
DIGEST

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Willmott

HB No. 548

Abstract: Provides for the licensure and regulation of elevator contractors, inspectors, and mechanics by the state fire marshal; creates the Elevator Safety Review Board; provides for the annual inspection of elevators and other conveyances, except those in one- or two-family dwellings.

The purpose of proposed law is to provide for the safety of conveyance equipment and personnel and to promote public safety awareness.

Proposed law is applicable only to certain equipment including but not limited to elevators, platform lifts, escalators, moving walkways, and dumbwaiters. Proposed law exempts certain personnel and material hoists, manlifts, cranes, conveyors, and other equipment.

Proposed law defines "ASCE 21", "ASME A17.1/CSA B44", "ASME A17.3", "ASME A17.7/CSA B44.7" "ASME A18.1", "automated people mover", "board", "certificate of operation", "conveyance", "elevator", "elevator contractor", "elevator helper", "elevator inspector", "elevator mechanic", "escalator", "existing installation", "license", "licensee", "material alteration", "moving walk", "one or two family dwelling", "person", "repair", and "temporarily dormant elevator, dumbwaiter, or escalator".

Proposed law creates the Elevator Safety Review Board (board), which shall consult with engineering authorities regarding safety codes, advise the state fire marshal relative to the establishment of regulations, hear certain technical appeals, and grant certain exceptions.

Proposed law requires persons engaging in elevator contracting, elevator repair work, and elevator inspecting to obtain licenses from the state fire marshal by Jan. 1, 2014.

Proposed law establishes application procedures for persons wishing to apply for licenses.

Proposed law establishes minimum qualifications for an elevator contractor, which include five years work experience in the elevator industry or satisfactory completion of a written examination.

Proposed law establishes qualifications of applicants for an elevator mechanic license, which include five years work experience and successful passage of a written examination administered by the board or passage of a national exam. However, persons with five years work experience prior to Jan. 1, 2015, shall not be required to take an exam.

Proposed law provides that no inspector license shall be granted unless the person proves that the person meets certain national standards.

Proposed law requires elevator contractors and inspectors to submit proof of liability insurance and workers compensation insurance to the state fire marshal.

Proposed law provides for the renewal of all licenses issued by the board.

Proposed law authorizes an emergency license to be granted in certain circumstances to competent persons working in the elevator mechanic industry. Proposed law also authorizes the issuance of temporary licenses when there are no available licensees to do work.

Proposed law provides for continuing education requirements, which shall be not less than eight hours of approved courses each year. Training providers are required to keep records to be available for inspection by the board.

Proposed law provides for fines for violations of proposed law, which shall not exceed \$5,000, as well as other administrative actions to be imposed on licensees. Monies collected from fines shall be used exclusively for the administration and enforcement of proposed law.

Proposed law provides that it is the responsibility of licensed individuals to ensure that work is performed in compliance with the provisions of the state uniform construction code.

Proposed law prohibits any conveyances regulated by proposed law to be constructed within the state unless plans are submitted to the state fire marshal. Proposed law further requires that all new conveyance installations be performed by licensees and that property owners obtain a certificate of operation from the state fire marshal before operating any new conveyances.

Proposed law authorizes the state fire marshal to develop an enforcement program to ensure compliance with regulations referenced in proposed law. Proposed law also authorizes the state fire marshal to adopt necessary administrative rules to administer proposed law.

Proposed law provides that nothing in proposed law shall be construed to relieve or lessen the liability of any person operating any elevator or other conveyance for damages to person or property caused by defects.

Proposed law provides that the provisions of proposed law are not retroactive, and conveyances shall be required to comply with the applicable code at the date of installation.

Proposed law provides that beginning Jan. 1, 2014, it shall be the responsibility of the owner of all new and existing conveyances to have the conveyance, except those conveyances in one- or two-family dwellings, inspected annually by a licensed inspector. Proposed law further allows the owner to appeal the findings of any order issued by the fire marshal citing code violations.

Proposed law provides that temporarily dormant elevators, dumbwaiters, and escalators shall

have their power supplies disconnected and the cars shall be parked. Wire seals shall be installed by licensed elevator inspectors. The conveyances may remain temporarily dormant for up to five years. However, proposed law does not apply to conveyances in one- or two-family dwellings.

Proposed law provides that whenever any provision of proposed law is found to be inconsistent with another provision of applicable state law, the other provision shall prevail. Proposed law is not intended to establish a more restrictive standard.

Provides that the provisions of proposed law shall not become effective until the state fire marshal adopts fees for the administration of proposed law.

(Adds R.S. 40:1665.1-1665.28)