STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 200 By: Justice

AS INTRODUCED

An Act relating to elevators; requiring licensure to elevator inspector; setting qualifications for licensure by rule; requiring demonstration of certain standards; providing for certificate of operation fee; directing inspection of newly installed elevators; requiring certain report of code compliance; requiring certain inspectors to submit certain insurance policy; stating minimum amount of coverage; providing enforcement by the Department of Labor; allowing inspection by written request; allowing Commissioner of Labor to determine reasonable grounds for inspection; construing responsibility and liability for damages; exempting state from certain responsibility and liability; requiring annual inspection of new elevators by licensed inspector; directing written inspection report; allowing correction of violations within certain time; requiring certain tests be performed; directing certain tests be performed by licensed elevator mechanic; amending 59 O.S. 2011, Section 3023, which relates to the Elevator Inspection Bureau; requiring inspections be performed by Commissioner of Labor; deleting chief elevator inspector; directing annual inspections be performed by licensed third party or inspector of a liability insurance company; requiring all elevators be inspected annually; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3023.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any person, sole proprietor, partnership, firm, joint venture, association, corporation or any other business entity wishing to engage in the business of elevator, escalator, moving walk or platform or stairway chairlift inspections within the jurisdiction of this state shall make application for a license with the Department of Labor on a form to be provided by the Department. An inspector shall possess those qualifications established by rule of the Department of Labor.

B. No inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the Commissioner of Labor that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3023.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The certificate of operation fee for newly installed elevators, platform lifts, and stairway chairlifts for private residences shall be subsequent to an inspection by the Commissioner or his or her designee.

B. The Commissioner, or his or her designee, shall inspect, in accordance with the requirements set forth in this chapter, all

newly installed elevators, platform lifts, and stairway chairlifts for private residences. For newly installed residential elevators and residential elevators in locations other than private residences, the inspector shall note on the inspection report compliance with the applicable codes governing protection of hoist way openings, commonly known as the 3x5 rule.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3023.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

Elevator inspectors, not employed by the authority having jurisdiction, shall submit to the Department of Labor an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least one million dollars ($1,000,000.00) for injury or death of any number of persons in any one occurrence and with coverage of at least five hundred thousand dollars ($500,000.00) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3023.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. It shall be the duty of the Department of Labor to develop an enforcement program which will ensure compliance with regulations and requirements referenced in this chapter. An enforcement program

may include, but is not limited to, regulations for identification of property locations which are subject to the regulations and requirements; issuing notifications to violating property owners or operators; random on-site inspections and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, sole proprietors, firms or corporations; and assisting in the development of public awareness programs.

B. Any person may request an investigation into an alleged violation of this chapter by giving notice to the Department of Labor of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request.

C. If upon receipt of a notification the Commissioner determines that there are reasonable grounds to believe that a violation or danger exists, the Commissioner shall cause to be made an investigation in accordance with this chapter as soon as practicable to determine if such violation or danger exists. If the Commissioner determines that there are no reasonable grounds to believe that a violation or danger exists, the Department of Labor shall notify the party in writing of such determination.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3023.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing or repairing any elevator or other related mechanism covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefor or any liability to any person for whatever reason whatsoever by the enactment of this chapter or any acts or omissions arising hereunder.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3023.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Initial inspections shall be conducted by the Commissioner or his or her designee. It shall be the responsibility of the owners of all new and existing conveyances located in any building or structure to have the conveyances inspected annually (ASME A17.1, category one) by a licensed elevator inspector. Subsequent to inspection, the licensed elevator inspector shall supply the property owner or lessee and the Commissioner with a written inspection report describing any and all violations. Property owners shall have thirty (30) days from the date of the published inspection report to be in full compliance with correcting the violations.

B. It shall be the responsibility of the owners of conveyances to have a licensed elevator inspector, as described in this chapter, ensure that the required tests are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.

C. All tests shall be performed by a licensed elevator mechanic.

SECTION 7. AMENDATORY 59 O.S. 2011, Section 3023, is amended to read as follows:

Section 3023. A. There is hereby established an Elevator Inspection Bureau in the Department of Labor under the direction of the chief elevator inspector, who shall be responsible to the Commissioner of Labor or a duly authorized representative for the supervision, inspection, alteration, installation, testing, and maintenance of elevators and other such devices within the definitions of the Elevator Safety Act.

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

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

1. Take action necessary for the enforcement of the Elevator Safety Act and these rules;

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

3. Issue, suspend~~,~~ or revoke for cause certificates, licenses, and registrations as may be issued by the provisions of the Elevator Safety Act, and administer other disciplinary actions as prescribed in rules as promulgated by the Commissioner of Labor.

B. The Commissioner of Labor is authorized to adopt and promulgate rules pursuant to the Administrative Procedures Act. Definitions, rules, and regulations so adopted shall be based upon and follow generally accepted national engineering standards, formula, and practices. The Commissioner of Labor may adopt an existing American national standard known as the Safety Code for Elevators and Escalators of the American Society of Mechanical Engineers (<u>"</u>ASME<u>"</u>).

C. Under the provisions of the Elevator Safety Act, the Commissioner of Labor is responsible to provide rules for the safety of life, limb, and property and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules. Inspection during construction and installation shall certify as to the minimum requirements for safety as defined in the American Society of Mechanical Engineers Code or other construction standards acceptable to the Commissioner of Labor. Inspection requirements of operating equipment shall be in

accordance with generally accepted practice and compatible with the actual service conditions such as:

1. History of previous experience, previous records of inspection, performance, and maintenance;

2. Location, with respect to personnel hazard;

3. Quality of inspection and operating personnel;

4. Provisions for related safe operating controls; and

5. Interrelation with other operations outside the scope of the Elevator Safety Act.

D. Inspections required by the Elevator Safety Act shall be conducted by inspectors licensed by the Department of Labor.

E. Inspections conducted for the issuance of a certificate of operation ~~may~~ shall be performed by~~:~~ the Commissioner or his or her designee.

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

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

F. Annual inspections shall be performed by:

1. A licensed third party inspector who at the time of inspection possesses a valid elevator inspector's license issued by the Department of Labor; or

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

G. Elevator Inspectors, not employed by the Department of Labor, shall submit to the Commissioner of Labor, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in this state to provide general liability coverage of a least One Million Dollars ($1,000,000.00) for injury or death of any number of persons in any one occurrence, with the coverage of at least Five Hundred Thousand Dollars ($500,000.00) for property damage in any one occurrence and proof of workers' compensation coverage.

~~G.~~ H. Elevators, escalators, and other such devices within the definitions of the Elevator Safety Act shall receive an inspection for the purpose of obtaining a certificate of operation:

1. ~~Two-floor to four-floor~~ All elevator units, ~~not to exceed two (2) years~~ annually;

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

3. Escalators and moving walkways, annually;

4. Wheelchair lifts, triennially;

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

6. Any elevator or other such device subject to the provisions of the Elevator Safety Act located in a structure whose occupants are mobility restricted, such as hospitals, nursing homes, and residential care facilities, shall be inspected annually.

SECTION 8. This act shall become effective November 1, 2015.

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