

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2865

By: Shelton

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Section 3021, which relates to  
9 the Elevator Safety Act; requiring elevators be  
10 equipped with certain restrictor by time prescribed;  
11 and providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 3021, is  
15 amended to read as follows:

16 Section 3021. A. The Legislature, finding that the protection  
17 of public health and safety requires that elevators and similar  
18 devices be installed, maintained, and regularly inspected in  
19 compliance with recognized safety standards and codes, declares that  
20 elevator contractors, elevator mechanics, and elevator inspectors  
21 shall be licensed by this state pursuant to the Elevator Safety Act.

22 B. 1. Effective November 1, 2006, except as otherwise provided  
23 for by the Elevator Safety Act or rules promulgated pursuant  
24 thereto, no person shall erect, construct, install, wire, alter,

1 replace, maintain, remove, repair, or dismantle any elevator unless  
2 the person holds a valid elevator mechanic's license pursuant to the  
3 Elevator Safety Act and is employed by a person or business entity  
4 licensed as an elevator contractor pursuant to the Elevator Safety  
5 Act. Any person violating the provisions of this subsection shall  
6 be guilty of a misdemeanor and, upon conviction, subject to a fine  
7 of not more than Five Hundred Dollars (\$500.00) for the first  
8 offense and up to One Thousand Dollars (\$1,000.00) for each  
9 additional offense, or imprisonment in the county jail for not more  
10 than ten (10) days, or both such fine and imprisonment. Each day's  
11 violation shall constitute a separate offense. Conviction as  
12 provided herein shall not preclude any filing of a civil action.

13 2. Whenever an emergency exists in this state due to disaster,  
14 act of God or work stoppage, and the number of persons in the state  
15 holding licenses issued by the Commissioner of Labor is insufficient  
16 to cope with the emergency, licensed elevator contractors shall  
17 respond as necessary to assure the safety of the public. Any person  
18 certified by a licensed elevator contractor to have an acceptable  
19 combination of documented experience and education to perform  
20 elevator work without direct and immediate supervision shall apply  
21 for an emergency elevator mechanic license from the Department of  
22 Labor within five (5) business days after commencing work requiring  
23 a license. The Commissioner shall issue emergency elevator mechanic  
24 licenses. The licensed elevator contractor shall furnish proof of

1 competency as the Commissioner may require. Each such license shall  
2 state that it is valid for a period of forty-five (45) days from the  
3 date thereof and for such particular elevators or geographical areas  
4 as the Commissioner may designate and otherwise shall entitle the  
5 licensee to the rights and privileges of an elevator mechanic  
6 license issued pursuant to the Elevator Safety Act. The  
7 Commissioner shall renew an emergency elevator mechanic license upon  
8 proper application during the existence of an emergency. No fee  
9 shall be charged for any emergency elevator mechanic license or  
10 renewal thereof.

11 3. A licensed elevator contractor shall notify the Commissioner  
12 of Labor when there are no licensed personnel available to perform  
13 elevator work. The licensed elevator contractor may request that  
14 the Commissioner issue temporary elevator mechanic licenses to  
15 persons certified by the licensed elevator contractor to have an  
16 acceptable combination of documented experience and education to  
17 perform elevator work without direct and immediate supervision. Any  
18 person certified by a licensed elevator contractor to have any  
19 combination of documented experience and education to perform  
20 elevator work without direct and immediate supervision shall  
21 immediately apply for a temporary elevator mechanic license from the  
22 Commissioner and shall pay such fee as the Commissioner shall  
23 determine. Each such license shall state that it is valid for a  
24 period not to exceed forty-five (45) days and while employed by the

1 licensed elevator contractor that certified the individual as  
2 qualified. The Commissioner shall renew such licenses upon proper  
3 application and payment of any required fees as long as the shortage  
4 of license holders shall continue.

5 4. The Commissioner of Labor or an authorized representative  
6 may issue a written order for the temporary cessation of operation  
7 of an elevator if it has been determined after inspection to be  
8 hazardous, unsafe, or in violation of any provisions of the Elevator  
9 Safety Act or rules promulgated by the Commissioner. Operations  
10 shall not resume until such conditions are corrected to the  
11 satisfaction of the Commissioner. The Commissioner or an authorized  
12 representative may inspect any elevator without notice. The  
13 Commissioner or an authorized representative may issue a written  
14 order for the temporary cessation of any licensing violations and/or  
15 any violations of any rule or order promulgated pursuant to the  
16 provisions of the Elevator Safety Act.

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

23 6. Any order issued by the Commissioner or an authorized  
24 representative may be enforced in the district court in an action

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

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

17 D. The provisions of the Elevator Safety Act shall not apply to  
18 elevators that are:

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

1           2. In an existing owner-occupied private residence or an  
2 existing building of not more than two floors owned by a municipal  
3 public trust that is used solely for independent living apartments  
4 for persons sixty-two (62) years of age or older; provided, such  
5 elevators shall be inspected if the property owner so requests and  
6 pays inspection fees established pursuant to the Elevator Safety  
7 Act. Inspection of an elevator pursuant to this paragraph shall not  
8 cause any other provision of the Elevator Safety Act to apply to the  
9 owner with respect to the private residence or building; or

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

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

20           F. Provisions of Section 863.1 et seq. of Title 19 of the  
21 Oklahoma Statutes that are in conflict with provisions of the  
22 Elevator Safety Act shall prevail over provisions of the Elevator  
23 Safety Act unless the provisions of Section 863.1 et seq. of Title  
24

1 19 of the Oklahoma Statutes are less stringent than the provisions  
2 of the Elevator Safety Act.

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

11 H. Effective January 1, 2013, except as otherwise provided by  
12 the Elevator Safety Act, every elevator in this state shall be  
13 equipped with a door zone restrictor, which prevents the elevator  
14 door from opening when the elevator stops between floors, in  
15 accordance with Safety Code for Elevators and Escalators of the  
16 American Society of Mechanical Engineers.

17 SECTION 2. This act shall become effective November 1, 2012.

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19 53-2-8226 LRB 01/06/12

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