

HOUSE BILL REPORT

ESSB 5942

As Reported by House Committee On:

Commerce & Labor

Title: An act relating to licensing requirements for elevator mechanics and contractors.

Brief Description: Concerning licensing requirements for elevator mechanics and contractors.

Sponsors: Senate Committee on Commerce & Trade (originally sponsored by Senators Reardon, Hewitt, Prentice and Honeyford).

Brief History:

Committee Activity:

Commerce & Labor: 3/24/03, 4/2/03 [DPA].

Brief Summary of Engrossed Substitute Bill (As Amended by House Committee)

- Exempts maintenance work on certain conveyances from elevator permitting and licensing requirements.
- Permits persons who meet certain criteria to become licensed elevator mechanics without examination.
- Permits persons who meet other criteria to become licensed material lift mechanics.
- Specifies the members of the elevator advisory committee.
- Exempts work on private residence conveyances from licensing requirements for a specified period.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse, Holmquist, Hudgins and McCoy.

Staff: Jill Reinmuth (786-7134).

Background:

The Department of Labor and Industries (L&I) administers and enforces state laws providing for the safe operation, installation, inspection, and repair of publicly and privately owned elevators, escalators, and other similar conveyances. In general these laws require owners to obtain installation permits from the L&I before conveyances are built, installed, moved, or altered. These laws also require owners to obtain operating permits for conveyances. The L&I must annually inspect and test conveyances. Consistent with its responsibility to administer and enforce these laws, the L&I has adopted rules and established fees for permits and inspections.

In 2002 the Legislature enacted legislation establishing licensing requirements for elevator contractors and mechanics, creating the elevator safety advisory committee, and prescribing penalties. Since then the L&I has begun preparing to implement this legislation.

Summary of Amended Bill:

State laws establishing licensing requirements for elevator contractors and mechanics, and creating the Elevator Safety Advisory Committee are modified as follows.

Licensing

Certain persons are subject to different criteria for becoming licensed as elevator mechanics.

To become licensed as an elevator mechanic without examination, a person must have performed elevator construction or maintenance work for a conveyance owner or a public agency for at least three years before March 1, 2004.

To become licensed as a material lift mechanic, a person must be employed by an elevator contractor, have completed safety training, and passed a written competency exam. The employer must provide such a person with training to ensure safety and adherence to the manufacturer's operating specifications. The owner must maintain maintenance logs and training logs, and a record evidencing that the employer gave the conveyance owner written notice that the conveyance is not for conveying workers.

Exemption

Maintenance work on certain conveyances is exempt from elevator permitting and elevator contractor and mechanic licensing requirements.

To be exempt from these requirements, maintenance work on conveyances in agricultural,

food, processing, energy, and manufacturing facilities must meet the following criteria. The conveyance must not be a public passenger elevator. The person performing maintenance work must be an employee who has completed safety training and has attained journey level status. The owner must provide such persons with training to ensure safety and adherence to the manufacturer's operating specifications. The owner must also maintain maintenance logs and training logs. Allowing an unqualified person to perform maintenance work is a violation of the Washington Industrial Safety and Health Act (WISHA). Likewise, failing to maintain the logs is a violation of the WISHA.

To be exempt from these requirements, maintenance work on private residence conveyances must meet the following criteria. The maintenance work must be performed at the direction of the owner, and the owner must reside in the residence. This exemption expires July 1, 2004.

Advisory Committee

Advisory committee members are increased from five to seven. Advisory committee members must include:

- An elevator contractor;
- a licensed elevator mechanic;
- an elevator mechanic exempt from licensing;
- a building owner or manager;
- a general contractor;
- an architect or engineer; and
- a representative of a municipality.

The advisory committee must review state elevator laws pertaining to private residence conveyances, and report its findings and recommendations to the Legislature by January 1, 2004.

Other Provisions

The L&I must suspend an elevator contractor and/or mechanic license after receiving notice from the Department of Social and Health Services (DSHS) that the licensee is not in compliance with a support order. The L&I must automatically reissue the license upon receipt of a release from the DSHS stating that the licensee is in compliance.

Additional terms are defined, including "conveyance work," "alteration," "repair," "replacement," "maintenance," "elevator contractor," and "public agency." Numerous other technical changes are made.

Amended Bill Compared to Engrossed Substitute Bill:

An exemption from licensing for persons installing or owning certain material lifts is stricken. Criteria for becoming licensed as a material lift mechanic are established.

The members of the advisory committee are changed. The following are added: an owner-employed elevator mechanic exempt from licensing, a building owner or manager, and a general contractor. The following are deleted: an employer whose agricultural or industrial facilities use conveyances; an employee with five or more years experience repairing or maintaining such conveyances; and a manufacturer.

The date by which certain persons may qualify to become licensed without examination is changed from July 1, 2004, to March 1, 2004. The date after which rules may be adopted is also changed from July 1, 2004, to March 1, 2004. Numerous technical changes are made.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (ESSB 5942, hearing on 3/24/03) Last year's bill went too far. It took maintenance work away from company employees and gave it to elevator contractor employees. These companies and their employees have maintained conveyances in their industrial plants for years. Their safety record and their training should be recognized.

This bill takes a narrow, corrective course. It only deals with routine maintenance. It helps keep family wage jobs in rural communities.

This bill also allows public agencies to continue performing maintenance work on conveyances. Otherwise, employees will be laid off and public agencies will incur additional costs.

The grandfather clause is a short-term solution, but is not wholly satisfactory. Something longer-term is needed.

(Striking amendment, hearing on 4/2/03) We encourage you to give the striking amendment favorable consideration. There is one small concern about the L&I's rule-making authority. The general grant of rule-making authority should be sufficient because it applies to conveyance work, and conveyance work is defined as including alterations.

Testimony Against: (ESSB 5942, hearing on 3/24/03) Last year's bill protected members of the public and workers. This bill would eliminate badly-needed requirements. Private industry is concerned about production, not safety. Recent deaths involving conveyances were of maintenance workers.

Proper installation and maintenance of conveyances is essential. Persons performing this work need to understand electrical, mechanical, and hydraulic aspects of conveyances. They should be required to demonstrate competency and obtain licenses. There is not any accountability if such persons are completely exempt. Public safety must be the number one concern.

The membership of the advisory committee leaves out certain stakeholders. Elevator mechanics and building owners and managers should be represented on the committee.

Some of the requirements of the bill do not fit for private residential conveyances. The small businesses that work on these types of conveyances could suffer. Businesses and consumers need time to work out rules that fit better.

As drafted, repair work on conveyances is unregulated.

(Striking amendment, hearing on 4/2/03) None.

Testified: (ESSB 5942, hearing on 3/24/03, in support) Dan Coyne, Washington State Association of Farmer Cooperatives; Joe Shaw, Port Townsend Paper Company; Bill Gill, Longview Fibre; John Chapman, University of Washington; John DeWitt, Port Townsend Paper Company and PACE Local 8-0175; and Llewellyn Matthews, Northwest Pulp and Paper Association.

(ESSB 5942, hearing on 3/24/03, opposed) Jim Bender, Elevator Constructors Local 19; Bill Watson, City of Seattle; Rod Kauffman, Building Owners and Managers Association; Charlie Val, Elevator Constructors Local 19; and Robert McLaughlin.

(Striking amendment, hearing on 4/2/03, in support) Dan Coyne, Washington State Association of Farmer Cooperatives; Dotty Stanlaske, Department of Labor and Industries; Charlie Val, Elevator Constructors Local 19; and Curt Copenhagen, Longview Fibre.