

2015 Regular Session

HOUSE BILL NO. 679

BY REPRESENTATIVE ST. GERMAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COMMERCIAL REGULATIONS: Creates the Conveyance Devices Safety Pilot Program

1 AN ACT

2 To enact Subpart D-3 of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 40:1651 through 1660, relative to conveyance
4 devices; to provide for creation of the Conveyance Devices Safety Pilot Program; to
5 provide for intent and purposes; to provide for definitions; to require the reporting
6 of deaths or injuries on conveyance devices; to provide for a three-year pilot
7 program; to require third party inspections under certain circumstances; to provide
8 for the promulgation of administrative rules; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Subpart D-3 of Part III of Chapter 7 of Title 40 of the Louisiana Revised
11 Statutes of 1950, comprised of R.S. 40:1651 through 1660, is hereby enacted to read as
12 follows:

13 SUBPART D-3. CONVEYANCE DEVICES SAFETY PILOT PROGRAM

14 §1651. Short title

15 This Part shall be known and may be cited as the "Conveyance Devices
16 Safety Pilot Program".

17 §1652. Legislative findings; intent; purpose

18 A. The legislature finds that the use of unsafe and defective conveyance
19 devices imposes the probability of injury or death to those exposed to such unsafe

1 and defective devices. The prevention of injuries is in the best interest of the people
2 of the state.

3 B. The Legislature of Louisiana hereby expresses its intention to reduce the
4 threat of injury or death associated with the use of unsafe and defective conveyance
5 devices.

6 C. The purpose of this Subpart is require the notification by the owner of a
7 conveyance device, or his representative, to the state fire marshal of an injury or
8 death occurring during the use of a conveyance device, and to ensure the safe
9 operation of the conveyance device through the enforcement actions of reporting,
10 inspection, and penalties prior to the conveyance device being returned to service.

11 §1653. Conveyance Devices Safety Pilot Program; creation

12 Pursuant to the provisions of this Subpart, to reduce the number of injuries
13 and deaths resulting from unsafe or defective conveyance devices, the Department
14 of Public Safety and Corrections, office of state fire marshal shall develop and
15 facilitate a Conveyance Devices Safety Pilot Program.

16 §1654. Scope of application

17 A. The provisions of this Subpart shall apply to:

18 (1) All of the following equipment, its associated parts, and its hoistways:

19 (a) Hoisting and lowering mechanisms equipped with a car or platform,
20 which move between two or more landings. This equipment shall include but is not
21 limited to the following:

22 (i) Elevators.

23 (ii) Platform lifts.

24 (iii) Stairway chair lifts.

25 (b) Power-driven stairways and walkways for carrying persons between
26 landings. This equipment shall include but is not limited to the following:

27 (i) Escalators.

28 (ii) Moving walkways.

1 (c) Hoisting and lowering mechanisms equipped with a car, which serve two
2 or more landings and are restricted to the carrying of material by their limited size
3 or limited access to the car. This equipment shall include but is not limited to the
4 following:

5 (i) Dumbwaiters.

6 (ii) Material lifts and dumbwaiters with automatic transfer devices.

7 (2) Automatic guided transit vehicles on guideways with an exclusive
8 right-of-way. This equipment shall include but is not limited to automated people
9 movers.

10 B. The equipment listed in this Section is hereinafter collectively referred to
11 in this Subpart as "conveyance device" or "conveyance equipment".

12 C. The provisions of this Subpart shall not apply to one- or two-family
13 dwelling which contain conveyance devices.

14 §1655. Procedure upon injury or death

15 A. Immediately after an injury or death which occurs during the use or
16 operation of a conveyance device, the owner of the building or structure containing
17 the conveyance device or his representative shall immediately cease operation of the
18 conveyance device.

19 B. Within two hours of the injury or death, the owner of the building or
20 structure containing the conveyance device or his representative shall report the
21 injury or death to the state fire marshal in a manner prescribed by the state fire
22 marshal.

23 C. Upon receipt of the injury or death report, the state fire marshal shall
24 immediately issue a cease and desist order to the owner or his representative. A copy
25 of the cease and desist order shall be placed on or near the conveyance device.

26 D. The state fire marshal shall initiate an investigation of the injury or death
27 within twenty-four hours of receipt of the injury or death report by the owner or his
28 representative.

29 §1656. Inspection by a third party

1 A. (1) After an injury or death is reported, the owner shall have a third party
2 inspect the conveyance device.

3 (2) The conveyance device shall not be operated and shall remain under the
4 cease and desist order issued by the state fire marshal until the third party attests that
5 the conveyance device meets all of the following criteria:

6 (a) Is safe.

7 (b) Is no longer defective.

8 (c) Does not pose a threat of injury or death.

9 B. For the purposes of this Section, "third party" means a person, sole
10 proprietorship, partnership, limited liability company, or any other entity engaged
11 in the business of inspecting conveyance devices.

12 §1657. Report by the state fire marshal

13 Pursuant to the requirements of this Subpart, the state fire marshal shall do
14 all of the following:

15 (1) Document the number of reported injuries and deaths that occur due to
16 conveyance device use.

17 (2) Document the results of the pilot program and its enforcement provisions.

18 (3) Submit a written report to the House Committee on Commerce and Senate
19 Committee on Commerce, Consumer Protection and International Affairs no later
20 than March 1, 2020. The report shall include proposals for suggested legislation to
21 reduce the number of injuries or deaths occurring as a result of unsafe conveyance
22 devices.

23 §1658. Violations; fines

24 For violations of this Subpart, the state fire marshal may issue a fine not to
25 exceed one thousand dollars.

26 §1659. State fire marshal; administrative rules

27 The state fire marshal shall promulgate rules, in accordance with the
28 Administrative Procedure Act, for the implementation and enforcement of this
29 Subpart.

- 1 §1660. Termination of program
- 2 The Conveyance Devices Safety Pilot Program shall begin on January 1,
- 3 2016 and terminate on December 31, 2019.
- 4 Section 2. The Louisiana Law Institute is hereby directed to redesignate Subpart D-3
- 5 of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950 as Subpart D-4.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 679 Original

2015 Regular Session

St. Germain

Abstract: Creates the Conveyance Devices Safety Pilot Program.

Proposed law provides for the purpose and intent of proposed law.

Proposed law is applicable only to certain equipment including but not limited to elevators, platform lifts, escalators, moving walkways, and dumbwaiters.

Proposed law requires owners or their representatives to report to the state fire marshal any injury or death occurring on a covered conveyance, and requires the state fire marshal to issue an immediate cease and desist order to the owner of the conveyance and investigate the injury or death within 24 hours of receipt of the report.

Proposed law requires the owner of a conveyance device to cease operating the device after an accident involving injury or death until a third party inspector attests that the conveyance device is safe, no longer defective, and does not pose a threat of injury or death.

Proposed law requires the state fire marshal to submit a report with recommendations to the House Committee on Commerce and Senate Committee on Commerce, Consumer Protection and International Affairs by March 1, 2020.

Proposed law requires the state fire marshal to promulgate administrative rules to implement the program.

Proposed law provides that the program begins on January 1, 2016, and ends on December 31, 2019.

(Adds R.S. 40:1651-1660)