

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1529

By: Rader of the Senate

and

Newton of the House

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9 An Act relating to the Elevator Safety Act; amending
10 59 O.S. 2011, Section 3021, which relates to license;
11 modifying language; removing certain penalties;
12 amending 59 O.S. 2011, Section 3023, as amended by
13 Section 9, Chapter 93, O.S.L. 2016 (59 O.S. Supp.
14 2017, Section 3023), which relates to elevator
15 inspections; requiring new nonresidential elevators
16 be inspected by the Commissioner or designee;
17 amending Section 4, Chapter 93, O.S.L. 2016 (59 O.S.
18 Supp. 2017, Section 3023.2), which relates to private
19 residences; providing for third party inspections;
20 authorizing voluntary review; amending Section 8,
21 Chapter 93, O.S.L. 2016 (59 O.S. Supp. 2017, Section
22 3023.6), which relates to annual inspections;
23 authorizing reasonable time for compliance; updating
24 statutory references; and providing an effective
 date.

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

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

Section 3021. A. The Legislature, finding that the protection
of public health and safety requires that elevators and similar

1 devices be installed, maintained, and regularly inspected in
2 compliance with recognized safety standards and codes, declares that
3 elevator contractors, elevator mechanics, and elevator inspectors
4 shall be licensed by this state pursuant to the Elevator Safety Act.

5 B. 1. ~~Effective November 1, 2006, except~~ Except as otherwise
6 provided for by the Elevator Safety Act or rules promulgated
7 pursuant thereto, no person shall erect, construct, install, wire,
8 alter, replace, maintain, remove, repair, or dismantle any elevator
9 unless the person holds a valid elevator mechanic's license pursuant
10 to the Elevator Safety Act and is employed by a person or business
11 entity licensed as an elevator contractor pursuant to the Elevator
12 Safety Act. ~~Any person violating the provisions of this subsection~~
13 ~~shall be guilty of a misdemeanor and, upon conviction, subject to a~~
14 ~~fine of not more than Five Hundred Dollars (\$500.00) for the first~~
15 ~~offense and up to One Thousand Dollars (\$1,000.00) for each~~
16 ~~additional offense, or imprisonment in the county jail for not more~~
17 ~~than ten (10) days, or both such fine and imprisonment. Each day's~~
18 ~~violation shall constitute a separate offense. Conviction as~~
19 ~~provided herein shall not preclude any filing of a civil action.~~

20 2. Whenever an emergency exists in this state due to disaster,
21 act of God or work stoppage, and the number of persons in the state
22 holding licenses issued by the Commissioner of Labor is insufficient
23 to cope with the emergency, licensed elevator contractors shall
24 respond as necessary to assure the safety of the public. Any person

1 certified by a licensed elevator contractor to have an acceptable
2 combination of documented experience and education to perform
3 elevator work without direct and immediate supervision shall apply
4 for an emergency elevator mechanic license from the Department of
5 Labor within five (5) business days after commencing work requiring
6 a license. The Commissioner shall issue emergency elevator mechanic
7 licenses. The licensed elevator contractor shall furnish proof of
8 competency as the Commissioner may require. Each such license shall
9 state that it is valid for a period of forty-five (45) days from the
10 date thereof and for such particular elevators or geographical areas
11 as the Commissioner may designate and otherwise shall entitle the
12 licensee to the rights and privileges of an elevator mechanic
13 license issued pursuant to the Elevator Safety Act. The
14 Commissioner shall renew an emergency elevator mechanic license upon
15 proper application during the existence of an emergency. No fee
16 shall be charged for any emergency elevator mechanic license or
17 renewal thereof.

18 3. A licensed elevator contractor shall notify the Commissioner
19 of Labor when there are no licensed personnel available to perform
20 elevator work. The licensed elevator contractor may request that
21 the Commissioner issue temporary elevator mechanic licenses to
22 persons certified by the licensed elevator contractor to have an
23 acceptable combination of documented experience and education to
24 perform elevator work without direct and immediate supervision. Any

1 person certified by a licensed elevator contractor to have any
2 combination of documented experience and education to perform
3 elevator work without direct and immediate supervision shall
4 immediately apply for a temporary elevator mechanic license from the
5 Commissioner and shall pay such fee as the Commissioner shall
6 determine. Each such license shall state that it is valid for a
7 period not to exceed ~~forty-five (45)~~ thirty (30) days and while
8 employed by the licensed elevator contractor that certified the
9 individual as qualified. The Commissioner shall renew such licenses
10 upon proper application and payment of any required fees as long as
11 the shortage of license holders shall continue.

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

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

7 6. Any order issued by the Commissioner or an authorized
8 representative may be enforced in the district court in an action
9 for an injunction or writ of mandamus upon the petition of the
10 district attorney or Attorney General, upon the request of the
11 Commissioner. Provided further, an injunction without bond may be
12 granted by the district court to the Commissioner, for the purpose
13 of enforcing the Elevator Safety Act.

14 C. ~~Effective November 1, 2006, except~~ Except as otherwise
15 provided by the Elevator Safety Act, every elevator in this state
16 shall be subject to the provisions as required by ~~this act~~ the
17 Elevator Safety Act. ~~Within six (6) months of November 1, 2006, the~~
18 The owner or lessee of every elevator ~~already~~ in service or put into
19 service ~~by November 1, 2006,~~ shall register the elevator with the
20 Department of Labor, giving the type, rated load and speed, name of
21 manufacturer, location of the elevator, and purpose for which used,
22 as well as such other information as the Commissioner of Labor may
23 require. Elevators newly constructed or installed ~~on or after~~

1 ~~November 1, 2006,~~ shall be registered and inspected before being put
2 into service.

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

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

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

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

1 E. Nothing in the Elevator Safety Act shall be construed as
2 prohibiting municipalities, counties, or other political
3 subdivisions of the state from enacting and enforcing licensure
4 requirements or safety standards exceeding those required by the
5 Elevator Safety Act.

6 F. Provisions of Section 863.1 et seq. of Title 19 of the
7 Oklahoma Statutes that are in conflict with provisions of the
8 Elevator Safety Act shall prevail over provisions of the Elevator
9 Safety Act unless the provisions of Section 863.1 et seq. of Title
10 19 of the Oklahoma Statutes are less stringent than the provisions
11 of the Elevator Safety Act.

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

20 SECTION 2. AMENDATORY 59 O.S. 2011, Section 3023, as
21 amended by Section 9, Chapter 93, O.S.L. 2016 (59 O.S. Supp. 2017,
22 Section 3023), is amended to read as follows:

23 Section 3023. A. There is hereby established an Elevator
24 Inspection Bureau in the Department of Labor under the direction of

1 the chief elevator inspector, who shall be responsible to the
2 Commissioner of Labor or a duly authorized representative for the
3 supervision, inspection, alteration, installation, testing, and
4 maintenance of elevators and other such devices within the
5 definitions of the Elevator Safety Act.

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

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

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

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

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

20 B. The Commissioner of Labor is authorized to adopt and
21 promulgate rules pursuant to the Administrative Procedures Act.
22 Definitions, rules, and regulations so adopted shall be based upon
23 and follow generally accepted national engineering standards,
24 formula, and practices. The Commissioner of Labor may adopt an

1 existing American national standard known as the Safety Code for
2 Elevators and Escalators of the American Society of Mechanical
3 Engineers (ASME).

4 C. Under the provisions of the Elevator Safety Act, the
5 Commissioner of Labor is responsible to provide rules for the safety
6 of life, limb, and property and therefore has jurisdiction over the
7 interpretation and application of the inspection requirements as
8 provided for in the rules. Inspection during construction and
9 installation shall certify as to the minimum requirements for safety
10 as defined in the American Society of Mechanical Engineers Code or
11 other construction standards acceptable to the Commissioner of
12 Labor. Inspection requirements of operating equipment shall be in
13 accordance with generally accepted practice and compatible with the
14 actual service conditions such as:

- 15 1. History of previous experience, previous records of
- 16 inspection, performance, and maintenance;
- 17 2. Location, with respect to personnel hazard;
- 18 3. Quality of inspection and operating personnel;
- 19 4. Provisions for related safe operating controls; and
- 20 5. Interrelation with other operations outside the scope of the
- 21 Elevator Safety Act.

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

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1 E. Inspections conducted for the issuance of a certificate of
2 operation for new nonresidential installations shall be performed by
3 the Commissioner or his or her designee.

4 F. Periodic inspections shall be performed by:

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

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

12 3. An elevator inspector employed by the Department of Labor.

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

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

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

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

4 3. Escalators and moving walkways, annually;

5 4. Wheelchair lifts, triennially;

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

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

12 SECTION 3. AMENDATORY Section 4, Chapter 93, O.S.L. 2016
13 (59 O.S. Supp. 2017, Section 3023.2), is amended to read as follows:

14 Section 3023.2. A. The certificate of operation fee for newly
15 installed elevators, platform lifts, and stairway chairlifts for
16 private residences shall be subsequent to an inspection by a third
17 party inspector or by the Commissioner or his or her designee.

18 B. ~~The~~ A third party inspector or the Commissioner, or his or
19 her designee, shall inspect, in accordance with the requirements set
20 forth in this chapter, all newly installed elevators, platform
21 lifts, and stairway chairlifts for private residences. For newly
22 installed residential elevators and other residential elevators, the
23 inspector shall note on the inspection report compliance with the
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1 applicable codes governing protection of hoist way openings,
2 commonly known as the 3x5 rule.

3 C. An owner, operator or installer of a new residential
4 elevator may voluntarily request the Department of Labor to conduct
5 a review of a planned new installation for compliance with the
6 provisions of the Elevator Safety Act and Department regulations.
7 The review shall be performed in accordance with Department
8 regulations regarding installation permits. The Department may
9 charge a fee for the review as established by rule. The review
10 shall not subject the owner, operator or installer to any additional
11 responsibilities under the Elevator Safety Act, which are not
12 otherwise required prior to the voluntary review.

13 SECTION 4. AMENDATORY Section 8, Chapter 93, O.S.L. 2016
14 (59 O.S. Supp. 2017, Section 3023.6), is amended to read as follows:

15 Section 3023.6. A. Initial inspections shall be conducted by
16 the Commissioner or his or her designee. It shall be the
17 responsibility of the owners of all new and existing conveyances
18 located in any building or structure to have the conveyances
19 inspected annually (ASME A17.1, category one) by a licensed elevator
20 inspector. Subsequent to inspection, the licensed elevator
21 inspector shall supply the property owner or lessee and the
22 Commissioner with a written inspection report describing any and all
23 violations. Property owners shall have thirty (30) days from the
24 date of the published inspection report, or a reasonable period of

1 time as determined by the Commissioner beyond the 30-day period, to
2 be in full compliance with correcting the violations.

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

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

9 SECTION 5. This act shall become effective November 1, 2018.

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11 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
12 03/27/2018 - DO PASS.
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