

Regular Session, 2014

SENATE BILL NO. 684 (Substitute of Senate Bill No. 602 by Senator Nevers)

BY SENATOR NEVERS

COMMERCIAL REGULATIONS. Requires a study by the office of state fire marshal to determine the cost of requiring regulation and inspection of elevators and other conveyance devices. (8/1/14)

1 AN ACT
2 To enact Subpart A-1, Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 40:1597.1 and 1597.2, relative to elevators and
4 conveyance devices; to provide for the office of state fire marshal to conduct a study
5 and report on the cost of implementation and structure of fees necessary to require
6 registration of elevator and conveyance devices, requiring compliance with certain
7 codes, the issuance of inspector licenses, and the necessity for promulgation of
8 administrative rules; to provide for certain reporting deadlines; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart A-1, Part III of Chapter 7 of Title 40 of the Louisiana Revised
12 Statutes of 1950, to be comprised of R.S. 40:1597.1 and 1597.2, is hereby enacted to read
13 as follows:

14 **SUBPART A-1. CONVEYANCE DEVICES**
15 **§1597.1. Short title**
16 **This Subpart shall be known and may be cited as the "Conveyance**
17 **Devices Safety Act"**.

1 **§1597.2. Purpose; administration and enforcement; initial study**

2 **A.(1) The purpose of this Subpart is to provide for the safety of the**
3 **persons utilizing and working with conveyance devices, as well as to promote**
4 **public safety awareness by requiring conveyance device inspections by licensed**
5 **elevator inspectors.**

6 **(2) The use of unsafe and defective conveyance devices imposes the**
7 **probability of injury to the persons exposed to these unsafe devices. The**
8 **prevention of these injuries is in the best interest of the people of this state.**

9 **(3) Adequate protection for safety should be afforded in every**
10 **conveyance device to which this Subpart applies. The study shall include a**
11 **determination of whether such protection standards shall comply with the latest**
12 **editions of the American Society of Mechanical Engineers (ASME) Safety Code**
13 **for Elevators and Escalators, ASME A17.1; ASME Performance-Based Safety**
14 **Code for Elevators and Escalators A17.7; the ASME Safety Code for Existing**
15 **Elevators and Escalators, A17.3; the ASME Safety Standards for Platform Lifts**
16 **and Stairway Chairlifts, A18.1; ASME Standard for the Qualification of**
17 **Elevator Inspectors, QEI-1; and Automated People Mover Standards, ASCE 21.**

18 **B.(1) The Department of Public Safety and Corrections, office of state**
19 **fire marshal, shall study the cost of implementation of and promulgation of**
20 **rules and regulations under the Administrative Procedure Act necessary to**
21 **adopt the standards set forth in this Subpart, and shall include in its study the**
22 **following:**

23 **(a) An inventory of the estimated number of elevators and conveyance**
24 **devices in Louisiana which would fall under the requirements of this Subpart.**

25 **(b) Whether and which standards of the American Society of**
26 **Mechanical Engineers and American National Standards Institute, Safety Code**
27 **for Elevators and Escalators and American Society of Mechanical Engineers**
28 **Safety Standards for Platform Lifts and Stairway Chairlifts, American Society**
29 **of Civil Engineers, Automated People Mover Standards, should be applicable**

1 to conveyance devices or elevators, and that each conveyance device inspected
2 shall meet.

3 (c) Identification of fees necessary for the office of state fire marshal to
4 develop a registration and enforcement program to ensure compliance with
5 these national codes and requirements.

6 (d) The cost of such an enforcement program and identifying the means
7 of financing such costs. The study should include but not be limited to: the
8 identification of property locations which would be subject to regulation; the
9 mechanism for issuing notifications to violating property owners; the procedure
10 and cost of random onsite inspections and tests on existing installations, periodic
11 inspections and testing to ensure satisfactory installation; and the cost of
12 developing a public awareness program.

13 (e) A comparison of fee structures used in other states to enforce
14 compliance with the safety requirements of this Subpart.

15 (f) Recommendations on whether to "grandfather" in parishes,
16 municipalities or other entities which have adopted and enforce a nationally
17 recognized standard or code for conveyance devices, when those codes or
18 standards contain requirements that are substantially equal to the fire
19 marshal's code with respect to conveyance devices.

20 (g) Requirements for licensure of elevator inspectors.

21 (2) The office of state fire marshal shall include in its study input from
22 various groups and industry personnel, including but not limited to
23 representatives of major elevator manufacturing companies, representatives of
24 elevator servicing companies, representatives of the architectural design
25 profession, members of the general public who are physically disabled,
26 representatives of parishes and municipalities, representatives of building
27 owners or managers, and representatives of labor involved in the installation,
28 maintenance, and repair of elevators.

29 (3) On or before February 1, 2015, the office of state fire marshal shall

1 **report the findings and recommendations of this study to the Senate Finance**
2 **Committee, the House Appropriations Committee, the Senate Commerce,**
3 **Consumer Protection and International Affairs Committee, and the House**
4 **Commerce Committee.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Nevers (SB 684)

Proposed law provides for the Conveyances Devices Safety Act.

Proposed law requires that the Department of Public Safety and Corrections, office of state fire marshal, shall study the cost of implementation of and promulgation of rules and regulations under the Administrative Procedure Act necessary to adopt certain standards.

Proposed law provides that on or before February 1, 2015, the office of state fire marshal shall report the findings and recommendations of this study to the Senate Finance Committee, the House Appropriations Committee, the Senate Commerce, Consumer Protection and International Affairs Committee, and the House Commerce Committee.

Effective August 1, 2014.

(Adds R.S. 40:1597.1 and 1597.2)