

Regular Session, 2013

HOUSE BILL NO. 548

BY REPRESENTATIVES WILLMOTT AND ST. GERMAIN

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

COMMERCIAL REGULATIONS: Provides for the regulation and inspection of elevators and other mechanisms

1 AN ACT

2 To enact Part E of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:1665.1 through 1665.28, relative to lifting devices; to provide
4 for the scope of regulation of the law; to provide for definitions; to provide for the
5 creation of the Elevator Safety Review Board and its powers and duties; to provide
6 for the issuance of licenses to elevator contractors, inspectors, and mechanics; to
7 provide for qualifications for licenses; to provide for issuance and renewals of
8 licenses; to provide for continuing education requirements; to provide for violations,
9 fines, and administrative actions; to require compliance with certain codes; to require
10 permits for new conveyances; to provide for the issuance of permits; to provide for
11 inspections and testing; to provide for enforcement; to provide relative to liability;
12 to provide relative to certain temporarily dormant conveyances; to provide relative
13 to the applicability of the law; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Part E of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950,
16 comprised of R.S. 40:1665.1 through 1665.28, is hereby enacted to read as follows:

17 PART E. CONVEYANCE DEVICES

18 §1665.1. Short title

19 This Part shall be known as and may be cited as the "Conveyance Devices
20 Safety Act".

1 §1665.2. Purpose

2 A. The purpose of this Part is to provide for the safety of conveyance
3 equipment and personnel and to promote public safety awareness. The use of unsafe
4 and defective lifting devices imposes a substantial probability of serious and
5 preventable injury to employees and the public exposed to unsafe conditions. The
6 prevention of these injuries and protection of employees and the public from unsafe
7 conditions is in the best interest of the people of this state. Conveyance personnel
8 performing work covered by this Part shall, by documented training or experience,
9 or both, be familiar with the operation and safety functions of the components and
10 equipment. Training and experience shall include but not be limited to recognizing
11 the safety hazards and performing the procedures to which they are assigned in
12 conformance with the requirements of this Part. This Part shall establish the
13 minimum standards for conveyance personnel and services.

14 B. The provisions of this Part are not intended to prevent the use of systems,
15 methods, or devices of equivalent or superior quality, strength, fire resistance, code
16 effectiveness, durability, and safety to those required by the applicable code,
17 provided that there is technical documentation to demonstrate the equivalency or
18 superiority of the system, method, or device, as prescribed in ASME A17.1/CSA
19 B44, ASME 17.3, ASME A17.7/CSA B44.7, ASME A18.1, or ASCE 21.

20 §1665.3. Applicability to certain equipment

21 A. The provisions of this Part shall apply to the design, construction,
22 operation, inspection, testing, maintenance, alteration, and repair of all of the
23 following equipment, its associated parts, and its hoistways, except as provided by
24 R.S. 40:1665.4:

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

28 (a) Elevators.

29 (b) Platform lifts.

1 (c) Stairway chair lifts.
2 (2) Power-driven stairways and walkways for carrying persons between
3 landings. This equipment shall include but is not limited to the following:

4 (a) Escalators.

5 (b) Moving walks.

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

10 (a) Dumbwaiters.

11 (b) Material lifts and dumbwaiters with automatic transfer devices.

12 B. The provisions of this Part shall also apply to the design, construction,
13 operation, inspection, maintenance, alteration, and repair of automatic guided transit
14 vehicles on guideways with an exclusive right-of way. This equipment shall include
15 but is not limited to automated people movers.

16 §1665.4. Exempt equipment

17 The provisions of this Part shall not apply to the following equipment:

18 (1) Material hoists within the scope of ANSI A10.5.

19 (2) Man lifts within the scope of ASME A90.1.

20 (3) Mobile scaffolds, towers, and platforms within the scope of ANSI A92.

21 (4) Powered platforms and equipment for exterior and interior maintenance
22 within the scope of ANSI 120.1.

23 (5) Conveyors and related equipment within the scope of ASME B20.1.

24 (6) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of
25 ASME B30.

26 (7) Industrial trucks within the scope of ASME B56.

27 (8) Portable equipment, except for portable escalators which are covered by
28 ASME A17.1/CSA B44 and ASME A17.7/CSA B44.7.

1 (9) Tiering or piling machines used to move materials to and from storage
2 located and operating entirely within one story.

3 (10) Equipment for feeding or positioning materials at machine tools,
4 printing presses, and other similar machines.

5 (11) Skip or furnace hoists.

6 (12) Wharf ramps.

7 (13) Railroad car lifts or dumpers.

8 (14) Line jacks, false cars, shafters, moving platforms, and similar
9 equipment used for installing an elevator by a contractor licensed in this state.

10 §1665.5. Definitions

11 As used in this Part, the terms defined in this Section have the meanings
12 herein given to them, except where the context expressly indicates otherwise:

13 (1) "ASCE 21" means the American Society of Civil Engineers Automated
14 People Mover Standards.

15 (2) "ASME A17.1/CSA B44" means the Safety Code for Elevators and
16 Escalators, an American National Standard.

17 (3) "ASME A17.3" means the Safety Code for Existing Elevators and
18 Escalators, an American National Standard.

19 (4) "ASME A17.7/CSA B44.7" means the Performance-Based Safety Code
20 for Elevators and Escalators, an American National Standard.

21 (5) "ASME A18.1" means the Safety Standard for Platform Lifts and
22 Stairway Chairlifts, an American National Standard.

23 (6) "Automated people mover" means an installation as defined as an
24 "automated people mover" in ASCE 21.

25 (7) "Board" means the Elevator Safety Review Board as described in this
26 Part.

27 (8) "Certificate of operation" means a document issued by the state fire
28 marshal that indicates that the conveyance has had the required safety inspection and
29 tests and fees have been paid as set forth in this Part.

1 (9) "Conveyance" means any elevator, dumbwaiter, escalator, moving
2 sidewalk, platform lift, stairway chairlift, and automated people mover.

3 (10) "Elevator" means an installation as defined as an "elevator" in ASME
4 A17.1/CSA B44.

5 (11) "Elevator contractor" means any person, firm, or corporation who
6 possesses an elevator contractor's license in accordance with the provisions of this
7 Part and who is engaged in the business of erecting, constructing, installing, altering,
8 servicing, repairing, or maintaining elevators or related conveyances regulated by
9 this Part.

10 (12) "Elevator helper or apprentice" means a person who works under the
11 general supervision of a licensed elevator mechanic.

12 (13) "Elevator inspector" means any person, as defined in ASME QEI as an
13 inspector, who possesses an elevator inspector's license in accordance with the
14 provisions of this Part and who engages in the business of inspecting elevators and
15 other related conveyances regulated by this Part.

16 (14) "Elevator mechanic" means any person who possesses an elevator
17 mechanic license in accordance with the provisions of this Part and who is engaged
18 in erecting, constructing, installing, altering, servicing, repairing, testing,
19 maintaining, or performing electrical work on elevators or related conveyances
20 regulated by this Part.

21 (15) "Escalator" means an installation as defined as an "escalator" in ASME
22 A17.1/CSA B44.

23 (16) "Existing installation" means an installation as defined as an
24 "installation, existing" in ASME A17.1/CSA B44.

25 (17) "License" means a written, current, and valid document, duly issued by
26 the state fire marshal, authorizing a person, firm, or corporation to carry on the
27 business of erecting, constructing, installing, altering, servicing, repairing,
28 maintaining, or assisting in any of the aforementioned activities, or performing
29 inspections of elevators or related conveyances regulated by this Part.

1 (18) "Licensee" means the elevator mechanic, elevator contractor,
2 emergency elevator mechanic, or elevator inspector who possesses a license issued
3 pursuant to this Part.

4 (19) "Material alteration" means an "alteration" as defined in the referenced
5 standards.

6 (20) "Moving walk or sidewalk" means an installation as defined as a
7 "moving walk" in ASME A17.1/CSA B44.

8 (21) "One- or two-family dwelling" means a separate dwelling, a duplex, or
9 a separate apartment in a multiple dwelling, which is occupied by members of a
10 single-family unit.

11 (22) "Operating location" means a physical address that houses a person,
12 firm, or corporation that engages in the business of erecting, constructing, installing,
13 altering, servicing, testing, repairing, inspecting, or maintaining elevators or related
14 conveyances regulated by this Part.

15 (23) "Person" means a natural person.

16 (24) "Repair" means a "repair" as defined in the referenced standards.

17 (24) "Temporarily dormant elevator, dumbwaiter, or escalator" means an
18 installation placed out of service as specified in ASME A17.1/CSA B44 and ASME
19 A18.1 for a specified period of time.

20 §1665.6. Other definitions

21 All other building transportation terms are defined in the latest edition of
22 ASME A17.1/CSA B44 and ASME A18.1.

23 §1665.7. Elevator Safety Review Board

24 A. There is hereby created the Elevator Safety Review Board, consisting of
25 nine members, one of whom shall be the state fire marshal, or his designee, and one
26 of whom shall be the chairman of the State Licensing Board for Contractors, or his
27 designee. The governor shall appoint the remaining seven members of the board as
28 follows:

1 (1) One representative from a major elevator manufacturing company or its
2 authorized representative.

3 (2) One representative from an elevator servicing company.

4 (3) One representative of the architectural design profession.

5 (4) One representative of the general public who is physically disabled.

6 (5) One representative of a municipality in this state.

7 (6) One representative of a building owner or manager.

8 (7) One representative of labor involved in the installation, maintenance, and
9 repair of elevators.

10 B. The members of the board shall serve for terms of three years, excluding
11 the state fire marshal and the chairman of the State Licensing Board for Contractors,
12 or their designees, who shall serve continuously.

13 C. The members shall serve without salary. The board members shall
14 receive from the state expenses necessarily incurred in the performance of their
15 duties.

16 D. The governor shall appoint one of the members to serve as chairman. The
17 chairman shall only vote in the event of a tie vote.

18 §1665.8. Meetings of the board

19 A. The board shall meet and organize within ninety days after the
20 appointment of all of its members and at the first meeting shall elect one secretary
21 of the board to serve during the term to be fixed by the rules and regulations to be
22 adopted by the board.

23 B. The board shall meet at such times as it is deemed necessary for the
24 consideration of code regulations, appeals, variances, and for the transaction of such
25 other business as properly may come before it. Special meetings shall be called as
26 provided in the rules and regulations. A quorum shall consist of five members.

27 C. Any appointed board member absent from three consecutive meetings
28 without cause shall be dismissed.

1 D. Vacancies on the board shall be filled by the governor in the same manner
2 in which the person vacating his office was appointed.

3 §1665.9. Powers of board and the state fire marshal

4 A. The board shall be authorized to consult with engineering authorities and
5 organizations concerned with standard safety codes, rules and regulations governing
6 the operation, maintenance, servicing, construction, alteration, installation, and
7 inspection of elevators, dumbwaiters, escalators, and other similar equipment, and
8 the qualifications which are adequate, reasonable, and necessary for the elevator
9 mechanic, contractor, and inspector. Therefore, the board shall be authorized to
10 recommend any changes in the law in order to better provide for the provisions of
11 this Part.

12 B. The board shall advise the state fire marshal in his authority to establish
13 the state regulations for the equipment regulated by this Part. The regulations shall
14 include the Safety Code for Elevators and Escalators, ASME A17.1/CSA B44, the
15 Safety Code for Existing Elevators and Escalators, ASME A17.3, the Performance-
16 Based Safety Code for Elevators and Escalators, ASME A17.7/CSA B44.7, the
17 Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1, Standard
18 for the Qualification of Elevator Inspectors, ASME QEI-1, and Automated People
19 Mover Standards, ASCE 21. The state fire marshal shall adopt the latest editions of
20 the standards within six months of their effective date. Any modifications to the
21 standards that the board deems necessary shall be justified in writing to the state fire
22 marshal.

23 C. The board may hear appeals of a technical nature, and shall hold hearings
24 and issue decisions within thirty days of the appeal. The state fire marshal shall
25 determine which appeals are technical in nature.

26 D. Pursuant to the authority to hear technical appeals, the board shall also
27 have the authority to grant exceptions and variances from the literal requirements of
28 applicable codes and standards, regulations, and local ordinances in cases where the
29 variances are demonstratively equivalent to or superior to literal requirements.

1 E. The state fire marshal shall promulgate rules, in accordance with the
2 Administrative Procedure Act, to establish fee schedules for licenses, permits,
3 certificates, and inspections. The fees shall reflect the actual costs and expenses to
4 administer the provisions of this Part and to operate the board.

5 §1665.10. License required; exceptions

6 A. Beginning January 1, 2014, no person, firm, or corporation shall engage
7 in the business of erecting, constructing, installing, altering, servicing, testing,
8 repairing, or maintaining elevators or related conveyances regulated by this Part
9 unless the person, firm, or corporation possesses an elevator contractor license.

10 B. Beginning January 1, 2014, no person shall erect, construct, alter, replace,
11 repair, maintain, remove, dismantle, or perform electrical work on any conveyance
12 regulated by this Part contained within buildings or structures in the jurisdiction of
13 this state, including but not limited to one- or two-family dwellings, unless the
14 person possesses an elevator mechanic license and is working under the direct
15 supervision of a person, firm, or corporation who is a licensed elevator contractor
16 pursuant to this Part.

17 C. Beginning January 1, 2014, no person shall inspect any conveyance
18 regulated by this Part contained within buildings or structures in the jurisdiction of
19 this state, including but not limited to one- or two-family dwellings, unless the
20 person possesses an inspector's license.

21 D. A licensed elevator contractor shall not be required for removing or
22 dismantling conveyances which are destroyed as a result of a complete demolition
23 of a secured building or structure or where the hoistway or wellway is demolished
24 back to the basic support structure whereby no access is permitted therein to
25 endanger the safety and welfare of a person.

26 E. No license shall be required for any person who works as an elevator
27 helper under the general supervision of a licensed elevator mechanic.

1 §1665.11. Application for elevator contractor, mechanic, or inspector license

2 A. Each operating location of any person, firm, or corporation wishing to
3 engage in the business of elevator, dumbwaiter, escalator, or moving sidewalks
4 installation, alteration, service, replacement, repair, or maintenance within the state
5 shall make application for an elevator contractor license with the state fire marshal
6 on a form provided by the state fire marshal.

7 B. Any person wishing to engage in elevator, dumbwaiter, escalator, or
8 moving sidewalks erection, installation, alteration, service, replacement, repair, or
9 maintenance, or who performs electrical work on such conveyances within the state,
10 shall make application for an elevator mechanic license with the state fire marshal
11 on a form provided by the state fire marshal.

12 C. Each operating location of any person, firm, or corporation wishing to
13 engage in the business of elevator, dumbwaiter, escalator, moving walks, platform,
14 or stairway chairlift inspections within the state, upon proof of ASME QEI
15 certification, shall make application for an elevator inspector license with the state
16 fire marshal on a form to be provided by the state fire marshal.

17 D. The applications shall contain the following information:

18 (1) If a person, the name, residence, and business address of the applicant.

19 (2) If a partnership, the name, residence, and business address of each
20 partner.

21 (3) If a domestic corporation, the name and business address of the
22 corporation and the name and residence address of the principal officer of the
23 corporation. If a corporation other than a domestic corporation, the name and
24 address of a local agent who shall be authorized to accept service of process and
25 official notices.

26 (4) The number of years the applicant has engaged in the business of
27 installing, inspecting, maintaining, or servicing elevators and platform lifts.

1 (5) The approximate number of persons, if any, to be employed by the
2 elevator contractor applicant and, if applicable, satisfactory evidence that the
3 employees are covered by workers' compensation insurance.

4 (6) Satisfactory evidence that the applicant is covered by general liability,
5 personal injury, errors and omissions, and property damage insurance.

6 (7) Such other information as the state fire marshal may require.

7 §1665.12. Qualifications of an elevator contractor

8 A. No elevator contractor license shall be granted to any person, firm, or
9 corporation which has not proven the required qualifications and abilities.

10 Applicants for an elevator contractor license shall demonstrate one of the following
11 qualifications:

12 (1) Five years work experience in the elevator industry in construction,
13 maintenance, and service or repair, as verified by current and previous elevator
14 contractor licenses to do business.

15 (2) Satisfactory completion of a written examination administered by the
16 Elevator Safety Review Board on the most recent referenced codes and standards.

17 B. The state fire marshal may enter into reciprocal agreements with other
18 states for mutual recognition of elevator contractor license holders if the board has
19 established the criteria for acceptance of such agreements.

20 §1665.13. Qualifications of an elevator mechanic

21 A. No elevator mechanic license shall be granted to any person who has not
22 proven the required qualifications and abilities. Applicants for an elevator mechanic
23 license shall demonstrate one of the following qualifications:

24 (1)(a) Documented evidence of not less than five years work experience in
25 the elevator industry in construction, maintenance, and service or repair, as verified
26 by current and previous employers and satisfactory completion of a written
27 examination administered by the Elevator Safety Review Board on the most recent
28 referenced codes and standards.

1 **(b) However, any person who furnishes the state fire marshal with acceptable**
2 **proof that he has worked as an elevator construction, maintenance, or repair person**
3 **for no less than five years immediately prior to January 1, 2014, shall, upon making**
4 **application for a license and paying the license fee, be entitled to receive a license**
5 **without an examination. The applicant shall show proof that he has worked without**
6 **direct and immediate supervision for an elevator contractor licensed to do business**
7 **in this state. Any person making application after January 1, 2015, shall**
8 **satisfactorily complete the written examination administered by the board.**

9 **(2) Certificates of completion and successful passage of the elevator**
10 **mechanic examination of a nationally recognized training program for the elevator**
11 **industry such as the National Elevator Industry Educational Program or its**
12 **equivalent, as determined by the Elevator Safety Review Board.**

13 **B. The state fire marshal may enter into reciprocal agreements with other**
14 **states for mutual recognition of elevator mechanic license holders if the board has**
15 **established the criteria for acceptance of such agreements.**

16 **§1665.14. Qualifications for an elevator inspector**

17 **No elevator inspector license shall be granted to any person, unless the**
18 **applicant proves to the satisfaction of the state fire marshal that the applicant meets**
19 **the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.**

20 **§1665.15. Insurance requirements**

21 **A. Elevator contractors and elevator inspectors shall submit to the state fire**
22 **marshal an insurance policy, or certified copy thereof, issued by an insurance**
23 **company authorized to do business in the state to provide general liability coverage**
24 **of at least one million dollars for injury or death of any one person and one million**
25 **dollars for injury or death of any number of persons in any one occurrence, with the**
26 **coverage of at least five hundred thousand dollars for property damage in any one**
27 **occurrence, and the statutory workers compensation insurance coverage. The**
28 **general liability policy shall have an errors and omissions endorsement.**

1 B. The policies, or duly certified copies thereof, or an appropriate certificate
2 of insurance shall be delivered to the state fire marshal before or at the time of the
3 issuance of a license. In the event of any material alteration or cancellation of any
4 policy, at least ten days notice thereof shall be given to the state fire marshal.

5 §1665.16. Issuance and renewal of licenses; fees; emergency elevator mechanic
6 license; temporary elevator mechanic license

7 A. Upon approval of an application, the state fire marshal may issue a
8 license, which shall be renewable annually. The fee for the license or for any
9 renewal thereafter shall be established by the state fire marshal by rule.

10 B.(1) Whenever an emergency has been declared in the state by the governor
11 or the board due to a natural disaster, act of God, or work stoppage and the number
12 of persons in the state holding licenses granted by the state fire marshal is
13 insufficient to cope with the emergency, all licensed elevator contractors shall
14 respond as necessary to assure the safety of the public.

15 (2) During a declared emergency, any person certified by a licensed elevator
16 contractor to have an acceptable combination of documented experience and
17 education to perform elevator work without direct and immediate supervision shall
18 seek an emergency elevator mechanic license from the state fire marshal within five
19 business days after commencing work requiring a license.

20 (3) The state fire marshal may issue emergency elevator mechanic licenses
21 to persons who are employed by a licensed elevator contractor. The licensed
22 elevator contractor shall furnish proof of competency as the state fire marshal may
23 require. Each emergency license shall recite that it is valid for a period of thirty days
24 from the effective date and for such particular elevators or geographical areas as the
25 state fire marshal may designate. The emergency license shall entitle the licensee
26 to the rights and privileges of an elevator mechanic license issued in accordance with
27 this Part.

28 (4) The state fire marshal shall renew an emergency elevator mechanic
29 license during a declared emergency.

1 C.(1) A licensed elevator contractor shall notify the board when there are no
2 licensed elevator mechanics or contractors to perform elevator work. The licensed
3 elevator contractor may request that the state fire marshal issue temporary elevator
4 mechanic licenses to persons certified by the licensed elevator contractor to have an
5 acceptable combination of documented experience and education to perform elevator
6 work without direct and immediate supervision.

7 (2) Any person certified by a licensed elevator contractor to have an
8 acceptable combination of documented experience and education to perform elevator
9 work without direct and immediate supervision shall immediately seek a temporary
10 elevator mechanic license from the state fire marshal and shall pay such fee as the
11 state fire marshal shall determine.

12 (3) Each temporary license shall recite that it is valid for a period of thirty
13 days from the date of issuance and while the licensee is employed by the licensed
14 elevator contractor that certified the individual as qualified. It shall be renewable as
15 long as the shortage of license holders continues.

16 §1665.17. Continuing education

17 A.(1) The renewal of all licenses granted pursuant to the provisions of this
18 Part, except emergency elevator mechanic licenses and temporary elevator mechanic
19 licenses, shall be conditioned upon the submission of a certificate of completion of
20 a course designed to ensure the continuing education of licensees on new and
21 existing provisions of the regulations as adopted by the state fire marshal. The
22 courses shall be approved by the board. The courses shall consist of not less than
23 eight hours of instruction that shall be attended and completed within one year
24 immediately preceding any such license renewal.

25 (2) The courses shall be taught by instructors through continuing education
26 providers. The courses may include but shall not be limited to association seminars
27 and labor training programs. The Elevator Safety Review Board shall approve the
28 continuing education providers. All instructors shall be approved by the board and
29 shall be exempt from submitting a certificate of completion of a continuing

1 education course upon submission of applications for renewal of their licenses,
2 provided that such applicants were qualified as instructors at any time during the
3 year immediately preceding the scheduled date for the renewal.

4 B. Approved training providers shall keep uniform records, for a period of
5 ten years, of attendance of licensees following a format approved by the board, and
6 the records shall be available for inspection by the board or the state fire marshal
7 upon request. Approved training providers shall be responsible for the security of
8 all attendance records and certificates of completion, provided, however, that
9 falsifying or knowingly allowing another to falsify such attendance records or
10 certificates of completion shall constitute grounds for suspension or revocation of the
11 approval required under this Section.

12 C. A licensee who is unable to complete the continuing education course
13 required by this Section prior to the expiration of his license due to a temporary
14 disability may apply for a waiver from the fire marshal. Application for a waiver
15 shall be made on a form provided by the fire marshal, shall be signed under the
16 penalty of perjury, and shall be accompanied by a certified statement from a
17 competent physician attesting to the temporary disability. Upon the termination of
18 the temporary disability, the licensee shall submit to the fire marshal a certified
19 statement from the same physician, if practicable, attesting to the termination of the
20 temporary disability. The state fire marshal may issue a license valid for up to ninety
21 days so that the licensee may attain the required continuing education requirements
22 while continuing to practice.

23 §1665.18. Violations; fines

24 A. Upon a finding by the state fire marshal, any person, firm, corporation,
25 owner, or lessee who violates any of the provisions of this Part shall be fined an
26 amount not to exceed five thousand dollars.

27 B. Any monies collected from fines issued pursuant to this Section shall be
28 used exclusively by the office of the state fire marshal, code enforcement and
29 building safety for the enforcement and administration of the provisions of this Part.

1 §1665.19. Suspension and revocation of licenses; fines

2 A license issued pursuant to this Part may be denied, suspended, revoked, or
3 refused to be renewed by the state fire marshal, and the state fire marshal may
4 impose the fine provided for in R.S. 40:1665.18 upon verification, and after notice
5 and hearing in accordance with the provisions of the Administrative Procedure Act,
6 that any one or more of the following have occurred:

7 (1) The applicant or licensee submitted any false statement as to material
8 matter in the application.

9 (2) The applicant or licensee committed fraud, misrepresentation, or bribery
10 in securing a license.

11 (3) The applicant or licensee failed to notify the state fire marshal and the
12 owner or lessee of an elevator or related mechanisms of any condition not in
13 compliance with this Part.

14 (4) The applicant or licensee violated any of the provisions of this Part.

15 §1665.20. Compliance with state uniform construction code

16 It shall be the responsibility of persons, firms, or corporations licensed
17 pursuant to this Part to ensure that installation, inspection, repair, service, and
18 maintenance of elevators and devices described in R.S. 40:1665.3 are performed in
19 compliance with the provisions contained in the state uniform construction code,
20 R.S. 40:1730.21 et seq., and with generally accepted standards referenced in the
21 code.

22 §1665.21. Permits

23 A. No conveyance regulated by this Part shall be erected, constructed,
24 installed, or altered within buildings or structures within the state unless plans, shop
25 drawings, or both have been submitted to the state fire marshal as required by R.S.
26 40:1574.

27 B. Nothing in this Part shall prohibit political subdivisions from requiring
28 local permits for the erection, construction, installation, or alteration of conveyances.

29 C. No permit shall be required for any repairs made to conveyances.

1 §1665.22. New installations; annual inspections and certificates of operation

2 A.(1) All new conveyance installations shall be performed by a person, firm,
3 or corporation to which a license to install or service conveyances has been issued.
4 Subsequent to installation, the licensed person, firm, or corporation shall certify
5 compliance with the applicable Sections of this Part.

6 (2) Prior to any conveyance being used, including those conveyances in one-
7 or two-family dwellings, the property owner or lessee shall obtain a certificate of
8 operation from the state fire marshal upon a satisfactory inspection by a person, firm,
9 or corporation licensed to perform such inspections. It shall be the responsibility of
10 the licensed elevator contractor to complete and submit original registrations for new
11 installations.

12 (3) The certificate of operation fee for newly installed platform lifts and
13 stairway chair lifts for private residences shall be submitted to the state fire marshal
14 subsequent to an inspection by a licensed third party inspection firm.

15 B. Each conveyance governed by this Part, except those conveyances in one-
16 or two-family dwellings, shall be inspected on an annual basis, and the fee for a
17 certificate of operation shall be submitted to the state fire marshal.

18 C. Certificates of operation issued pursuant to this Section are renewable
19 annually, except for those issued for conveyances in one- or two-family dwellings,
20 upon certification by a licensed elevator inspector and submission of the certificate
21 to the state fire marshal. Certificates of operation shall be clearly displayed on or in
22 each conveyance or in the machine room.

23 D. Certificates of operation for new conveyance installations in one- or two-
24 family dwellings shall be issued only once and shall not be required to be renewed.
25 However, the owner of such conveyance may request an inspection once every three
26 years by the state fire marshal. The state fire marshal shall adopt a nominal fee by
27 rule, in accordance with the Administrative Procedure Act, to cover the costs of
28 providing the inspections. The owner may also request an inspection of the
29 conveyance by a licensed elevator inspector at any time.

1 §1665.23. Enforcement and administration

2 A. The state fire marshal is authorized to develop an enforcement program
3 to ensure compliance with regulations and requirements referenced in this Part. This
4 may include but shall not be limited to any of the following:

5 (1) Adopting regulations for identification of property locations which are
6 subject to the regulations and requirements.

7 (2) Issuing notifications to violating property owners or operator random
8 onsite inspections and tests on existing installations.

9 (3) Witnessing periodic inspections and testing in order to ensure satisfactory
10 performance by licensed persons, firms, or corporations.

11 (4) Assisting in the development of public awareness programs.

12 B. The state fire marshal may promulgate and adopt such rules and
13 regulations, in accordance with the Administrative Procedure Act, as may be
14 necessary for the proper administration and enforcement of this Part.

15 §1665.24. Liability

16 This Part shall not be construed to relieve or lessen the responsibility or
17 liability of any person, firm, or corporation owning, operating, controlling,
18 maintaining, erecting, constructing, installing, altering, inspecting, testing, or
19 repairing any elevator or other related mechanisms regulated by this Part for
20 damages to persons or property caused by any defect in such mechanisms. In
21 addition, the state shall not assume any such liability or responsibility or any liability
22 to any person for any reason whatsoever by the adoption of this Part or any acts or
23 omissions arising hereunder.

24 §1665.25. Provisions not retroactive

25 The provisions of this Part are not retroactive unless otherwise stated, and
26 equipment shall be required to comply with the applicable code at the date of its
27 installation, or within the period determined by the state fire marshal for compliance
28 with ASME A17.3, whichever is more stringent. If, upon the inspection of any
29 device regulated by this Part, the equipment is found to be in dangerous condition

1 or there is an immediate identifiable hazard to those riding or using such equipment,
2 or if the design or the method of operation in combination with devices used is
3 considered inherently dangerous in the opinion of the inspector, the inspector shall
4 notify the owner or lessee and the state fire marshal of the condition. The state fire
5 marshal shall review the report and, upon determining the validity to the findings,
6 shall order such alterations or additions as may be deemed necessary to eliminate the
7 dangerous condition.

8 §1665.26. Inspection, testing, and appeals

9 A.(1) Beginning January 1, 2014, it shall be the responsibility of the owner
10 of all new and existing conveyances located in any building or structure to have the
11 conveyance inspected annually, in accordance with ASME A17.1/CSA B44,
12 category one, by an elevator inspector licensed pursuant to this Part.

13 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection,
14 owners of conveyances in one- or two-family dwellings shall be required to have any
15 newly installed conveyances inspected only once. These owners shall not be
16 required to obtain an annual inspection. Any conveyances installed in one- or two-
17 family dwellings prior to January 1, 2014, shall not require an inspection.

18 B. Subsequent to inspection, upon receipt of a written order from the state
19 fire marshal, the licensed elevator inspector shall supply the property owner or lessee
20 and the state fire marshal with a written inspection report describing any and all
21 alleged code violations. It shall be the responsibility of the owner or lessee to ensure
22 code compliance.

23 C.(1) The owner may appeal the findings of the order within three days of
24 receipt of the notice. The state fire marshal shall, within five days of receipt of the
25 appeal, review the order and advise the owner or lessee of his decision. The owner
26 or lessee may, within five days after receipt of notice of the making or affirming of
27 the order by the state fire marshal, file an application of appeal with the Elevator
28 Safety Review Board as provided for in R.S. 40:1665.9, in accordance with the

1 regulations promulgated by the board, praying for a review of the order or such other
2 relief as is provided by law.

3 (2) If the order is not appealable to the board, the owner or lessee may file
4 his petition with the district court of the district in which the premises or building
5 affected by the order is located, praying for a review of the order or such other relief
6 as is provided by law.

7 D. The board shall render its decision within five business days of the review
8 of the order.

9 E. It shall be the responsibility of the owner of all conveyances to have a
10 person, firm, or corporation licensed pursuant to this Part to ensure that the required
11 inspection and test are performed at intervals in compliance with the ASME
12 A17.1/CSA B44, ASME A18.1, and ASCE 21. However, inspections of
13 conveyances located in a one- or two-family dwellings shall only be required to be
14 inspected pursuant to the provisions of Paragraph (2) of Subsection A of this Section.

15 E. All tests shall be performed by a licensed elevator mechanic.
16 §1665.27. Temporarily dormant elevators, dumbwaiters, and escalators

17 A. Temporarily dormant elevators, dumbwaiters, and escalators shall have
18 their power supplies disconnected by removing fuses and placing a padlock on the
19 mainline disconnect switches in the "OFF" positions. The cars shall be parked and
20 the hoistway doors shall be in the closed and latched position. Wire seals shall be
21 installed on the mainline disconnect switches by licensed elevator inspectors. These
22 installations shall not be used again until put in safe running order and in condition
23 for use.

24 B. Annual inspections by a licensed elevator inspector shall continue for the
25 duration of the temporarily dormant period.

26 C. "Temporarily dormant" status shall be renewable on an annual basis and
27 shall not exceed a five-year period. The elevator inspector shall file a report with the
28 state fire marshal describing the conditions at the time of inspection. The wire seal

1 and padlock shall not be removed for any purpose without permission from the
2 elevator inspector.

3 D. The provisions of this Section shall not apply to conveyances located in
4 one- or two-family dwellings.

5 §1665.28. State law, code, or regulation

6 Whenever a provision in this Part is found to be inconsistent with any other
7 provision of applicable state law, code, or regulation, the other applicable state law
8 shall prevail. This Part, unless specifically stated otherwise, is not intended to
9 establish more stringent or more restrictive standards than those standards set forth
10 in the applicable state law.

11 Section 2. The provisions of this Act shall not become operative until such time as
12 the state fire marshal adopts by rule, in accordance with the provisions of the Administrative
13 Procedure Act, fees to be used for the administration of this Act and the operation of the
14 Elevator Safety Review Board.

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)]

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)