

# HOUSE BILL REPORT

## HB 2624

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### As Reported by House Committee On:

Commerce & Labor

**Title:** An act relating to providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work.

**Brief Description:** Providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work.

**Sponsors:** Representatives Wood and Condotta; by request of Department of Labor & Industries.

### Brief History:

#### Committee Activity:

Commerce & Labor: 1/22/04 [DP].

#### Brief Summary of Bill

- Requires the Department of Labor and Industries to adopt rules establishing licensing requirements for work on private residence conveyances, and exempting from licensing certain maintenance work on such conveyances.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 8 members: Representatives Conway, Chair; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse, Holmquist, Hudgins, Kenney and McCoy.

**Staff:** Jill Reinmuth (786-7134).

### Background:

With the advice of the Elevator Safety Advisory Committee (Advisory Committee), the Department of Labor and Industries (Department) administers and enforces state laws relating to conveyances such as elevators and escalators. The Department performs safety inspections and issues operating permits. In 2004, the Department will begin

licensing elevator contractors and mechanics.

Legislation enacted in 2003 amended state laws relating to licensing requirements for elevator contractors and mechanics. Parts of this legislation dealt with how these requirements apply to work on private residence conveyances. Work on private residence conveyances was made exempt from licensing requirements until July 1, 2004, but only if: (1) the work is performed at the direction of the owner; and (2) the owner resides in the residence. The Advisory Committee was required to review state laws pertaining to private residence conveyances, and to report its findings and recommendations to the Legislature by January 1, 2004.

The Advisory Committee made the following recommendations:

- Licensing requirements should be established for private residence conveyances, and the Department should be authorized to establish these requirements in rule.
- Maintenance work performed by an owner or at the direction of the owner should be exempt from licensing if the owner resides in the residence and the conveyance is not accessible to the general public.
- The Legislature should consider providing the Department with additional resources to effectively ensure private residence conveyance owners know their legal responsibilities.

The Advisory Committee also noted that, if changes are not made to state law relating to private residence conveyances, individuals working on such conveyances would be required to be licensed as an elevator mechanic and employed by a licensed elevator contractor as of July 1, 2004.

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**Summary of Bill:**

The Department of Labor and Industries must adopt rules establishing licensing requirements for work on private residence conveyances. The rules must exempt from licensing maintenance work performed by an owner or at the direction of the owner if the owner resides in the residence and the conveyance is not accessible to the general public. The rules take effect July 1, 2004.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill

is passed.

**Testimony For:** When legislation relating to conveyances was enacted last year, maintenance work on private residence conveyances was an outstanding issue. Last year's legislation directed the Elevator Safety Advisory Committee to study this issue. This year's bill is the result of that process.

This year's bill ensures that the Department of Labor and Industries can develop appropriate standards for these types of conveyances. Rule-making will give stakeholders an even greater opportunity for participation. It provides a balanced solution.

Last year's legislation would have created an undue burden and an undue hardship for some businesses and their customers. It could have been harmful both to the industry, but especially to the people who need accessibility equipment. This year's bill will allow paralyzed veterans to stay in their homes and out of institutions. This is common sense.

We have some concern about delegating rule-making authority to the Department because we do not know what the rules will say and time is short. We have mixed emotions, but in lieu of last year's legislation, this is the best alternative.

If this year's bill is not passed, the law will snap back and even more restrictive provisions will apply to private residence conveyances. Some companies that perform maintenance work will go out of business.

The Department thinks of adult family homes and boarding homes as commercial facilities. Conveyances in such facilities are not private residence conveyances.

**Testimony Against:** None.

**Persons Testifying:** Representative Wood, prime sponsor; Doty Stanlaske and Josh Swanson, Department of Labor and Industries; Skip Dreps, Paralyzed Veterans of America; Bill Watson, City of Seattle; James Bender, International Union of Elevator Constructors Local 19; Bob McLaughlin, homeowner; Eric Hamilton, Hillside Elevator; Scott Sprague, Accumar; and Bill Morrell, Adaptive Installations.

**Persons Signed In To Testify But Not Testifying:** None.