirements of this chapter under subsection (1) of this section to be
25 maintained by a person other than a person specified in subsection
26 (1)(b) of this section or a licensee; or (b) to fail to maintain the
27 logs required under subsection (1)(d) of this section.

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

30 In order to effectively administer and implement the elevator
31 mechanic licensing of this chapter, the department may establish
32 elevator mechanic license categories in rule.

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

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

4 **PART II - ADVISORY COMMITTEE**

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

7 (1) The department may adopt the rules necessary to establish and
8 administer the elevator safety advisory committee. The purpose of the
9 advisory committee is to advise the department on the adoption of rules
10 that apply to conveyances; methods of enforcing and administering this
11 chapter; and matters of concern to the conveyance industry and to the
12 individual installers, owners, and users of conveyances.

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

- 17 (a) One representative of licensed elevator contractors;
- 18 (b) One representative of elevator mechanics licensed to perform
19 all types of conveyance work;
- 20 (c) One representative of owner-employed mechanics exempt from
21 licensing requirements under section 4 of this act;
- 22 (d) One registered architect or professional engineer
23 representative;
- 24 (e) One building owner or manager representative;
- 25 (f) One registered general commercial contractor representative;
26 and
- 27 (g) One ad hoc member representing a municipality maintaining
28 jurisdiction of conveyances in accordance with RCW 70.87.210.

29 (3) The committee members shall serve terms of four years.
30 (4) The committee shall meet on the third Tuesday of February, May,
31 August, and November of each year, and at other times at the discretion
32 of the chief (~~(of the)~~) elevator (~~(section)~~) inspector. The committee
33 members shall serve without per diem or travel expenses.

34 (5) The chief elevator inspector shall be the secretary for the
35 advisory committee.

- 1 (b) "Freight elevator" means an elevator (i) used primarily for
2 carrying freight and (ii) on which only the operator, the persons
3 necessary for loading and unloading, and other employees approved by
4 the department are permitted to ride;
- 5 (c) "Sidewalk elevator" means a freight elevator that: (i)
6 Operates between a sidewalk or other area outside the building and
7 floor levels inside the building below the outside area, (ii) (~~has~~
8 ~~no~~) does not have a landing opening into the building at its upper
9 limit of travel, and (iii) is not used to carry automobiles;
- 10 (d) "Hand elevator" means an elevator utilizing manual energy to
11 move the car;
- 12 (e) "Inclined elevator" means an elevator that travels at an angle
13 of inclination of seventy degrees or less from the horizontal;
- 14 (f) "Multideck elevator" means an elevator having two or more
15 compartments located one immediately above the other;
- 16 (g) "Observation elevator" means an elevator designed to permit
17 exterior viewing by passengers while the car is traveling;
- 18 (h) "Power elevator" means an elevator utilizing energy other than
19 gravitational or manual to move the car;
- 20 (i) "Electric elevator" means an elevator where the energy is
21 applied by means of an electric driving machine;
- 22 (j) "Hydraulic elevator" means an elevator where the energy is
23 applied by means of a liquid under pressure in a cylinder equipped with
24 a plunger or piston;
- 25 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator
26 having a plunger or cylinder directly attached to the car frame or
27 platform;
- 28 (l) "Electro-hydraulic elevator" means a direct-plunger elevator
29 where liquid is pumped under pressure directly into the cylinder by a
30 pump driven by an electric motor;
- 31 (m) "Maintained-pressure hydraulic elevator" means a direct-plunger
32 elevator where liquid under pressure is available at all times for
33 transfer into the cylinder;
- 34 (n) "Roped hydraulic elevator" means a hydraulic elevator having
35 its plunger or piston connected to the car with wire ropes or
36 indirectly coupled to the car by means of wire ropes and sheaves;

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

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

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

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

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

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

26 (u) "Limited-use/limited-application elevator" means a power
27 passenger elevator where the use and application is limited by size,
28 capacity, speed, and rise, intended principally to provide vertical
29 transportation for people with physical disabilities;

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

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

- 1 (7) "Automobile parking elevator" means an elevator: (a) Located
2 in either a stationary or horizontally moving hoistway; (b) used
3 exclusively for parking automobiles where, during the parking process,
4 each automobile is moved either under its own power or by means of a
5 power-driven transfer device onto and off the elevator directly into
6 parking spaces or cubicles in line with the elevator; and (c) in which
7 ~~((no))~~ persons are not normally stationed on any level except the
8 receiving level;
- 9 (8) "Moving walk" means a passenger carrying device (a) on which
10 passengers stand or walk and (b) on which the passenger carrying
11 surface remains parallel to its direction of motion;
- 12 (9) "Belt manlift" means a power driven endless belt provided with
13 steps or platforms and a hand hold for the transportation of personnel
14 from floor to floor;
- 15 (10) "Department" means the department of labor and industries;
- 16 (11) "Director" means the director of the department or his or her
17 representative;
- 18 (12) "Inspector" means an elevator inspector of the department or
19 an elevator inspector of a municipality having in effect an elevator
20 ordinance pursuant to RCW 70.87.200;
- 21 (13) "Permit" means a permit issued by the department: (a) To
22 ~~((construct, install,))~~ perform conveyance work, other than
23 maintenance; or (b) to operate a conveyance;
- 24 (14) "Person" means this state, a political subdivision, any public
25 or private corporation, any firm, or any other entity as well as an
26 individual;
- 27 (15) "One-man capacity manlift" means a single passenger, hand-
28 powered counterweighted device, or electric-powered device, that
29 travels vertically in guides and serves two or more landings;
- 30 (16) "Private residence conveyance" means a conveyance installed in
31 or on the premises of a single-family dwelling and operated for
32 transporting persons or property from one elevation to another;
- 33 (17) "Material hoist" means a hoist that is not a part of a
34 permanent structure used to raise or lower materials during
35 construction, alteration, or demolition. It is not applicable to the
36 temporary use of permanently installed personnel elevators as material
37 hoists;

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

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

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

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

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

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

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

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

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

1 ~~((+26+))~~ (27) "License" means a written license, duly issued by the
2 department, authorizing a person, firm, or company to carry on the
3 business of (~~erecting, constructing, installing, altering, servicing,~~
4 ~~repairing, or maintaining elevators or related conveyances~~) performing
5 conveyance work or to perform conveyance work covered by this chapter;
6 ~~((+27+))~~ (28) "Elevator contractor license" means a license that is
7 issued to an elevator contractor who has met the qualification
8 requirements established in RCW 70.87.240;
9 ~~((+28+))~~ (29) "Elevator mechanic license" means a license that is
10 issued to a person who has met the qualification requirements
11 established in RCW 70.87.240;
12 ~~((+29+))~~ (30) "Licensee" means the elevator mechanic or elevator
13 contractor;
14 (31) "Conveyance work" means the alteration, construction,
15 dismantling, erection, installation, maintenance, relocation, and
16 wiring of a conveyance;
17 (32) "Alteration" means any change to equipment, including its
18 parts, components, and/or subsystems, other than maintenance, repair,
19 or replacement;
20 (33) "Maintenance" means a process of routine examination,
21 lubrication, cleaning, servicing, and adjustment of parts, components,
22 and/or subsystems for the purpose of ensuring performance in accordance
23 with this chapter. "Maintenance" includes repair and replacement, but
24 not alteration;
25 (34) "Repair" means the reconditioning or renewal of parts,
26 components, and/or subsystems necessary to keep equipment in compliance
27 with this chapter;
28 (35) "Replacement" means the substitution of a device, component,
29 and/or subsystem in its entirety with a unit that is basically the same
30 as the original for the purpose of ensuring performance in accordance
31 with this chapter;
32 (36) "Public agency" means a county, incorporated city or town,
33 municipal corporation, state agency, institution of higher education,
34 political subdivision, or other public agency and includes any
35 department, bureau, office, board, commission or institution of such
36 public entities;

1 documentation to demonstrate the equivalency of the system, method, or
2 device, as prescribed in this chapter and the rules adopted under this
3 chapter.

4 (3) In any suit for damages allegedly caused by a failure or
5 malfunction of the conveyance, conformity with the rules of the
6 department is prima facie evidence that the (~~operation, erection,~~
7 ~~installation, alteration, maintenance, inspection, and repair of the~~)
8 conveyance work, operation, and inspection is reasonably safe to
9 persons and property.

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

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

30 The department may consult with: Engineering authorities and
31 organizations concerned with standard safety codes; rules and
32 regulations governing (~~the operation, maintenance, servicing,~~
33 ~~construction, alteration, installation, and/or inspection of elevators,~~
34 ~~dumbwaiters, and escalators, etcetera~~) conveyance work, operation, and
35 inspection; and the qualifications that are adequate, reasonable, and
36 necessary for the elevator mechanic, contractor, and inspector.

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

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

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

11 (1) The person (~~installing, relocating, or altering a~~), elevator
12 contractor, or public agency performing conveyance work is responsible
13 for (~~its~~) operation and maintenance of the conveyance until the
14 department has issued an operating permit for the conveyance, except
15 during the period when a limited operating permit in accordance with
16 RCW 70.87.090(2) is in effect, and is also responsible for all tests of
17 a new, relocated, or altered conveyance until the department has issued
18 an operating permit for the conveyance.

19 (2) The owner or his or her duly appointed agent shall be
20 responsible for the safe operation and proper maintenance of the
21 conveyance after the department has issued the operating permit and
22 also during the period of effectiveness of any limited operating permit
23 in accordance with RCW 70.87.090(2). The owner shall be responsible
24 for all periodic tests required by the department.

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

27 (1) (~~An installation~~) A permit shall be obtained from the
28 department before (~~erecting, installing, relocating, or altering~~)
29 performing work, other than maintenance, on a conveyance under the
30 jurisdiction of the department.

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

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

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

4 (5) After the effective date of rules adopted under this chapter
5 establishing licensing requirements, the department may issue a permit
6 for conveyance work only to an elevator contractor unless the permit is
7 for conveyance work on private residence conveyances. After July 1,
8 2004, the department may not issue a permit for conveyance work on
9 private residence conveyances to a person other than an elevator
10 contractor.

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

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

17 (2) The ~~((person or firm installing, relocating, or altering a))~~
18 elevator contractor employing an elevator mechanic performing such
19 conveyance work shall notify the department before completion of the
20 work, and shall subject the new, moved, or altered portions of the
21 conveyance to the acceptance tests.

22 (3) All new, altered, or relocated conveyances for which a permit
23 has been issued, shall be inspected for compliance with the
24 requirements of this chapter by an authorized representative of the
25 department. The authorized representative shall also witness the test
26 specified.

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

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

- 32 (a) Any false statement as to a material matter in the application;
- 33 (b) Fraud, misrepresentation, or bribery in securing a license;
- 34 (c) Failure to notify the department and the owner or lessee of

1 ((an elevator)) a conveyance or related mechanisms of any condition not
2 in compliance with this chapter; ((and))

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

4 (e) If the elevator contractor does not employ an individual
5 designated as the primary point of contact with the department and who
6 has successfully completed the elevator contractor examination. In the
7 case of a separation of employment, termination of this relationship or
8 designation, or death of the designated individual, the elevator
9 contractor must, within ninety days, designate a new individual who has
10 successfully completed the elevator contractor examination.

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

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

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

17 (c) The conveyance has become unsafe.

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

27 (4) The department shall notify in writing the owner, licensee, or
28 person ((installing the conveyance)) performing conveyance work, of its
29 action and the reason for the action. The department shall send the
30 notice by certified mail to the last known address of the owner or
31 person. The notice shall inform the owner or person that a hearing may
32 be requested pursuant to RCW 70.87.170.

33 ((+4)) (5)(a) If the department has suspended or revoked a permit
34 or license because of fraud or error, and a hearing is requested, the
35 suspension or revocation shall be stayed until the hearing is concluded
36 and a decision is issued.

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

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

13 ~~((+5))~~ (6) The department must remove a suspension or reinstate a
14 revoked license if the licensee pays all the assessed civil penalties
15 and is able to demonstrate to the department that the licensee has met
16 all the qualifications established by this chapter.

17 ~~((+6))~~ (7) The department shall remove a suspension or reinstate
18 a revoked permit if a conveyance is repaired or modified to bring it
19 into compliance with this chapter.

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

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

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

30 (b) The conveyance has otherwise become unsafe.
31 The order is effective immediately, and shall not be stayed by a
32 request for a hearing.

33 (2) The department shall prescribe a form for the order to
34 discontinue operation. The order shall specify why the conveyance
35 violates this chapter or is otherwise unsafe, and shall inform the

1 owner or operator that he or she may request a hearing pursuant to RCW
2 70.87.170. A request for a hearing does not stay the effect of the
3 order.

4 (3) The department shall rescind the order to discontinue operation
5 if the conveyance is fixed or modified to bring it into compliance with
6 this chapter.

7 (4) An owner or a person that knowingly operates or allows the
8 operation of a conveyance in contravention of an order to discontinue
9 operation, or removes a notice not to operate, is:

10 (a) Guilty of a misdemeanor; and

11 (b) Subject to a civil penalty under RCW 70.87.185.

12 (5) The department may conduct random on-site inspections and tests
13 on existing installations, witnessing periodic inspections and testing
14 in order to ensure satisfactory (~~performance by licensed~~) conveyance
15 work by persons, firms, or companies performing conveyance work, and
16 assist in development of public awareness programs.

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

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

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

33 (2) If the aggrieved party requests a hearing, the department shall
34 ask an administrative law judge to preside over the hearing. The
35 hearing shall be conducted in accordance with chapter 34.05 RCW.

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

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

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

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

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

23 (a) A conveyance is permanently removed from service or made
24 effectively inoperative; or

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

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

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

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

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

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

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

34 (4) The courses must be taught by instructors through continuing
35 education providers that may include, but are not limited to,
36 association seminars and labor training programs. The department must

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

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

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

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

29 This chapter cannot be construed to relieve or lessen the
30 responsibility or liability of any person, firm, or corporation owning,
31 operating, controlling, ~~((maintaining, erecting, constructing,~~
32 ~~installing, altering, inspecting, testing, or repairing any elevator))~~
33 testing, inspecting, or performing conveyance work on any conveyance
34 or other related mechanisms covered by this chapter for damages to
35 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."

11 Correct the title.

--- END ---