

1 **SENATE FLOOR VERSION**

2 March 1, 2012

3 As Amended

4 SENATE BILL NO. 1862

5 By: Justice of the Senate

6 and

7 Osborn of the House

8 **[Elevator Safety Act - categories of licenses -
9 inspection - registration - Department of Labor -
10 Insurance Department - effective date]**

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 59 O.S. 2011, Section 3020, is
13 amended to read as follows:

14 Section 3020. This act shall be known and may be cited as the
15 "Elevator Safety and Inspection Act".

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 3021, is
17 amended to read as follows:

18 Section 3021. A. The Legislature, ~~finding~~ finds that for the
19 protection of public health and safety ~~requires that~~ elevators and
20 similar devices should be installed, maintained, repaired, and
21 ~~regularly~~ inspected in compliance with recognized safety standards
22 and codes, ~~declares that elevator contractors, elevator mechanics,~~
23 ~~and elevator inspectors shall be~~ by persons licensed ~~by~~ in this
24 state ~~pursuant to the Elevator Safety Act~~ who possess appropriate

1 education, qualifications and experience to ensure elevator safety
2 and code compliance.

3 B. ~~1. Effective November 1, 2006, except as otherwise provided~~
4 ~~for by the Elevator Safety Act or rules promulgated pursuant~~
5 ~~thereto, no~~ For purposes of the Elevator Safety and Inspection Act:

6 1. "Elevator" means any device for lifting or moving people,
7 cargo, or freight within, or adjacent and connected to, a structure
8 or excavation, and includes any escalator, power-driven stairway,
9 moving walkway or stairway chair lift. The term elevator does not
10 mean:

- 11 a. an amusement ride or device subject to inspection and
12 regulation under the provisions of Section 460 et seq.
13 of Title 40 of the Oklahoma Statutes,
- 14 b. mining equipment subject to inspection and regulation
15 by the Department of Mines,
- 16 c. an aircraft, railroad car, boat, barge, ship, truck,
17 or other self-propelled vehicle or component thereof,
- 18 d. a boiler grate stoker or other similar firing
19 mechanism subject to inspection under the provisions
20 of the Oklahoma Boiler and Pressure Vessel Safety Act,
- 21 e. a dumbwaiter, conveyor, chain or bucket hoist,
22 construction hoist or similar devices used for the
23 primary purpose of elevating or lowering materials, or
24

1 f. an elevator, conveyance, manlift or similar device in
2 grain elevators, grain warehouses, seed processing
3 facilities, feed mills and/or flour mills which is
4 used by employees, but is not accessible to or used by
5 customers or members of the general public.

6 However, it may include other exceptions identified by the rules
7 promulgated by the Department of Labor or the Insurance Department;

8 2. "Elevator endorsement" means an addendum certificate added
9 to a professional license as defined in this subsection or a
10 certificate issued to a qualified business entity or manufacturer as
11 provided by rule whose primary function is elevator design,
12 construction, installation, alteration, maintenance or repair, which
13 authorizes the certificate holder to engage in the business of
14 erecting, constructing, installing, altering, servicing, repairing,
15 maintaining or inspecting elevators according to recognized safety
16 standards and codes and as provided by rule. Each endorsement
17 certificate shall state that the bearer thereof is qualified to
18 construct, install, alter, repair, maintain, or inspect elevators
19 and the certificate may have an added provision authorizing the
20 certificate holder to supervise and train elevator inspectors or
21 elevator mechanics for licensure;

22 3. "Elevator inspector" means a person who is licensed by or
23 has an elevator endorsement from the Department of Labor to engage
24 in the inspection of new and preexisting elevators according to

1 recognized safety standards and codes and pursuant to rule, and who
2 reports compliance and noncompliance issues to the Insurance
3 Department and the Department of Labor for purposes of certificates
4 of operation, temporary operation certificates, and liability
5 insurance requirements, or as otherwise provided by rule. An
6 elevator inspector may be employed by a private insurance company or
7 by a private business whose primary function is elevator
8 installation, maintenance or repair or by the Department of Labor or
9 the Insurance Department;

10 4. "Licensed elevator mechanic" means a person licensed by the
11 Department of Labor to install elevators and to perform testing,
12 routine maintenance, and repairs, both electrical and mechanical, on
13 elevators after meeting the qualifications set by the rules
14 promulgated for the Elevator Safety and Inspection Act. An elevator
15 mechanic may work under the direct supervision and training of a
16 person holding an elevator endorsement until qualified for licensure
17 as set by rule;

18 5. "Certificate of operation" means a document issued by the
19 Commissioner of Labor and affixed to an elevator that indicates that
20 the elevator has been inspected and tested and found to be in
21 compliance with all applicable safety standards and codes and that
22 an insurance liability policy covering injury, damages and loss to
23 persons and property is in effect for the term stated on the
24 certificate of operation;

1 6. "Temporary operation certificate" means a document issued by
2 the Commissioner of Labor and affixed to an elevator that indicates
3 that the elevator has either failed to be in compliance with
4 recognized safety standards and codes and is under current repair or
5 in need of repairs, or the elevator is new and has not been issued
6 an certificate of operation, or the building owner or lessee has
7 failed to obtain or maintain the required liability insurance with
8 the Insurance Department pursuant to the requirements of the
9 Elevator Safety and Inspection Act;

10 7. "Private residence" means a separate dwelling or a separate
11 apartment in a multiple-unit dwelling that is occupied by members of
12 a single-family unit; and

13 8. "Professional license" means a license for a mechanical or
14 electrical engineer, structural or civil engineer, or professional
15 engineer that is valid and in good standing in this state, or an
16 applicable license authorized for an elevator endorsement pursuant
17 to the rules promulgated for the Elevator Safety and Inspection Act.

18 C. No person shall erect, construct, install, wire, alter,
19 replace, maintain, remove, repair, or dismantle any elevator unless
20 the person holds a valid elevator ~~mechanic's license~~ endorsement or
21 is a currently licensed elevator mechanic pursuant to the Elevator
22 Safety and Inspection Act and is employed by a person or business
23 entity licensed as an elevator contractor pursuant to the Elevator
24 Safety Act. Any person violating the provisions of this subsection

1 the Elevator Safety and Inspection Act by acting without a valid
2 license or endorsement shall be guilty of a misdemeanor ~~and~~, upon
3 conviction, ~~subject to~~ punishable by a fine ~~of not more than~~ not
4 exceeding Five Hundred Dollars (\$500.00) for the first offense ~~and~~
5 ~~up to One Thousand Dollars (\$1,000.00) for each additional offense,~~
6 ~~or imprisonment in the county jail for not more than ten (10) days,~~
7 ~~or both such fine and imprisonment.~~ Any second or subsequent
8 conviction shall be punishable by a fine not exceeding One Thousand
9 Dollars (\$1,000.00), or by imprisonment in the county jail for a
10 term not more than ten (10) days, or by both such fine and
11 imprisonment. Each day's day a violation occurs and each act in
12 violation of the Elevator Safety and Inspection Act shall constitute
13 a separate offense. Conviction for a criminal offense as provided
14 herein shall not preclude any filing of a civil action or taking
15 action against any license which may be held by the violator.

16 ~~2. D.~~ Whenever an a state of emergency exists is declared in
17 this state due to disaster, act of God or work stoppage, and the
18 number of persons in the state holding licenses issued by the
19 Commissioner of Labor or endorsements pursuant to the Elevator
20 Safety and Inspection Act is insufficient to cope with the
21 emergency, licensed elevator contractors shall respond as necessary
22 the Commissioner of Labor may issue temporary permits to qualified
23 persons to assure the safety of the public and repair of elevators.
24 Any person certified by a licensed elevator contractor to have an

1 ~~acceptable combination of documented experience and education to~~
2 ~~perform elevator work without direct and immediate supervision shall~~
3 ~~apply for an emergency elevator mechanic license from the Department~~
4 ~~of Labor within five (5) business days after commencing work~~
5 ~~requiring a license. The Commissioner shall issue emergency~~
6 ~~elevator mechanic licenses. The licensed elevator contractor shall~~
7 ~~furnish proof of competency as the Commissioner may require~~ proof of
8 qualification and competency as established by rule and based upon
9 the circumstances of the emergency. Each ~~such license~~ temporary
10 permit shall ~~state that it is~~ be valid for a period of forty-five
11 (45) days from the date ~~thereof~~ of issuance, and ~~for such~~ may be
12 restricted to particular elevators or geographical areas as the
13 Commissioner may designate ~~and otherwise.~~ A temporary permit shall
14 entitle the ~~licensee~~ person to ~~the rights and privileges of~~ act as
15 an elevator mechanic ~~license~~ issued pursuant to the Elevator Safety
16 and Inspection Act, unless the Commissioner issues a temporary
17 elevator endorsement as provided by rule. The Commissioner ~~shall~~
18 ~~renew an emergency elevator mechanic license upon proper application~~
19 ~~during the existence of an~~ may extend a temporary permit or
20 temporary elevator endorsement after the initial period has expired
21 when appropriate for the emergency. No fee shall be charged for any
22 emergency elevator mechanic ~~license~~ permit or emergency elevator
23 endorsement or renewal thereof.

24

1 ~~3. A licensed elevator contractor shall notify the Commissioner~~
2 ~~of Labor when there are no licensed personnel available to perform~~
3 ~~elevator work. The licensed elevator contractor may request that~~
4 ~~the Commissioner issue temporary elevator mechanic licenses to~~
5 ~~persons certified by the licensed elevator contractor to have an~~
6 ~~acceptable combination of documented experience and education to~~
7 ~~perform elevator work without direct and immediate supervision. Any~~
8 ~~person certified by a licensed elevator contractor to have any~~
9 ~~combination of documented experience and education to perform~~
10 ~~elevator work without direct and immediate supervision shall~~
11 ~~immediately apply for a temporary elevator mechanic license from the~~
12 ~~Commissioner and shall pay such fee as the Commissioner shall~~
13 ~~determine. Each such license shall state that it is valid for a~~
14 ~~period not to exceed forty-five (45) days and while employed by the~~
15 ~~licensed elevator contractor that certified the individual as~~
16 ~~qualified. The Commissioner shall renew such licenses upon proper~~
17 ~~application and payment of any required fees as long as the shortage~~
18 ~~of license holders shall continue.~~

19 ~~4. E. 1.~~ The Commissioner of Labor or ~~an authorized~~
20 ~~representative~~ the Insurance Commissioner may issue a written order
21 for the temporary cessation of operation of an elevator or device if
22 it has been determined after inspection to be hazardous, unsafe, or
23 otherwise in violation of any provisions of the Elevator Safety and
24 Inspection Act or rules promulgated ~~by the Commissioner~~ thereto,

1 including, but not limited to, cancelation, expiration or failure to
2 obtain, maintain or provide liability insurance. Operations and
3 access to the elevator shall not resume until such conditions are
4 corrected to the satisfaction of the Commissioner issuing the cease
5 order. ~~The Commissioner or an authorized representative may inspect~~
6 any

7 2. Any elevator or device in this state subject to the Elevator
8 Safety and Inspection Act and the rules promulgated thereto, except
9 an elevator in a private residence, may be inspected without notice.
10 ~~The Commissioner or an authorized representative may issue a written~~
11 ~~order for the temporary cessation of any licensing violations and/or~~
12 ~~any violations of any rule or order promulgated pursuant to the~~
13 ~~provisions of the Elevator Safety Act owner, lessee, occupant or~~
14 ~~property manager of any place where an elevator is located and~~
15 ~~subject to the provisions of the Elevator Safety and Inspection Act~~
16 ~~shall be required to keep and maintain records on the premises, if~~
17 ~~applicable, by date for all routine maintenance and by date and~~
18 ~~extent of all repairs made. In addition, a copy of the required~~
19 ~~liability insurance policy and a copy of each license or endorsement~~
20 ~~for each employee performing work relating to any elevators located~~
21 ~~in the premises shall be kept. All persons contracting to perform~~
22 ~~work on elevators shall be required to have their license or~~
23 ~~endorsement number printed, or otherwise included, on the face of~~
24 ~~all invoices, estimates and billing statements.~~

1 3. The Commissioner of Labor may conduct an audit of records
2 required to be kept at the premises at the same time as an
3 inspection without notice or at other times during regular business
4 hours, with or without notice. Any owner, lessee or other person
5 required to keep records relating to an elevator who fails to keep
6 such records in compliance with the Elevator Safety and Inspection
7 Act shall be deemed to have violated the provisions of the Elevator
8 Safety and Inspection Act and shall be subject, upon determination
9 that a violation occurred, to an administrative fine after notice
10 and hearing. The administrative fine shall not exceed Five Hundred
11 Dollars (\$500.00) per violation with a maximum of One Thousand
12 Dollars (\$1,000.00) per event.

13 ~~5. Any alleged violator of paragraph 2 of this subsection shall~~
14 ~~be afforded an opportunity for a fair and swift administrative~~
15 ~~hearing. The hearing may be conducted by the Commissioner or~~
16 ~~his/her designated hearing officer in conformity with, and records~~
17 ~~made thereof as provided by, Sections 308a through 323 of Title 75~~
18 ~~of the Oklahoma Statutes.~~

19 ~~6. Any order issued by the Commissioner or an authorized~~
20 ~~representative may be enforced in the district court in an action~~
21 ~~for an injunction or writ of mandamus upon the petition of the~~
22 ~~district attorney or Attorney General, upon the request of the~~
23 ~~Commissioner. Provided further, an injunction without bond may be~~
24

1 ~~granted by the district court to the Commissioner, for the purpose~~
2 ~~of enforcing the Elevator Safety Act.~~

3 ~~C. Effective November 1, 2006, except as otherwise provided by~~
4 ~~the Elevator Safety Act, every elevator in this state shall be~~
5 ~~subject to the provisions as required by this act. Within six (6)~~
6 ~~months of November 1, 2006, the owner or lessee of every elevator~~
7 ~~already in service or put into service by November 1, 2006, shall~~
8 ~~register the elevator with the Department of Labor, giving the type,~~
9 ~~rated load and speed, name of manufacturer, location of the~~
10 ~~elevator, and purpose for which used, as well as such other~~
11 ~~information as the Commissioner of Labor may require. Elevators~~
12 ~~newly constructed or installed on or after November 1, 2006, shall~~
13 ~~be registered and inspected before being put into service.~~

14 ~~D. The provisions of the Elevator Safety Act shall not apply to~~
15 ~~elevators that are:~~

16 ~~1. In or adjacent to buildings or excavations owned by and/or~~
17 ~~under the operational control of the government of the United States~~
18 ~~or located on federal property and/or a sovereign tribal nation.~~
19 ~~Such elevators shall be inspected if the authorized representative~~
20 ~~of the owner request such an inspection in writing and agrees to pay~~
21 ~~inspection fees established pursuant to the Elevator Safety Act;~~

22 ~~2. In an existing owner-occupied private residence or an~~
23 ~~existing building of not more than two floors owned by a municipal~~
24 ~~public trust that is used solely for independent living apartments~~

1 ~~for persons sixty two (62) years of age or older; provided, such~~
2 ~~elevators shall be inspected if the property owner so requests and~~
3 ~~pays inspection fees established pursuant to the Elevator Safety~~
4 ~~Act. Inspection of an elevator pursuant to this paragraph shall not~~
5 ~~cause any other provision of the Elevator Safety Act to apply to the~~
6 ~~owner with respect to the private residence or building; or~~

7 ~~3. Located in or adjacent to a building or structure within a~~
8 ~~manufacturing, utility or industrial facility. Such elevators shall~~
9 ~~be inspected if the authorized representative of the facility~~
10 ~~requests such an inspection in writing and agrees to pay inspection~~
11 ~~fees established pursuant to the Elevator Safety Act.~~

12 ~~E. Nothing in the Elevator Safety Act shall be construed as~~
13 ~~prohibiting municipalities, counties, or other political~~
14 ~~subdivisions of the state from enacting and enforcing licensure~~
15 ~~requirements or safety standards exceeding those required by the~~
16 ~~Elevator Safety Act.~~

17 ~~F. Provisions of Section 863.1 et seq. of Title 19 of the~~
18 ~~Oklahoma Statutes that are in conflict with provisions of the~~
19 ~~Elevator Safety Act shall prevail over provisions of the Elevator~~
20 ~~Safety Act unless the provisions of Section 863.1 et seq. of Title~~
21 ~~19 of the Oklahoma Statutes are less stringent than the provisions~~
22 ~~of the Elevator Safety Act Any order issued by the Commissioner of~~
23 ~~Labor, or an authorized representative, may be enforced in the~~
24 ~~district court in an action for an injunction or writ of mandamus~~

1 upon the petition of the district attorney or Attorney General, upon
2 the request of the Commissioner. Provided further, an order for
3 injunction without bond may be granted by the district court to the
4 Commissioner for the purpose of enforcing the Elevator Safety and
5 Inspection Act.

6 ~~G. No person, firm, or corporation shall interfere with,~~
7 ~~obstruct, or hinder by force or otherwise the Commissioner of Labor~~
8 ~~or an authorized representative while in the performance of their~~
9 ~~duties, or refuse to properly answer questions asked by such~~
10 ~~officers pertaining to the laws over which he or she has supervision~~
11 ~~under the provisions of the Elevator Safety Act, or refuse them~~
12 ~~admittance to any place where an elevator is located which is~~
13 ~~affected by the act.~~

14 SECTION 3. AMENDATORY 59 O.S. 2011, Section 3022, is
15 amended to read as follows:

16 Section 3022. ~~As used in the Elevator Safety Act:~~

17 1. ~~"Agency" means the Oklahoma A. The Department of Labor;~~

18 2. ~~"Certificate of operation" means a document issued by the~~
19 ~~Commissioner and affixed to an elevator that indicates that the~~
20 ~~elevator has been inspected and tested and found to be in compliance~~
21 ~~with all applicable standards of operation as determined by the~~
22 ~~Department of Labor;~~

23 3. ~~"Certificate of operation - temporary" means a document~~
24 ~~issued by the Commissioner that permits temporary use of a~~

1 ~~noncompliant elevator by the general public for not more than thirty~~
2 ~~(30) days while minor repairs are being completed;~~

3 4. ~~"Commissioner" means the Commissioner of Labor or his/her~~
4 ~~authorized representative;~~

5 5. ~~"Chief elevator inspector" means the chief elevator~~
6 ~~inspector appointed under the Elevator Safety Act;~~

7 6. ~~"Deputy inspector" means an inspector appointed by the chief~~
8 ~~elevator inspector subject to the approval of the Commissioner under~~
9 ~~the provisions of the Elevator Safety Act;~~

10 7. a. ~~"Elevator" means any device for lifting or moving~~
11 ~~people, cargo, or freight within, or adjacent and~~
12 ~~connected to, a structure or excavation, and includes~~
13 ~~any escalator, power-driven stairway, moving walkway~~
14 ~~or stairway chair lift.~~

15 b. ~~The term "elevator" does not mean any:~~

16 ~~(1) amusement ride or device subject to inspection~~
17 ~~and regulation under the provisions of Section~~
18 ~~460 et seq. of Title 40 of the Oklahoma Statutes,~~

19 ~~(2) mining equipment subject to inspection and~~
20 ~~regulation by the Department of Mines,~~

21 ~~(3) aircraft, railroad car, boat, barge, ship, truck,~~
22 ~~or other self-propelled vehicle or component~~
23 ~~thereof,~~

1 ~~(4) boiler grate stoker or other similar firing~~
2 ~~mechanism subject to inspection under the~~
3 ~~provisions of the Oklahoma Boiler and Pressure~~
4 ~~Vessel Safety Act,~~

5 ~~(5) dumbwaiter, conveyor, chain or bucket hoist,~~
6 ~~construction hoist or similar devices used for~~
7 ~~the primary purpose of elevating or lowering~~
8 ~~materials, or~~

9 ~~(6) elevator, conveyance, manlift or similar device~~
10 ~~in grain elevators, grain warehouses, seed~~
11 ~~processing facilities, feed mills and/or flour~~
12 ~~mills which is used by employees, but is not~~
13 ~~accessible to or used by customers or members of~~
14 ~~the general public.~~

15 ~~This list is not exhaustive;~~

16 ~~8. "Elevator apprentice" means an unlicensed person registered~~
17 ~~with the Department of Labor who works under the direct supervision~~
18 ~~of a licensed elevator mechanic, licensed elevator contractor, or~~
19 ~~licensed elevator inspector;~~

20 ~~9. "Licensed elevator contractor" means a person or business~~
21 ~~entity that possesses a valid elevator contractor's license issued~~
22 ~~by the Department of Labor pursuant to the provisions of the~~
23 ~~Elevator Safety Act and is thus entitled to engage in the business~~
24

1 ~~of erecting, constructing, installing, altering, servicing,~~
2 ~~repairing, or maintaining elevators;~~

3 ~~10. "Licensed elevator inspector" means a person who possesses~~
4 ~~a valid elevator inspector's license issued by the Department of~~
5 ~~Labor pursuant to the provisions of the Elevator Safety Act and is~~
6 ~~thus entitled to engage in the business of inspecting elevators;~~

7 ~~11. "Licensed elevator mechanic" means a person who possesses a~~
8 ~~valid elevator mechanic's license issued by the Department of Labor~~
9 ~~in accordance with the provisions of the Elevator Safety Act and is~~
10 ~~thus, when employed by a licensed elevator contractor, entitled to~~
11 ~~install, construct, alter, service, repair, perform electrical work~~
12 ~~on, test, and maintain elevators; and~~

13 ~~12. "Private residence" means a separate dwelling or a separate~~
14 ~~apartment in a multiple dwelling that is occupied by members of a~~
15 ~~single family unit shall develop a registry of elevators and devices~~
16 ~~inspected in this state that are subject to the Elevator Safety and~~
17 ~~Inspection Act. Every owner or lessee of the property where an~~
18 ~~elevator is located shall be required to register the elevators~~
19 ~~located on their premises on a form promulgated by the Department of~~
20 ~~Labor and shall provide the specified registration information to~~
21 ~~the Insurance Department for purposes of obtaining the required~~
22 ~~annual liability insurance for elevators subject to the Elevator~~
23 ~~Safety and Inspection Act. All newly constructed elevators shall be~~
24 ~~registered and inspected before being put into service. The~~

1 Insurance Department shall notify annually all insurers authorized
2 to do business in this state of the requirement to register and
3 annually provide a liability policy for elevators subject to the
4 Elevator Safety and Inspection Act. The Insurance Department and
5 the Department of Labor shall be responsible for the proper
6 registration and inspection of elevators in this state. The
7 Department of Labor and the Insurance Department may contract
8 privately for the services of licensed elevator inspectors as deemed
9 appropriate.

10 B. The Elevator Safety and Inspection Act shall not apply to
11 elevators that are:

12 1. In or adjacent to buildings or excavations owned by and/or
13 under the operational control of the government of the United States
14 or located on federal property and/or a sovereign tribal nation.
15 Such elevators shall be inspected if the authorized representative
16 of the owner requests such an inspection in writing and agrees to
17 pay inspection fees established pursuant to the Elevator Safety and
18 Inspection Act;

19 2. In an existing owner-occupied private residence or an
20 existing building of not more than two floors owned by a municipal
21 public trust that is used solely for independent living apartments
22 for persons sixty-two (62) years of age or older; provided, such
23 elevators shall be inspected if the property owner so requests and
24 pays inspection fees established pursuant to the Elevator Safety and

1 Inspection Act. Inspection of an elevator pursuant to this
2 paragraph shall not cause any other provision of the Elevator Safety
3 and Inspection Act to apply to the owner with respect to the private
4 residence or building; or

5 3. Located in or adjacent to a building or structure within a
6 manufacturing, utility or industrial facility. Such elevators shall
7 be inspected if the authorized representative of the facility
8 requests such an inspection in writing and agrees to pay inspection
9 fees established pursuant to the Elevator Safety and Inspection Act.

10 C. Nothing in the Elevator Safety and Inspection Act shall be
11 construed as prohibiting municipalities, counties, or other
12 political subdivisions of the state from enacting and enforcing
13 licensure requirements or safety standards exceeding those required
14 by the Elevator Safety and Inspection Act.

15 D. Provisions of Section 863.1 et seq. of Title 19 of the
16 Oklahoma Statutes that are in conflict with provisions of the
17 Elevator Safety and Inspection Act shall prevail over provisions of
18 the Elevator Safety and Inspection Act unless the provisions of
19 Section 863.1 et seq. of Title 19 of the Oklahoma Statutes are less
20 stringent than the provisions of the Elevator Safety and Inspection
21 Act.

22 E. No person, firm, or corporation shall interfere with,
23 obstruct, or hinder by force or otherwise a licensed elevator
24 inspector while in the performance of his or her duties. No person

1 shall refuse to properly answer questions asked by a licensed
2 elevator inspector pertaining to any duty imposed pursuant to the
3 provisions of the Elevator Safety and Inspection Act, nor shall any
4 person refuse a licensed elevator inspector admittance to any place
5 where an elevator is located and subject to the provisions of the
6 Elevator Safety and Inspection Act. A person violating the
7 provisions of this subsection shall be deemed to have violated the
8 Elevator Safety and Inspection Act, and after notice, hearing and
9 determination whether a violation occurred, the violator shall be
10 subject to imposition of an administrative fine in an amount not
11 exceeding Five Hundred Dollars (\$500.00).

12 SECTION 4. AMENDATORY 59 O.S. 2011, Section 3023, is
13 amended to read as follows:

14 Section 3023. A. There is hereby established an Elevator
15 Safety and Inspection Bureau Division in the Department of Labor
16 ~~under the direction of the chief elevator inspector, who shall be~~
17 ~~responsible to the Commissioner of Labor or a duly authorized~~
18 ~~representative for the supervision, inspection, alteration,~~
19 ~~installation, testing, and maintenance of elevators and other such~~
20 ~~devices within the definitions of~~ which shall have responsibilities
21 for implementing and enforcing the provisions of the Elevator Safety
22 and Inspection Act under the direction of the Commissioner of Labor.
23 All personnel assigned to the division shall be under the authority
24 of the Commissioner of Labor.

1 ~~The Elevator Inspection Bureau shall be furnished with~~
2 ~~sufficient personnel, deputy inspectors, and clerical aids to~~
3 ~~perform the assigned duties within the limits prescribed by the~~
4 ~~Commissioner of Labor.~~

5 ~~The chief elevator inspector and deputy inspectors, under the~~
6 ~~supervision of the Commissioner of Labor, shall:~~

7 ~~1. Take action~~ promulgate rules, forms and procedures to
8 implement the provisions of the Elevator Safety and Inspection Act
9 and may take any actions deemed necessary for the enforcement of the
10 Elevator Safety and Inspection Act and these the rules;

11 ~~2. Make available upon request copies of the rules promulgated~~
12 ~~by the agency; and~~

13 ~~3. Issue~~ promulgated thereto, including, but not limited to
14 issue, suspend, or revoke for cause endorsement certificates,
15 licenses, certificates of operation, and elevator registrations as
16 may be issued by the provisions of the Elevator Safety Act, and
17 administer other disciplinary actions as prescribed in rules as
18 promulgated by the Commissioner of Labor by statute or rule.

19 ~~B. The Commissioner of Labor is authorized to adopt and~~
20 ~~promulgate rules pursuant to the~~ All administrative proceedings
21 shall be conducted in accordance with the Administrative Procedures
22 Act. Definitions, rules, and regulations so adopted for purposes of
23 the Elevator Safety and Inspection Act and subject to enforcement
24 and compliance by any person shall be based upon and follow

1 generally accepted national engineering standards, formula, and
2 practices. The Commissioner of Labor may adopt an existing American
3 national standard known as the Safety Code for Elevators and
4 Escalators of the American Society of Mechanical Engineers ("ASME").
5 The Insurance Department shall require all insurers authorized to do
6 business in this state and underwriting or providing liability
7 insurance for any elevator or device pursuant to the requirements of
8 the Elevator Safety and Inspection Act to comply with or exceed the
9 specified minimal safety standards and codes established in this
10 state for elevators and devices subject to the Elevator Safety and
11 Inspection Act.

12 C. Under the provisions of the Elevator Safety and Inspection
13 Act, the Commissioner of Labor is responsible to provide rules for
14 the protection and safety of life, limb, and property and therefore
15 has jurisdiction over the interpretation and application of the
16 inspection requirements ~~as provided for in the rules for all~~ for all
17 elevators and devices subject to inspection requirement. Inspection
18 during construction and installation shall certify as to the minimum
19 requirements for safety as defined in the American Society of
20 Mechanical Engineers Code or other applicable construction standards
21 ~~acceptable to the Commissioner of Labor~~ recognized or adopted by the
22 Commissioner of Labor for purposes of the Elevator Safety and
23 Inspection Act. Inspection requirements ~~of~~ for operating equipment
24

1 shall be in accordance with generally accepted practice and
2 compatible with the actual service conditions such as:

- 3 1. History of previous experience, previous records of
4 inspection, performance, and maintenance;
- 5 2. Location, with respect to personnel hazard;
- 6 3. Quality of inspection and operating personnel;
- 7 4. Provisions for related safe operating controls; and
- 8 5. Interrelation with other operations outside the scope of the
9 Elevator Safety and Inspection Act.

10 D. Inspections required by the Elevator Safety and Inspection
11 Act shall be conducted only by inspectors licensed by the Department
12 of Labor.

13 E. ~~Inspections conducted for the issuance of a certificate of~~
14 ~~operation may be performed by:~~

15 ~~1. The chief elevator inspector, deputy elevator inspector or~~
16 ~~licensed third party inspector who at the time of inspection~~
17 ~~possesses a valid elevator inspector's license issued by the~~
18 ~~Department of Labor; or~~

19 ~~2. An elevator inspector employed by the liability insurance~~
20 ~~company of record of the owner of the elevator or device who at the~~
21 ~~time of inspection is in possession of a valid elevator inspector's~~
22 ~~license issued by the Department of Labor.~~

23 F. ~~Elevator Inspectors, not employed by the Department of~~
24 ~~Labor, inspectors, elevator mechanics, and persons holding an~~

1 elevator endorsement shall submit to the Commissioner of Labor, an
2 insurance be required to obtain and maintain a liability policy or
3 for acts or omissions while in the performance of duties relating to
4 elevators. The policy shall be in an amount established by rule and
5 each applicant for licensure or endorsement shall submit a certified
6 copy thereof, issued by an insurance company authorized to do
7 business in this state to provide general liability coverage of a
8 least One Million Dollars (\$1,000,000.00) for injury or death of any
9 number of persons in any one occurrence, with the coverage of at
10 least Five Hundred Thousand Dollars (\$500,000.00) for property
11 damage in any one occurrence, and either proof of or exemption from
12 workers' compensation coverage with the initial application for
13 licensure or endorsement and for each subsequent renewal.

14 F. All licenses and endorsements shall be valid for one year
15 and may be prorated as necessary to set a renewal date in
16 conjunction with the applicant's birth month, professional license
17 expiration date, or a fixed date determined by the Commissioner of
18 Labor as the date set for all renewals. Any license or endorsement
19 in good standing shall be renewable upon expiration. All licenses
20 and endorsements not renewed within fifteen (15) days following the
21 expiration date shall be suspended and in the event the license or
22 endorsement is not renewed by the thirtieth-day after its expiration
23 date, the license or endorsement shall be revoked. Late fees and
24 reinstatement fees shall be imposed as provided by rule. The fees

1 for licenses and endorsements and their renewals shall be as
2 provided in Section 3024 of this title. Any licensee or person
3 holding an elevator endorsement who violates any rule promulgated
4 for a licensee or endorsement shall be subject to disciplinary
5 action as specified by rule or law. Administrative fines for
6 violations pursuant to this subsection shall not exceed Five Hundred
7 Dollars (\$500.00) per violation which shall be in addition to any
8 other penalty allowed by law.

9 G. Elevators, escalators, and other such devices within the
10 ~~definitions~~ authority of the Elevator Safety and Inspection Act
11 shall receive an inspection for the purpose of obtaining a
12 certificate of operation;

13 1. ~~Two floor to four floor elevator units, not to exceed two~~
14 ~~(2) years;~~

15 2. ~~Any wire rope elevator, regardless of floors, annually;~~

16 3. ~~Escalators and moving walkways, annually;~~

17 4. ~~Wheelchair lifts, triennially;~~

18 5. ~~Temporary elevators shall be inspected at each erection and~~
19 ~~every ninety (90) days or as the code requires; and~~

20 6. ~~Any elevator or other such device subject to the provisions~~
21 ~~of the Elevator Safety Act located in a structure whose occupants~~
22 ~~are mobility restricted, such as hospitals, nursing homes, and~~
23 ~~residential care facilities, shall be inspected annually as provided~~
24 by code or at least annually but not later than the date for renewal

1 of the liability insurance policy and the expiration of the current
2 certificate of operation, whichever is earlier.

3 SECTION 5. AMENDATORY 59 O.S. 2011, Section 3024, is
4 amended to read as follows:

5 Section 3024. A. The Commissioner of Labor and the Insurance
6 Commissioner shall have ~~the following~~ in addition to other powers
7 and duties:

8 ~~1. The Commissioner shall:~~

9 ~~a. adopt or determine standards of elevator safety,~~

10 ~~b. license elevator contractors, elevator mechanics, and~~
11 ~~elevator inspectors,~~

12 ~~c. register elevator apprentices,~~

13 ~~d. determine qualifications for examination, establish~~
14 ~~application processes, and examine applicants for~~
15 ~~licensure,~~

16 ~~e. establish terms of licensure and renewal procedures,~~

17 ~~f. attempt to achieve reciprocity agreements whereby~~
18 ~~licenses issued by other jurisdictions may be accepted~~
19 ~~in this state in lieu of examination,~~

20 ~~g. establish grounds for revocation, suspension, and~~
21 ~~nonrenewal of licenses and policies for reinstatement~~
22 ~~of licenses and for imposition of lesser disciplinary~~
23 ~~measures,~~

24 ~~h. establish continuing education requirements,~~

1 ~~i. provide for the inspection and certification of~~
2 ~~elevators,~~

3 ~~j. provide for the enforcement of the Elevator Safety~~
4 ~~Act,~~

5 ~~k. hear appeals pursuant to the Administrative Procedures~~
6 ~~Act,~~

7 ~~l. establish a procedure for the reporting and~~
8 ~~investigation of accidents, and~~

9 ~~m. establish a procedure to allow variances from the~~
10 ~~literal requirement of the code;~~

11 ~~2. The Commissioner shall publish informational brochures about~~
12 ~~license examinations that indicate the scope of the examinations,~~
13 ~~include suggestions about how to prepare for the examinations, and~~
14 ~~may include sample questions of the type to be expected, but shall~~
15 ~~never include test items that will be used in future examinations.~~
16 ~~In no case shall information about forthcoming examinations, that is~~
17 ~~not generally available, be given to any school, coaching service,~~
18 ~~or individual privately; and~~

19 ~~3. incidental to their respective offices, all authority granted~~
20 ~~or implied by the Elevator Safety and Inspection Act and such other~~
21 ~~authority allowed by law and necessary to implement and enforce the~~
22 ~~responsibilities assigned to each respective agency pursuant to the~~
23 ~~Elevator Safety and Inspection Act. The Department of Labor and the~~
24 ~~Insurance Department shall each promulgate rules, forms, and~~

1 procedures for their respective agency's duties and responsibilities
2 under the Elevator Safety and Inspection Act.

3 B. The Commissioner of Labor shall have subpoena powers and
4 shall have the right to seek injunctive relief to prevent the
5 operation of elevators lacking a certificate of operation after
6 November 1, 2006, or failing inspection or liability insurance
7 compliance, and for enjoining violations or compelling compliance
8 with the Elevator Safety and Inspection Act. For any violation of
9 the Elevator Safety Act, the Commissioner may assess an
10 administrative fine of not more than Five Hundred Dollars (\$500.00),
11 which fine may be assessed in addition to any other penalties
12 provided pursuant to the Elevator Safety Act.

13 ~~B.~~ C. Fees shall be as follows:

- | | | |
|----|--|----------|
| 14 | 1. Elevator contractor examination | \$100.00 |
| 15 | 2. Elevator inspector examination | |
| 16 | <u>license and renewal</u> | \$100.00 |
| 17 | 3. <u>2. Elevator mechanic examination</u> | |
| 18 | <u>license and renewal</u> | \$100.00 |
| 19 | 4. Initial and renewal elevator | |
| 20 | contractor | |
| 21 | 3. <u>Elevator endorsement to a professional</u> | |
| 22 | license | \$100.00 |
| 23 | 5. Initial and renewal elevator | |
| 24 | inspector License | \$ 75.00 |

| | | |
|----|---|-----------------------|
| 1 | 6. Initial and renewal elevator | |
| 2 | mechanic License | \$ 50.00 |
| 3 | 7. Annual elevator apprentice | |
| 4 | registration | \$ 25.00 |
| 5 | 8. 4. Late renewal - in addition to | |
| 6 | license fee | \$ 10.00 |
| 7 | 9. 5. Replacement of lost or mutilated | |
| 8 | license | \$ 10.00 |
| 9 | 10. 6. Reinstatement - in addition to | |
| 10 | license fee | \$100.00 |
| 11 | 11. 7. Existing elevator - | |
| 12 | certification of operation | \$ 25.00 |
| 13 | 12. 8. New elevator - inspection and | |
| 14 | certification of operation | \$150.00 |
| 15 | 13. Elevator temporary | |
| 16 | 9. Temporary operation certification | \$ 25.00 |
| 17 | | \$150.00 |
| 18 | 14. Elevator temporary mechanic | |
| 19 | license for 30 days | \$ 10.00 |
| 20 | <u>10. Inspection by the Department of</u> | |
| 21 | <u>Labor</u> | <u>\$ 40.00 per</u> |
| 22 | | <u>hour plus</u> |
| 23 | | <u>mileage charge</u> |
| 24 | | |

1 ~~15. Labor for chief elevator inspector~~
2 ~~or deputy elevator inspector to~~
3 ~~perform inspection for issuance of~~

4 11. Special elevator or device

5 certificate of operation:

- | | | |
|----|-------------------------------------|----------|
| 6 | a. any escalator or moving walkway | \$125.00 |
| 7 | b. elevator, two-four floors | \$ 75.00 |
| 8 | c. elevator, five-ten floors | \$100.00 |
| 9 | d. elevator, eleven floors and over | \$125.00 |
| 10 | e. wheelchair lift | \$ 25.00 |

11 ~~C.~~ D. All revenues received shall be deposited to the
12 Department of Labor Revolving Fund. It is the intent of the
13 Legislature that fees charged pursuant to the Elevator Safety and
14 Inspection Act be adjusted to provide sufficient income, but not
15 substantially more than sufficient income, to ensure elevator safety
16 as provided by the Elevator Safety and Inspection Act. Accordingly,
17 the Commissioner of Labor shall make an annual study of the revenues
18 to and expenditures from the Department of Labor Revolving Fund
19 related to elevator safety and shall prepare a report indicating
20 what fee adjustments, if any, shall be recommended. The report
21 shall be submitted by September 1 each year to the Director of the
22 Office of State Finance, the Chair of the Appropriations Committee
23 of the Senate, and the Chair of the Appropriations and Budget
24

1 Committee of the House of Representatives, and shall be filed with
2 the Department of Labor.

3 ~~D. Licenses and certifications issued in accordance with the~~
4 ~~provisions of the Elevator Safety Act shall be renewed according to~~
5 ~~the following schedule:~~

6 ~~1. Elevator contractor, elevator inspector, elevator mechanic~~
7 ~~licenses and elevator apprentice registration shall be renewed~~
8 ~~annually prior to the last day of the calendar month in which the~~
9 ~~license or registration was initially issued;~~

10 ~~2. Any such license, registration or certificate required by~~
11 ~~the Elevator Safety Act not renewed by the last day of the calendar~~
12 ~~month in which renewal is required shall be subject to a late fee as~~
13 ~~provided by this act;~~

14 ~~3. Any elevator contractor, elevator inspector, elevator~~
15 ~~mechanic license or apprentice registration having been expired for~~
16 ~~a period of not less than thirty (30) days nor more than three~~
17 ~~hundred sixty-five (365) days shall be subject to a reinstatement~~
18 ~~fee as provided for in the Elevator Safety Act; and~~

19 ~~4. Any elevator contractor, elevator inspector, elevator~~
20 ~~mechanic license or apprentice registration being expired for a~~
21 ~~period of one (1) year or longer from the last day of the month in~~
22 ~~which renewal was required shall be considered void and the licensee~~
23 ~~shall be subject to all requirements for new issuance.~~

24 SECTION 6. This act shall become effective November 1, 2012.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-29-12 - DO
2 PASS, As Amended and Coauthored.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24