

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 344

By: Justice

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5
6 AS INTRODUCED

7 An Act relating to elevators; amending 59 O.S. 2011,
8 Section 3024, as amended by Section 293, Chapter 304,
9 O.S.L. 2012 (59 O.S. Supp. 2012, Section 3024), which
10 relates to elevator certification and power of
11 Commissioner of Labor; increasing certain fee;
12 modifying license renewals; providing an effective
13 date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 3024, as
16 amended by Section 293, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
17 2012, Section 3024), is amended to read as follows:

18 Section 3024. A. The Commissioner of Labor shall have the
19 following powers and duties:

20 1. The Commissioner shall:

- 21 a. adopt or determine standards of elevator safety,
22 b. license elevator contractors, elevator mechanics, and
23 elevator inspectors,
24 c. register elevator apprentices,

- d. determine qualifications for examination, establish application processes, and examine applicants for licensure,
- e. establish terms of licensure and renewal procedures,
- f. attempt to achieve reciprocity agreements whereby licenses issued by other jurisdictions may be accepted in this state in lieu of examination,
- g. establish grounds for revocation, suspension, and nonrenewal of licenses and policies for reinstatement of licenses and for imposition of lesser disciplinary measures,
- h. establish continuing education requirements,
- i. provide for the inspection and certification of elevators,
- j. provide for the enforcement of the Elevator Safety Act,
- k. hear appeals pursuant to the Administrative Procedures Act,
- l. establish a procedure for the reporting and investigation of accidents, and
- m. establish a procedure to allow variances from the literal requirement of the code;

2. The Commissioner shall publish informational brochures about license examinations that indicate the scope of the examinations,

1 include suggestions about how to prepare for the examinations, and
2 may include sample questions of the type to be expected, but shall
3 never include test items that will be used in future examinations.
4 In no case shall information about forthcoming examinations, that is
5 not generally available, be given to any school, coaching service,
6 or individual privately; and

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

15 B. Fees shall be as follows:

16	1. Elevator contractor examination	\$100.00
17	2. Elevator inspector examination	\$100.00
18	3. Elevator mechanic examination	\$100.00
19	4. Initial and renewal elevator	
20	contractor license	\$100.00
21	5. Initial and renewal elevator	
22	inspector License	\$ 75.00
23	6. Initial and renewal elevator	
24	mechanic License	\$ 50.00

1	7. Annual elevator apprentice	
2	registration	\$ 25.00
3	8. Late renewal - in addition to	
4	license fee	\$ 10.00
5	9. Replacement of lost or mutilated	
6	license	\$ 10.00 <u>\$25.00</u>
7	10. Reinstatement - in addition to	
8	license fee	\$100.00
9	11. Existing elevator - certification	
10	of operation	\$ 25.00
11	12. New elevator - inspection and	
12	certification	\$150.00
13	13. Elevator temporary certification	\$ 25.00
14	14. Elevator temporary mechanic	
15	license for 30 days	\$ 10.00
16	15. Labor for chief elevator inspector	
17	or deputy elevator inspector to	
18	perform inspection for issuance of	
19	certificate of operation:	
20	a. any escalator or moving walkway	\$125.00
21	b. elevator, two-four floors	\$ 75.00
22	c. elevator, five-ten floors	\$100.00
23	d. elevator, eleven floors and over	\$125.00
24	e. wheelchair lift	\$ 25.00

1 C. All fees shall be nonrefundable. All revenues received
2 shall be deposited to the Department of Labor Revolving Fund. It is
3 the intent of the Legislature that fees charged pursuant to the
4 Elevator Safety Act be adjusted to provide sufficient income, but
5 not substantially more than sufficient income, to ensure elevator
6 safety as provided by the Elevator Safety Act. Accordingly, the
7 Commissioner of Labor shall make an annual study of the revenues to
8 and expenditures from the Department of Labor Revolving Fund related
9 to elevator safety and shall prepare a report indicating what fee
10 adjustments, if any, shall be recommended. The report shall be
11 submitted by September 1 each year to the Director of the Office of
12 Management and Enterprise Services, the Chair of the Appropriations
13 Committee of the Senate, and the Chair of the Appropriations and
14 Budget Committee of the House of Representatives, and shall be filed
15 with the Department of Labor.

16 D. Licenses and certifications issued in accordance with the
17 provisions of the Elevator Safety Act shall be renewed according to
18 the following schedule:

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

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1 2. Elevator inspector and mechanic licenses, and apprentice
2 registrations shall be renewed annually prior to the last day of the
3 calendar month of the licensee's date of birth;

4 3. Any such license, registration or certificate required by
5 the Elevator Safety Act not renewed by the last day of the calendar
6 month in which renewal is required shall be subject to a late fee as
7 provided by this act;

8 ~~3.~~ 4. Any elevator contractor, elevator inspector, elevator
9 mechanic license or apprentice registration having been expired for
10 a period of not less than thirty (30) days nor more than three
11 hundred sixty-five (365) days shall be subject to a reinstatement
12 fee as provided for in the Elevator Safety Act; and

13 ~~4.~~ 5. Any elevator contractor, elevator inspector, elevator
14 mechanic license or apprentice registration being expired for a
15 period of one (1) year or longer from the last day of the month in
16 which renewal was required shall be considered void and the licensee
17 shall be subject to all requirements for new issuance.

18 SECTION 2. This act shall become effective July 1, 2013.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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