

1                                    AMENDMENT TO SENATE BILL 1701

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1701, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5            "Section 1. Short title. This Act may be cited as the  
6 Elevator Safety and Regulation Act.

7            Section 5. Purpose. The purpose of this Act is to  
8 provide for the public safety of life and limb and to promote  
9 public safety awareness. The use of unsafe and defective  
10 lifting devices imposes a substantial probability of serious  
11 and preventable injury to employees and the public exposed to  
12 unsafe conditions. The prevention of these injuries and  
13 protection of employees and the public from unsafe conditions  
14 is in the best interest of the people of this State. Elevator  
15 personnel performing work covered by this Act shall, by  
16 documented training or experience or both, be familiar with  
17 the operation and safety functions of the components and  
18 equipment. Training and experience shall include, but not be  
19 limited to, recognizing the safety hazards and performing the  
20 procedures to which they are assigned in conformance with the  
21 requirements of the Act. This Act shall establish the minimum  
22 standards for elevator personnel.

1 This Act is not intended to interfere with the home rule  
2 powers of a municipality with a population over 500,000,  
3 including the power to license and regulate any profession or  
4 occupation.

5 The provisions of this Act are not intended to prevent  
6 the use of systems, methods, or devices of equivalent or  
7 superior quality, strength, fire resistance, code  
8 effectiveness, durability, and safety to those required by  
9 the Act, provided that there is technical documentation to  
10 demonstrate the equivalency of the system, method, or device,  
11 as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

12 Section 10. Applicability.

13 (a) This Act covers the design, construction, operation,  
14 inspection, testing, maintenance, alteration, and repair of  
15 the following equipment, its associated parts, and its  
16 hoistways (except as modified by subsection (c) of this  
17 Section):

18 (1) Hoisting and lowering mechanisms equipped with a  
19 car or platform, which move between 2 or more landings.  
20 This equipment includes, but is not limited to, the  
21 following (also see ASME A17.1, ASME A17.3, ASME A18.1,  
22 and ANSI A10.4):

23 (A) Elevators.

24 (B) Platform lifts and stairway chair lifts.

25 (2) Power driven stairways and walkways for carrying  
26 persons between landings. This equipment includes, but is  
27 not limited to, the following (also see ASME A17.1 and  
28 ASME A17.3):

29 (A) Escalators.

30 (B) Moving walks.

31 (3) Hoisting and lowering mechanisms equipped with a  
32 car, which serves 2 or more landings and is restricted to  
33 the carrying of material by its limited size or limited

1 access to the car. This equipment includes, but is not  
2 limited to, the following (also see ASME A17.1 and ASME  
3 A17.3):

4 (A) Dumbwaiters.

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

7 (b) This Act covers the design, construction, operation,  
8 inspection, maintenance, alteration, and repair of automatic  
9 guided transit vehicles on guideways with an exclusive  
10 right-of-way. This equipment includes, but is not limited to,  
11 automated people movers (also see ASCE 21).

12 (c) This Act does not apply to the following equipment:

13 (1) Material hoists.

14 (2) Belt manlifts.

15 (3) Mobile scaffolds, towers, and platforms, except  
16 those covered by ANSI A10.4.

17 (4) Powered platforms and equipment for exterior and  
18 interior maintenance.

19 (5) Conveyors and related equipment.

20 (6) Cranes, derricks, hoists, hooks, jacks, and  
21 slings.

22 (7) Industrial trucks.

23 (8) Portable equipment, except for portable  
24 escalators.

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

28 (10) Equipment for feeding or positioning materials  
29 at machine tools, printing presses, etc.

30 (11) Skip or furnace hoists.

31 (12) Wharf ramps.

32 (13) Railroad car lifts or dumpers.

33 (14) Line jacks, false cars, shafters, moving  
34 platforms, and similar equipment used for installing an

1 elevator by a contractor licensed in this State.

2 (15) Railway and Transit Systems.

3 Section 15. Definitions. For the purpose of this Act:

4 "Administrator" means the Office of the State Fire  
5 Marshal.

6 "ANSI A10.4" means the safety requirements for personnel  
7 hoists, an American National Standard.

8 "ASCE 21" means the American Society of Civil Engineers  
9 Automated People Mover Standards.

10 "ASME A17.1" means the Safety Code for Elevators and  
11 Escalators, an American National Standard.

12 "ASME A17.3" means the Safety Code for Existing Elevators  
13 and Escalators, an American National Standard.

14 "ASME A18.1" means the Safety Standard for Platform Lifts  
15 and Stairway Chairlifts, an American National Standard.

16 "Automated people mover" means an installation as defined  
17 as an "automated people mover" in ASCE 21.

18 "Board" means the Elevator Safety Review Board.

19 "Certificate of operation" means a certificate issued by  
20 the Administrator that indicates that the conveyance has  
21 passed the required safety inspection and tests and fees have  
22 been paid as set forth in this Act. The Administrator may  
23 issue a temporary certificate of operation that permits the  
24 temporary use of a non-compliant conveyance by the general  
25 public for a limited time of 30 days while minor repairs are  
26 being completed.

27 "Conveyance" means any elevator, dumbwaiter, escalator,  
28 moving sidewalk, platform lifts stairway chairlifts and  
29 automated people movers.

30 "Elevator" means an installation defined as an "elevator"  
31 in ASME A17.1.

32 "Elevator contractor" means any person, firm, or  
33 corporation who possesses an elevator contractors license in

1 accordance with the provisions of Sections 40 and 55 of this  
2 Act and who is engaged in the business of erecting,  
3 constructing, installing, altering, servicing, repairing, or  
4 maintaining elevators or related conveyance covered by this  
5 Act.

6 "Elevator contractor's license" means a license issued  
7 to an elevator contractor who has proven his or her  
8 qualifications and ability and has been authorized by the  
9 Elevator Safety Review Board to possess this type of license.  
10 It shall entitle the holder thereof to engage in the business  
11 of erecting, constructing, installing, altering, servicing,  
12 testing, repairing, or maintaining elevators or related  
13 conveyance covered by this Act. The Administrator may issue  
14 a limited elevator contractor's license authorizing a firm or  
15 company that employs individuals to carry on a business of  
16 erecting, constructing, installing, altering, servicing,  
17 repairing, or maintaining platform lifts and stairway  
18 chairlifts within any building or structure, including but  
19 not limited to private residences.

20 "Elevator inspector" means any person who possesses an  
21 elevator inspector's license in accordance with the  
22 provisions of this Act or any person who performs the duties  
23 and functions of an elevator inspector for any unit of local  
24 government with a population greater than 500,000 prior to or  
25 on the effective date of this Act.

26 "Elevator mechanic" means any person who possesses an  
27 elevator mechanic's license in accordance with the provisions  
28 of Sections 40 and 45 of this Act and who is engaged in  
29 erecting, constructing, installing, altering, servicing,  
30 repairing, or maintaining elevators or related conveyance  
31 covered by this Act.

32 "Elevator mechanic's license" means a license issued to a  
33 person who has proven his or her qualifications and ability  
34 and has been authorized by the Elevator Safety Review Board

1 to work on conveyance equipment. It shall entitle the holder  
2 thereof to install, construct, alter, service, repair, test,  
3 maintain, and perform electrical work on elevators or related  
4 conveyance covered by this Act.

5 "Escalator" means an installation defined as an  
6 "escalator" in ASME A17.1.

7 "Existing installation" means an installation defined as  
8 an "installation, existing" in ASME A17.1.

9 "Inspector's license" means a license issued to a person  
10 who has proven his or her qualifications and ability and has  
11 been authorized by the Elevator Safety Review Board to  
12 possess this type of license. It shall entitle the holder  
13 thereof to engage in the business of inspecting elevators or  
14 related conveyance covered by this Act.

15 "License" means a written license, duly issued by the  
16 Administrator, authorizing a person, firm, or company to  
17 carry on the business of erecting, constructing, installing,  
18 altering, servicing, repairing, maintaining, or performing  
19 inspections of elevators or related conveyance covered by  
20 this Act.

21 "Material alteration" means an "alteration" as defined by  
22 the Board.

23 "Moving walk" means an installation as defined a "moving  
24 walk" in ASME A17.1.

25 "Private residence" means a separate dwelling or a  
26 separate apartment in a multiple dwelling that is occupied by  
27 members of a single-family unit.

28 "Repair" has the meaning defined by the Board, which does  
29 not require a permit.

30 "Temporarily dormant" means an elevator, dumbwaiter, or  
31 escalator:

32 (1) with a power supply that has been disconnected  
33 by removing fuses and placing a padlock on the mainline  
34 disconnect switch in the "off" position;

1 (2) with a car that is parked and hoistway doors  
2 that are in the closed and latched position;

3 (3) with a wire seal on the mainline disconnect  
4 switch installed by a licensed elevator inspector;

5 (4) that shall not be used again until it has been  
6 put in safe running order and is in condition for use;

7 (5) requiring annual inspections for the duration of  
8 the temporarily dormant status by a licensed elevator  
9 inspector;

10 (6) that has a "temporarily dormant" status that is  
11 renewable on an annual basis, not to exceed a one-year  
12 period;

13 (7) requiring the inspector to file a report with  
14 the chief elevator inspector describing the current  
15 conditions; and

16 (8) with a wire seal and padlock that shall not be  
17 removed for any purpose without permission from the  
18 elevator inspector.

19 Section 20. License required.

20 (a) After July 1, 2003, no person shall erect, construct,  
21 wire, alter, replace, maintain, remove, or dismantle any  
22 conveyance contained within buildings or structures in the  
23 jurisdiction of this State unless he or she possesses an  
24 elevator mechanic's license under this Act and unless he or  
25 she works under the direct supervision of a person, firm, or  
26 company having an elevator contractor's license in accordance  
27 with Section 40 of this Act or exempted by that Section.  
28 However, a licensed elevator contractor is not required for:

29 (1) removal or dismantling of conveyances that are  
30 destroyed as a result of a complete demolition of a  
31 secured building or structure or where the hoistway or  
32 wellway is demolished back to the basic support structure  
33 and where no access is permitted that would endanger the

1 safety and welfare of a person; and

2 (2) the conveyance is to be installed in the  
3 hoistway that was demolished to the basic support  
4 structure.

5 (b) After July 1, 2003, no person shall inspect any  
6 conveyance within buildings or structures, including, but not  
7 limited, to private residences, unless he or she has an  
8 inspector's license.

9 Section 25. Elevator Safety Review Board.

10 (a) There is hereby created within the Office of the  
11 State Fire Marshal the Elevator Safety Review Board,  
12 consisting of 11 members. The Administrator shall appoint 3  
13 members who shall be representatives of a fire service  
14 communities. The Governor shall appoint the remaining 8  
15 members of the Board as follows: one representative from a  
16 major elevator manufacturing company or its authorized  
17 representative; one representative from an elevator servicing  
18 company; one representative of the architectural design  
19 profession; one representative of the general public; one  
20 representative of a municipality in this State with a  
21 population over 500,000; one representative of a municipality  
22 in this State with a population under 500,000; one  
23 representative of a building owner or manager; and one  
24 representative of labor involved in the installation,  
25 maintenance, and repair of elevators.

26 (b) The members constituting the Board shall be appointed  
27 for initial terms as follows:

28 (1) Of the members appointed by the Administrator, 2  
29 shall serve for a term of 2 years, and one for a term of  
30 4 years.

31 (2) Of the members appointed by the Governor, 2  
32 shall serve for a term of one year, 2 for terms of 2  
33 years, 2 for terms of 3 years, and 2 for terms of 4

1 years.

2 At the expiration of their initial terms of office, the  
3 members or their successors shall be appointed for terms of 4  
4 years each. Upon the expiration of a member's term of office,  
5 the officer who appointed that member shall reappoint that  
6 member or appoint a successor who is a representative of the  
7 same interests with which his or her predecessor was  
8 identified. The Administrator and the Governor may at any  
9 time remove any of their respective appointees for  
10 inefficiency or neglect of duty in office. Upon the death or  
11 incapacity of a member, the officer who appointed that member  
12 shall fill the vacancy for the remainder of the vacated term  
13 by appointing a member who is a representative of the same  
14 interests with which his or her predecessor was identified.  
15 The members shall serve without salary, but shall receive  
16 from the State expenses necessarily incurred by them in  
17 performance of their duties. The Governor shall appoint one  
18 of the members to serve as chairperson. The chairperson  
19 shall be the deciding vote in the event of a tie vote.

20 Section 30. Meeting of the Board. The Board shall meet  
21 and organize within 10 days after the appointment of its  
22 members and at such meeting shall elect one secretary of the  
23 Board to serve during the term to be fixed by the rules  
24 adopted by the Board. The Board shall meet regularly once  
25 each quarter or as often as deemed necessary by the  
26 Administrator at a time and place to be fixed by it and at  
27 such times as it is deemed necessary for the consideration of  
28 code regulations, appeals, variances, and for the transaction  
29 of any other business as properly may come before it. Special  
30 meetings shall be called as provided in Board rules.

31 Section 35. Powers and duties of the Board.

32 (a) The Board shall consult with engineering authorities

1 and organizations and adopt rules consistent with the  
2 provisions of this Act for the administration and enforcement  
3 of this Act. The Board may prescribe forms to be issued in  
4 connection with the administration and enforcement of this  
5 Act. The rules shall establish standards and criteria  
6 consistent with this Act for licensing of elevator mechanics,  
7 inspectors, and installers of elevators, including the  
8 provisions of the Safety Code for Elevators and Escalators  
9 (ASME A17.1), the Safety Code for Existing Elevators (ASME  
10 A18.1), the Standard for the Qualification of Elevator  
11 Inspectors (ASME QEI-1), the Automated People Mover Standards  
12 (ASCE 21), and the safety requirements for personnel hoists  
13 (ANSI A10.4).

14 (b) The Board shall have the authority to grant  
15 exceptions and variances from the literal requirements of  
16 applicable codes, standards, regulations, and local  
17 legislation in cases where such variances would not  
18 jeopardize the public safety and welfare. The Board shall  
19 have the authority to hear appeals, hold hearings, and decide  
20 upon such within 30 days of the appeal.

21 (c) The Board shall establish fee schedules for licenses,  
22 permits, certificates, and inspections. The fees shall be set  
23 at an amount necessary to cover the actual costs and expenses  
24 to operate the Board and to conduct the duties as described  
25 in this Act.

26 (d) The Board shall be authorized to recommend the  
27 amendments of applicable legislation, when appropriate, to  
28 legislators.

29 (e) The Administrator may solicit the advice and expert  
30 knowledge of the Board on any matter relating to the  
31 administration and enforcement of this Act.

32 (f) The Administrator may employ professional, technical,  
33 investigative, or clerical help, on either a full-time or  
34 part-time basis, as may be necessary for the enforcement of

1 this Act.

2 (g) The Board shall not have authority within  
3 municipalities with a population over 500,000 that have a  
4 municipal code that covers the design, construction,  
5 operation, inspection, testing, maintenance, alteration, and  
6 repair of elevators, dumbwaiters, escalators, and moving  
7 walks.

8 Section 40. Application for contractor's license.

9 (a) Any person, firm, or company wishing to engage in the  
10 business of installing, altering, repairing, servicing,  
11 replacing, or maintaining elevators, dumbwaiters, escalators,  
12 or moving walks within this State shall make application for  
13 a license with the Administrator.

14 (b) All applications shall contain the following  
15 information:

16 (1) if the applicant is a person, the name,  
17 residence, and business address of the applicant;

18 (2) if the applicant is a partnership, the name,  
19 residence, and business address of each partner;

20 (3) if the applicant is a domestic corporation, the  
21 name and business address of the corporation and the name  
22 and residence address of the principal officer of the  
23 corporation;

24 (4) if the applicant is a corporation other than a  
25 domestic corporation, the name and address of an agent  
26 locally located who shall be authorized to accept service  
27 of process and official notices;

28 (5) the number of years the applicant has engaged in  
29 the business of installing, inspecting, maintaining, or  
30 servicing elevators or platform lifts or both;

31 (6) if applying for an elevator contractor's  
32 license, the approximate number of persons, if any, to be  
33 employed by the elevator contractor applicant and, if

1 applicable, satisfactory evidence that the employees are  
2 or will be covered by workers' compensation insurance;

3 (7) satisfactory evidence that the applicant is or  
4 will be covered by general liability, personal injury,  
5 and property damage insurance;

6 (8) any criminal record of convictions; and

7 (9) any other information as the Administrator may  
8 require.

9 (c) This Section does not apply to a person, firm, or  
10 company located in a municipality with a population over  
11 500,000 that provides for the licensure of contractors.

12 Section 45. Qualifications for elevator mechanic's  
13 license.

14 (a) No license shall be granted to any person who has not  
15 paid the required application fee.

16 (b) No license shall be granted to any person who has not  
17 proven his or her qualifications and abilities. Applicants  
18 for an elevator mechanic's license must demonstrate one of  
19 the following qualifications:

20 (1) an acceptable combination of documented  
21 experience and education credits consisting of: (A) not  
22 less than 3 years work experience in the elevator  
23 industry, in construction, maintenance, and service or  
24 repair, as verified by current and previous employers  
25 licensed to do business in this State; and (B)  
26 satisfactory completion of a written examination  
27 administered by the Elevator Safety Review Board on the  
28 adopted rules, referenced codes, and standards;

29 (2) acceptable proof that he or she has worked as an  
30 elevator constructor, maintenance, or repair person;  
31 acceptable proof shall consist of documentation that he  
32 or she worked without direct and immediate supervision  
33 for an elevator contractor who has worked on elevators in

1           this State for a period of not less than 3 years  
2           immediately prior to the effective date of this Act; the  
3           person must make application within one year of the  
4           effective date of this Act;

5           (3) a certificate of successful completion of the  
6           mechanic examination of a nationally recognized training  
7           program for the elevator industry such as the National  
8           Elevator Industry Educational Program or its equivalent;

9           (4) a certificate of completion of an elevator  
10          mechanic apprenticeship program with standards  
11          substantially equal to those of this Act and registered  
12          with the Bureau of Apprenticeship and Training, U.S.  
13          Department of Labor, or a State apprenticeship council;  
14          or

15          (5) a valid license from a state having standards  
16          substantially equal to those of this State.

17          Section 50. Qualifications for elevator inspector's  
18          license.

19          (a) No inspector's license shall be granted to any person  
20          who has not paid the required application fee.

21          (b) No inspector's license shall be granted to any  
22          person, unless he or she proves to the satisfaction of the  
23          Administrator that he or she meets the current ASME QEI-1,  
24          Standards for the Qualifications of Elevator Inspectors.

25          (c) Notwithstanding the provisions of subsections (a)  
26          and (b) of this Section, the Administrator shall grant an  
27          elevator inspector's license to a person engaged in the  
28          practice of inspecting elevators in a municipality with a  
29          population over 500,000 who is engaged in business as an  
30          elevator inspector on the effective date of this Act.

31          Section 55. Qualifications for elevator contractor's  
32          license.

33          (a) No license shall be granted to any person or firm

1 unless the appropriate application fee is paid.

2 (b) No license shall be granted to any person or firm who  
3 has not proven the required qualifications and abilities. An  
4 applicant must demonstrate one of the following  
5 qualifications:

6 (1) five years work experience in the elevator  
7 industry in construction, maintenance, and service or  
8 repair, as verified by current and previous elevator  
9 contractor's licenses to do business, or satisfactory  
10 completion of a written examination administered by the  
11 Elevator Safety Review Board on the most recent  
12 referenced codes and standards; or

13 (2) proof that the individual or firm holds a valid  
14 license from a state having standards substantially equal  
15 to those of this State.

16 (c) This Section does not apply to a person or firm  
17 engaged in business as an elevator contractor in a  
18 municipality with a population over 500,000 that provides for  
19 the licensure of elevator contractors.

20 Section 60. Issuance and renewal of licenses; fees.

21 (a) Upon approval of an application, the Administrator  
22 may issue a license that must be renewed biannually. The  
23 renewal fee for the license shall be set by the Board.

24 (b) Whenever an emergency exists in the State due to  
25 disaster or work stoppage and the number of persons in the  
26 State holding licenses granted by the Board is insufficient  
27 to cope with the emergency, the licensed elevator contractor  
28 shall respond as necessary to assure the safety of the  
29 public. Any person certified by a licensed elevator  
30 contractor to have an acceptable combination of documented  
31 experience and education to perform elevator work without  
32 direct and immediate supervision shall seek an emergency  
33 elevator mechanic's license from the Administrator within 5

1 business days after commencing work requiring a license. The  
2 administrator shall issue emergency elevator mechanic's  
3 licenses. The applicant shall furnish proof of competency as  
4 the administrator may require. Each license shall recite that  
5 it is valid for a period of 30 days from the date thereof and  
6 for such particular elevators or geographical areas as the  
7 administrator may designate and otherwise shall entitle the  
8 licensee to the rights and privileges of a elevator  
9 mechanic's license issued under this Act. The administrator  
10 shall renew an emergency elevator mechanic's license during  
11 the existence of an emergency. No fee shall be charged for  
12 any emergency elevator mechanic's license or renewal thereof.

13 (c) A licensed elevator contractor shall notify the  
14 administrator when there are no licensed personnel available  
15 to perform elevator work. The licensed elevator contractor  
16 may request that the administrator issue temporary elevator  
17 mechanic's licenses to persons certified by the licensed  
18 elevator contractor to have an acceptable combination of  
19 documented experience and education to perform elevator work  
20 without direct and immediate supervision. Any person  
21 certified by a licensed elevator contractor to have an  
22 acceptable combination of documented experience and education  
23 to perform elevator work without direct and immediate  
24 supervision shall immediately seek a temporary elevator  
25 mechanic's license from the administrator and shall pay such  
26 fee as the Board shall determine. Each license shall recite  
27 that it is valid for a period of 30 days from the date of  
28 issuance and while employed by the licensed elevator  
29 contractor that certified the individual as qualified. It  
30 shall be renewable as long as the shortage of license holders  
31 shall continue.

32 (d) The renewal of all licenses granted under the  
33 provisions of this Section shall be conditioned upon the  
34 submission of a certificate of completion of a course

1 designed to ensure the continuing education of licensees on  
2 new and existing provisions of the rules of the Elevator  
3 Safety Review Board. Such course shall consist of not less  
4 than 8 hours of instruction that shall be attended and  
5 completed within one year immediately preceding any such  
6 license renewal.

7 (e) The courses referred to in subsection (d) of this  
8 Section shall be taught by instructors through continuing  
9 education providers that may include, but shall not be  
10 limited to, association seminars and labor training programs.  
11 The Elevator Safety Review Board shall approve the continuing  
12 education providers. All instructors shall be approved by the  
13 Board and shall be exempt from the requirements of subsection  
14 (d) of this Section with regard to their applications for  
15 license renewal, provided that such applicant was qualified  
16 as an instructor at any time during the one year immediately  
17 preceding the scheduled date for such renewal.

18 (f) A licensee who is unable to complete the continuing  
19 education course required under this Section prior to the  
20 expiration of his or her license due to a temporary  
21 disability may apply for a waiver from the Board. This shall  
22 be on a form provided by the Board, which shall be signed  
23 under the penalty of perjury and accompanied by a certified  
24 statement from a competent physician attesting to such  
25 temporary disability. Upon the termination of such temporary  
26 disability, the licensee shall submit to the Board a  
27 certified statement from the same physician, if practicable,  
28 attesting to the termination of the temporary disability, at  
29 which time a waiver sticker, valid for 90 days, shall be  
30 issued to the licensee and affixed to his or her license.

31 (g) Approved training providers shall keep for a period  
32 of 10 years uniform records of attendance of licensees  
33 following a format approved by the Board. These records  
34 shall be available for inspection by the Board at its

1 request. Approved training providers shall be responsible for  
2 the security of all attendance records and certificates of  
3 completion, provided that falsifying or knowingly allowing  
4 another to falsify attendance records or certificates of  
5 completion shall constitute grounds for suspension or  
6 revocation of the approval required under this Section.

7 Section 65. Penalties; suspension and revocation of  
8 licenses. A license issued pursuant to this Act may be  
9 suspended, revoked, or subjected to a penalty by the  
10 administrator upon verification that any one or more of the  
11 following reasons exist:

12 (1) any false statement as to material matter in the  
13 application;

14 (2) fraud, misrepresentation, or bribery in securing  
15 a license;

16 (3) failure to notify the administrator and the  
17 owner or lessee of an elevator or related mechanisms of  
18 any condition not in compliance with this Act; or

19 (4) violation of any provisions of this Act or the  
20 rules promulgated hereunder.

21 Section 67. Fire Prevention Fund. All fees and fines  
22 received by the Administrator under this Act shall be  
23 deposited into the Fire Prevention Fund.

24 Section 70. Administrative Procedure Act. The Illinois  
25 Administrative Procedure Act is hereby expressly adopted and  
26 incorporated herein as if all of the provisions of that Act  
27 were included in this Act, except that the provision of  
28 subsection (d) of Section 10-65 of the Illinois  
29 Administrative Procedure Act that provides that at hearings  
30 the licensee has the right to show compliance with all lawful  
31 requirements for retention, or continuation or renewal of the

1 license, is specifically excluded. For the purposes of this  
2 Act, the notice required under Section 10-25 of the Illinois  
3 Administrative Procedure Act is deemed sufficient when mailed  
4 to the last known address of a party.

5 Section 75. Administrative Review Law. All final  
6 administrative decisions of the Administrator or the Board  
7 are subject to judicial review under the Administrative  
8 Review Law and its rules. The term "administrative decision"  
9 is defined as in Section 3-101 of the Code of Civil  
10 Procedure.

11 Proceedings for judicial review shall be commenced in the  
12 circuit court of the county in which the party applying for  
13 review resides, but if the party is not a resident of this  
14 State, the venue shall be in Sangamon County.

15 Section 80. Registration of existing elevators, platform  
16 lifts, dumbwaiters, escalators, moving walks, and any other  
17 conveyance. Within 6 months after the date of the appointment  
18 of the Board, the owner or lessee of every existing  
19 conveyance shall register with the Administrator each  
20 elevator, dumbwaiter, platform lift, escalator, or other  
21 device described in Section 10 of this Act and provide the  
22 type, rated load and speed, name of manufacturer, its  
23 location, the purpose for which it is used, and such  
24 additional information as the Administrator may require.  
25 Elevators, dumbwaiters, platform lifts, escalators, moving  
26 walks, or other conveyances of which construction has begun  
27 subsequent to the date of the creation of the Board shall be  
28 registered at the time they are completed and placed in  
29 service.

30 Section 85. Compliance with State fire prevention and  
31 building code laws. It shall be the responsibility of

1 individuals, firms, or companies licensed as described in  
2 this Act to ensure that installation or service and  
3 maintenance of elevators and devices described in Section 10  
4 of this Act is performed in compliance with the provisions  
5 contained in applicable State fire prevention and building  
6 code laws.

7 Section 90. Permits.

8 (a) No conveyance covered by this Act shall be erected,  
9 constructed, installed, or altered within buildings or  
10 structures within this State unless a permit has been  
11 obtained from the Administrator or a municipality or other  
12 unit of local government. If the permit is obtained from a  
13 municipality or other unit of local government, the  
14 municipality or other unit of local government that issued  
15 the permit shall keep the permit on file for a period of not  
16 less than one year from the date of issuance and send a copy  
17 to the Administrator for inspection. Where any material  
18 alteration is made, the device shall conform to applicable  
19 requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI  
20 A10.4. No permit required under this Section shall be issued  
21 except to a person, firm, or corporation holding a current  
22 elevator contractor's license, duly issued pursuant to this  
23 Act. A copy of the permit shall be kept at the construction  
24 site at all times while the work is in progress.

25 (b) The permit fee shall be as set by the Board. Permit  
26 fees collected are non-refundable.

27 (c) Each application for a permit shall be accompanied by  
28 applicable fees and by copies of specifications and  
29 accurately scaled and fully dimensioned plans showing the  
30 location of the installation in relation to the plans and  
31 elevation of the building, the location of the machinery room  
32 and the equipment to be installed, relocated, or altered, and  
33 all structural supporting members, including foundations.

1 The applicant shall also specify all materials to be employed  
2 and all loads to be supported or conveyed. These plans and  
3 specifications shall be sufficiently complete to illustrate  
4 all details of construction and design.

5 (d) Permits may be revoked for the following reasons:

6 (1) Any false statements or misrepresentation as to  
7 the material facts in the application, plans, or  
8 specifications on which the permit was based.

9 (2) The permit was issued in error and should not  
10 have been issued in accordance with the code.

11 (3) The work detailed under the permit is not being  
12 performed in accordance with the provisions of the  
13 application, plans, or specifications or with the code or  
14 conditions of the permit.

15 (4) The elevator contractor to whom the permit was  
16 issued fails or refuses to comply with a "stop work"  
17 order.

18 (5) If the work authorized by a permit is not  
19 commenced within 6 months after the date of issuance, or  
20 within a shorter period of time as the Administrator or  
21 his or her duly authorized representative in his or her  
22 discretion may specify at the time the permit is issued.

23 (6) If the work is suspended or abandoned for a  
24 period of 60 days, or shorter period of time as the  
25 Administrator or his or her duly authorized  
26 representative in his or her discretion may specify at  
27 the time the permit is issued, after the work has been  
28 started. For good cause, the Administrator or his or her  
29 representative may allow an extension of this period at  
30 his or her discretion.

31 (e) This Section does not apply to conveyances located  
32 in a municipality with a population over 500,000 that  
33 provides for permits of such conveyances.

1 Section 95. New installations; annual inspections and  
2 registrations.

3 (a) All new conveyance installations shall be performed  
4 by a person, firm, or company to which a license to install  
5 or service conveyances has been issued. Subsequent to  
6 installation, the licensed person, firm, or company must  
7 certify compliance with the applicable Sections of this Act.  
8 Prior to any conveyance being used, the property owner or  
9 lessee must obtain a certificate of operation from the  
10 Administrator, unless the property is located within a  
11 municipality with a population greater than 500,000. A fee as  
12 set forth in this Act shall be paid for the certificate of  
13 operation. It shall be the responsibility of the licensed  
14 elevator contractor to complete and submit first time  
15 registration for new installations. The certificate of  
16 operation fee for newly installed platform lifts and stairway  
17 chair lifts for private residences shall be subsequent to an  
18 inspection by a licensed third party inspection firm.

19 (b) The certificate of operation fee for all new and  
20 existing platform and stairway chair lifts for private  
21 residences and any renewal certificate fees shall be waived.  
22 The Administrator or his or her designee shall inspect, in  
23 accordance with the requirements set forth in this Act, all  
24 newly installed and existing platform lifts and stairway  
25 chair lifts for private residences subsequent to an  
26 inspection by a person, firm, or company to which a license  
27 to inspect conveyances has been issued, unless the private  
28 residence is located within a municipality with a population  
29 greater than 500,000.

30 (c) A certificate of operation referenced in subsections  
31 (a) and (b) of this Section is renewable annually, except for  
32 certificates issued for platform and stairway chairlifts for  
33 private residences, which shall be valid for a period of 3  
34 years. Certificates of operation must be clearly displayed on

1 or in each conveyance or in the machine room for use for the  
2 benefit of code enforcement staff.

3 Section 100. Insurance requirements.

4 (a) Elevator contractors shall submit to the  
5 Administrator an insurance policy or certified copy thereof,  
6 issued by an insurance company authorized to do business in  
7 the State, to provide general liability coverage of at least  
8 \$2,000,000 for injury or death of any one person and  
9 \$2,000,000 for injury or death of any number of persons in  
10 any one occurrence, with coverage of at least \$1,000,000 for  
11 property damage in any one occurrence and statutory workers  
12 compensation insurance coverage.

13 (b) Private elevator inspectors shall submit to the  
14 Administrator an insurance policy or certified copy thereof,  
15 issued by an insurance company authorized to do business in  
16 the State, to provide general liability coverage of at least  
17 \$2,000,000 for injury or death of any one person and  
18 \$2,000,000 for injury or death of any number of persons in  
19 any one occurrence, with coverage of at least \$1,000,000 for  
20 property damage in any one occurrence and statutory workers  
21 compensation insurance coverage.

22 (c) These policies, or duly certified copies thereof, or  
23 an appropriate certificate of insurance, approved as to form  
24 by the Department of Insurance and as to sufficiency by the  
25 State Comptroller, shall be delivered to the Administrator  
26 before or at the time of the issuance of a license. In the  
27 event of a material alteration or cancellation of a policy,  
28 at least 10 days notice thereof shall be given to the  
29 Administrator.

30 Section 105. Enforcement.

31 (a) It shall be the duty of the Elevator Safety Review  
32 Board to develop an enforcement program to ensure compliance

1 with rules and requirements referenced in this Act. This  
2 shall include, but shall not be limited to, rules for  
3 identification of property locations that are subject to the  
4 rules and requirements; issuing notifications to violating  
5 property owners or operators, random on-site inspections, and  
6 tests on existing installations; witnessing periodic  
7 inspections and testing in order to ensure satisfactory  
8 performance by licensed persons, firms, or companies; and  
9 assisting in development of public awareness programs.

10 (b) Any person may make a request for an investigation  
11 into an alleged violation of this Act by giving notice to the  
12 Administrator of such violation or danger. The notice shall  
13 be in writing, shall set forth with reasonable particularity  
14 the grounds for the notice, and shall be signed by the person  
15 making the request. Upon the request of any person signing  
16 the notice, the person's name shall not appear on any copy of  
17 the notice or any record published, released, or made  
18 available.

19 (c) If, upon receipt of such notification, the  
20 Administrator determines that there are reasonable grounds to  
21 believe that such violation or danger exists, the  
22 Administrator shall cause to be made an investigation in  
23 accordance with the provisions of this Act as soon as  
24 practicable to determine if such violation or danger exists.  
25 If the Administrator determines that there are no reasonable  
26 grounds to believe that a violation or danger exists, he or  
27 she shall notify the party in writing of such determination.

28 (d) This Section does not apply within a municipality  
29 with a population over 500,000.

30 Section 110. Liability.

31 (a) This Act shall not be construed to relieve or lessen  
32 the responsibility or liability of any person, firm, or  
33 corporation owning, operating, controlling, maintaining,

1 erecting, constructing, installing, altering, inspecting,  
2 testing, or repairing any elevator or other related  
3 mechanisms covered by this Act for damages to person or  
4 property caused by any defect therein, nor does the State or  
5 any unit of local government assume any such liability or  
6 responsibility therefore or any liability to any person for  
7 whatever reason whatsoever by the adoption of this Act or any  
8 acts or omissions arising under this Act.

9 (b) Any owner or lessee who violates any of the  
10 provisions of this Act shall be fined in an amount not to  
11 exceed \$1,500.

12 (c) Compliance with this Act is not a defense to a legal  
13 proceeding.

14 Section 115. Provisions not retroactive. The provisions  
15 of this Act are not retroactive unless otherwise stated, and  
16 equipment shall be required to comply with the applicable  
17 code at the date of its installation or within the period  
18 determined by the Board for compliance with ASME A17.3,  
19 whichever is more stringent. If, upon the inspection of any  
20 device covered by this Act, the equipment is found in  
21 dangerous condition or there is an immediate hazard to those  
22 riding or using such equipment or if the design or the method  
23 of operation in combination with devices used is considered  
24 inherently dangerous in the opinion of the administrator, he  
25 or she shall notify the owner of the condition and shall  
26 order such alterations or additions as may be deemed  
27 necessary to eliminate the dangerous condition.

28 Section 120. Inspection and testing.

29 (a) It shall be the responsibility of the owner of all  
30 new and existing conveyances located in any building or  
31 structure to have the conveyance inspected annually by a  
32 person, firm, or company to which a license to inspect

1 conveyances has been issued. Subsequent to inspection, the  
2 licensed person, firm, or company must supply the property  
3 owner or lessee and the Administrator with a written  
4 inspection report describing any and all violations. Property  
5 owners shall have 30 days from the date of the published  
6 inspection report to be in full compliance by correcting the  
7 violations.

8 (b) It shall be the responsibility of the owner of all  
9 conveyances to have a firm or company licensed as described  
10 in this Act to ensure that the required inspection and test  
11 are performed at intervals in compliance with ASME A17.1,  
12 ASME A18.1, and ASCE 21.

13 (c) All tests shall be performed by a licensed elevator  
14 mechanic.

15 Section 125. State law, code, or regulation. Whenever a  
16 provision in this Act is found to be inconsistent with any  
17 provision of another applicable State law, code, or rule, the  
18 State law shall prevail. This Act, unless specifically stated  
19 otherwise, is not intended to establish more stringent or  
20 more restrictive standards than standards set forth in other  
21 applicable State laws.

22 Section 130. Accidents. The owner of each conveyance  
23 shall notify the administrator of any accident causing  
24 personal injury or property damage in excess of \$1,000 that  
25 involves a conveyance, on or before the close of business the  
26 next business day following the accident. The Administrator  
27 shall investigate and report to the Board the cause of any  
28 conveyance accident that may occur in the State, the injuries  
29 sustained, and any other data that may be of benefit in  
30 preventing other similar accidents.

31 Section 135. Elevators in private residences. The owner

1 of a conveyance located in his or her private residence may  
2 register, pay the required fee, and have his or her existing  
3 conveyance inspected. The Administrator shall provide notice  
4 to the owner of the private residence where the conveyance is  
5 located with relevant information about conveyance safety  
6 requirements, including the need to have the elevator  
7 periodically and timely inspected and made safe. Any  
8 inspection performed shall be done solely at the request and  
9 with the consent of the private residence owner. No penalty  
10 provision of this Act shall apply to private residence  
11 owners.

12 Section 140. Local regulation; home rule.

13 (a) A municipality within its corporate limits and a  
14 county within unincorporated areas within its boundaries may  
15 inspect, license, or otherwise regulate elevators and devices  
16 described in Section 10 of this Act, but any safety standards  
17 or regulations adopted by a municipality or county under this  
18 subsection must be at least as stringent as those provided  
19 for in this Act and the rules adopted under this Act. A  
20 municipality or county that inspects, licenses, or otherwise  
21 regulates elevators and devices described in Section 10 of  
22 this Act may impose reasonable fees to cover the cost of the  
23 inspection, licensure, or other regulation.

24 (b) Except as otherwise provided in subsection (c), a  
25 home rule unit may not regulate the inspection or licensure  
26 of, or otherwise regulate, elevators and devices described in  
27 Section 10 of this Act in a manner less restrictive than the  
28 regulation by the State of those matters under this Act. This  
29 subsection is a limitation under subsection (i) of Section 6  
30 of Article VII of the Illinois Constitution on the concurrent  
31 exercise by home rule units of powers and functions exercised  
32 by the State.

33 (c) This Act does not limit the home rule powers of a

1 municipality with a population over 500,000, and this Act  
2 shall not apply within such a municipality if that  
3 application would be inconsistent with an ordinance adopted  
4 under those home rule powers.

5 Section 900. The Regulatory Sunset Act is amended by  
6 adding Section 4.23 as follows:

7 (5 ILCS 80/4.23 new)

8 Sec. 4.23. Act repealed on January 1, 2013. The  
9 following Act is repealed on January 1, 2013:

10 The Elevator Safety and Regulation Act."