

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Elevator Safety and Regulation Act is amended by changing Sections 5, 10, 15, 20, 25, 35, 40, 45, 50, 55, 60, 80, 90, 95, 105, 110, 120, 135, and 140 as follows:

(225 ILCS 312/5)

(Section scheduled to be repealed on January 1, 2013)

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

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

The provisions of this Act are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the Act, provided

that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10. Applicability.

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

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

(A) Elevators.

(B) Platform lifts and stairway chair lifts.

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

(A) Escalators.

(B) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Dumbwaiters.

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

(b) This Act covers the design, construction, operation,

inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

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

- (1) Material hoists.
- (2) Belt manlifts.
- (3) Mobile scaffolds, towers, and platforms, except those covered by ANSI A10.4.
- (4) Powered platforms and equipment for exterior and interior maintenance.
- (5) Conveyors and related equipment.
- (6) Cranes, derricks, hoists, hooks, jacks, and slings.
- (7) Industrial trucks.
- (8) Portable equipment, except for portable escalators.
- (9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.
- (10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.
- (11) Skip or furnace hoists.
- (12) Wharf ramps.
- (13) Railroad car lifts or dumpers.
- (14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.
- (15) Railway and Transit Systems.
- (16) Conveyances located in a private residence not accessible to the public.
- (17) Special purpose personnel elevators.

(d) This Act does not apply to a municipality with a population over 500,000.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15. Definitions. For the purpose of this Act:

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

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

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

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

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

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

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

"Board" means the Elevator Safety Review Board.

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

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

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

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this

Act.

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

"Elevator helper" means an individual registered with the Administrator as an elevator helper. Elevator helpers must work under the direct supervision of a licensed elevator mechanic.

"Elevator industry apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by the Administrator to perform work within the elevator industry under the direct supervision of a licensed elevator mechanic.

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

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

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator mechanic's license authorizing an individual to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure.

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

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

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

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

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

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

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

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

"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and that is permanently installed in certain structures, including, but not limited to, grain elevators, radio antenna, bridge towers, underground facilities, dams, and power plants, to provide vertical transportation of authorized personnel and their tools and equipment only.

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

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

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

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

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

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

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

(7) requiring the inspector to file a report with the Administrator ~~chief elevator inspector~~ describing the current conditions; and

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

(Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

(225 ILCS 312/20)

(Section scheduled to be repealed on January 1, 2013)

Sec. 20. License or registration required.

(a) After July 1, 2003 through the effective date of this

amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic's license under this Act and unless he or she works under the direct supervision of a person, firm, or company having an elevator contractor's license in accordance with Section 40 of this Act or exempted by that Section. However, a licensed elevator contractor is not required for removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and welfare of a person.

(b) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall inspect any conveyance within buildings or structures, including, but not limited, to private residences, unless he or she has an inspector's license.

(c) After January 1, 2006, a person who is not licensed under subsection (a) may not work in the jurisdiction of this State as an elevator industry apprentice or helper unless he or she is registered as an elevator industry apprentice or helper by the Administrator and works under the direct supervision of an individual licensed under this Act as an elevator mechanic. The Administrator shall set elevator industry apprenticeship and helper qualifications and registration procedure by rule.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/25)

(Section scheduled to be repealed on January 1, 2013)

Sec. 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 13 members. The Administrator shall appoint 3 members who shall be

representatives of ~~a~~ fire service communities. The Governor shall appoint the remaining 10 members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of an advocacy group for people with physical disabilities ~~a municipality in this State with a population over 500,000~~; one representative of a municipality in this State with a population under 25,000; one representative of a municipality in this State with a population of 25,000 or over but under 50,000; one representative of a municipality in this State with a population of 50,000 or over but under 500,000; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators.

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

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

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

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a

member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall be the deciding vote in the event of a tie vote.

(Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

(225 ILCS 312/35)

(Section scheduled to be repealed on January 1, 2013)

Sec. 35. Powers and duties of the Board.

(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the Safety Code for Existing Elevators (ASME A17.3 ~~A18.1~~), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), the Safety Requirements for Personnel Hoists and Employee Elevators and ~~the safety requirements for personnel hoists~~ (ANSI A10.4), and the Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1).

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

(c) The Board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall be set

at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

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

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

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

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

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/40)

(Section scheduled to be repealed on January 1, 2013)

Sec. 40. Application for contractor's license.

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

(b) All applications shall contain the following information:

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

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

(3) if the applicant is a domestic corporation, the

name and business address of the corporation and the name and residence address of the principal officer of the corporation;

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

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

(6) if applying for an elevator contractor's license, the approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

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

(8) any criminal record of convictions; and

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

(c) (Blank). ~~This Section does not apply to a person, firm, or company located in a municipality with a population over 500,000 that provides for the licensure of contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/45)

(Section scheduled to be repealed on January 1, 2013)

Sec. 45. Qualifications for elevator mechanic's license; emergency and temporary licensure.

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

(b) No license shall be granted to any person who has not proven his or her qualifications and abilities.

(c) Applicants for an elevator mechanic's license must demonstrate one of the following qualifications:

(1) an acceptable combination of documented experience and education credits consisting of: (A) not less than 3 years work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and (B) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the adopted rules, referenced codes, and standards for the equipment the licensee is authorized to install;

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance, or repair person for the equipment the licensee is authorized to install; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately preceding ~~prior to~~ the effective date of the initial rules adopted by the Board under Section 35 of this Act that implement this Act; the person must make application by May 1, 2006 ~~within one year of the effective date of this Act;~~

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent based on the codes applicable to the type of license (elevator mechanic's license or limited elevator mechanic's license) for which the individual is applying;

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

(5) a valid license from a state having standards

substantially equal to those of this State.

(d) Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to ensure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee may be charged for any emergency elevator mechanic's license or renewal thereof.

(e) A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall

determine. The applicant for temporary licensure shall furnish proof of competency as the Administrator may require and for such particular elevators or geographical areas as the Administrator may designate. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/50)

(Section scheduled to be repealed on January 1, 2013)

Sec. 50. Qualifications for elevator inspector's license.

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

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

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

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/55)

(Section scheduled to be repealed on January 1, 2013)

Sec. 55. Qualifications for elevator contractor's license.

(a) No license shall be granted to any person or firm unless the appropriate application fee is paid.

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

(1) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by such documentation as the Board may require by rule; ~~current and previous elevator contractor's licenses to do business, or~~

(1.5) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the most recent referenced codes and standards; or

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

(c) (Blank). ~~This Section does not apply to a person or firm engaged in business as an elevator contractor in a municipality with a population over 500,000 that provides for the licensure of elevator contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/60)

(Section scheduled to be repealed on January 1, 2013)

Sec. 60. Issuance and renewal of licenses; fees.

(a) Upon approval of an application, the Administrator may issue a license that must be renewed every 2 years ~~biannually~~. The renewal fee for the license shall be set by the Board.

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

~~commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of a elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic's license or renewal thereof.~~

~~(c) (Blank). A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue.~~

(d) The renewal of all licenses granted under the provisions of this Section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the rules of the Elevator Safety Review Board. Such course shall consist of not less than 8 hours of

instruction that shall be attended and completed within one year immediately preceding any such license renewal.

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

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

(g) Approved training providers shall keep for a period of 10 years uniform records of attendance of licensees following a format approved by the Board. These records shall be available for inspection by the Board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion, provided that falsifying or knowingly allowing another to falsify attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this Section.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/80)

(Section scheduled to be repealed on January 1, 2013)

Sec. 80. Registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks, and any other conveyance. Within 6 months after the date of the adoption of the initial rules that implement this Act ~~appointment of the Board~~, the owner or lessee of every existing conveyance shall register with the Administrator each elevator, dumbwaiter, platform lift, escalator, or other device described in Section 10 of this Act and provide the type, rated load and speed, name of manufacturer, its location, the purpose for which it is used, and such additional information as the Administrator may require. Elevators, dumbwaiters, platform lifts, escalators, moving walks, or other conveyances of which construction has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/90)

(Section scheduled to be repealed on January 1, 2013)

Sec. 90. Permits.

(a) No conveyance covered by this Act shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Administrator or a municipality or other unit of local government. If the permit is obtained from a municipality or other unit of local government, the municipality or other unit of local government that issued the permit shall keep the permit on file for a period of not less than one year from the date of issuance and send a copy to the Administrator for inspection. Where any material alteration is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI A10.4. No permit required under this

Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

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

(c) Each application for a permit shall be accompanied by applicable fees and by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building, the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The applicant shall also specify all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

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

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

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

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

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

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

(6) If the work is suspended or abandoned for a period

of 60 days, or shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Administrator or his or her representative may allow an extension of this period at his or her discretion.

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

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/95)

(Section scheduled to be repealed on January 1, 2013)

Sec. 95. New installations; annual inspections and registrations.

(a) All new conveyance installations regulated by this Act shall be performed by a person, firm, or company to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable Sections of this Act. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the Administrator, ~~unless the property is located within a municipality with a population greater than 500,000.~~ A fee as authorized by Section 35 of ~~set forth in~~ this Act shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first time registration for new installations. ~~The certificate of operation fee for newly installed platform lifts and stairway chair lifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.~~

(b) (Blank). ~~The certificate of operation fee for all new and existing platform and stairway chair lifts for private residences and any renewal certificate fees shall be waived. The Administrator or his or her designee shall inspect, in~~

~~accordance with the requirements set forth in this Act, all newly installed and existing platform lifts and stairway chair lifts for private residences subsequent to an inspection by a person, firm, or company to which a license to inspect conveyances has been issued, unless the private residence is located within a municipality with a population greater than 500,000.~~

(c) A certificate of operation ~~referenced in subsections (a) and (b) of this Section~~ is renewable annually, ~~except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of 3 years.~~ Certificates of operation must be clearly displayed on or in each conveyance or in the machine room for use for the benefit of code enforcement staff.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/105)

(Section scheduled to be repealed on January 1, 2013)

Sec. 105. Enforcement.

(a) It shall be the duty of the Elevator Safety Review Board to develop an enforcement program to ensure compliance with rules and requirements referenced in this Act. This shall include, but shall not be limited to, rules for identification of property locations that are subject to the rules and requirements; issuing notifications to violating property owners or operators, random on-site inspections, policies for administrative penalties, and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, firms, or companies; and assisting in development of public awareness programs.

(b) Any person may make a request for an investigation into an alleged violation of this Act by giving notice to the Administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person

making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released, or made available.

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

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

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/110)

(Section scheduled to be repealed on January 1, 2013)

Sec. 110. Liability.

(a) This Act shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanisms covered by this Act for damages to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

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

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

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/120)

(Section scheduled to be repealed on January 1, 2013)

Sec. 120. Inspection and testing.

(a) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected, at intervals determined by the Board, ~~annually~~ by a person, firm, or company to which a license to inspect conveyances has been issued. Subsequent to inspection, the licensed person, firm, or company must supply the property owner or lessee and the Administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting the violations. The Administrator shall determine whether such violations have been corrected.

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

(c) All tests shall be performed by a licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/135)

(Section scheduled to be repealed on January 1, 2013)

Sec. 135. Elevators in private residences. ~~The owner of a conveyance located in his or her private residence may register, pay the required fee, and have his or her existing conveyance inspected.~~ The Administrator may shall provide ~~notice~~ to the owner of a ~~the~~ private residence information regarding ~~where the conveyance is located with relevant information about~~ conveyance safety requirements, ~~including the need to have the elevator periodically and timely inspected~~

~~and made safe. Any inspection performed shall be done solely at the request and with the consent of the private residence owner. No penalty provision of this Act shall apply to private residence owners.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/140)

(Section scheduled to be repealed on January 1, 2013)

Sec. 140. Local regulation; home rule.

(a) The Administrator may enter into contracts with municipalities or counties under which the municipalities or counties shall (i) issue construction permits and certificates of operation, (ii) provide for inspection of elevators, including temporary operation inspections, and (iii) enforce the applicable provisions of the Act. The municipality or county may choose to require inspections be performed by its own inspectors or by private certified elevator inspectors. The municipality or county may assess a reasonable fee for inspections performed by its inspectors. Each contract shall include a provision that the municipality or county shall maintain for inspection by the Administrator copies of all applications for permits issued, copies of each inspection report issued, and proper records showing the number of certificates of operation issued. Each contract shall also include a provision that each required inspection be conducted by a certified elevator inspector and any other provisions deemed necessary by the Administrator. ~~A municipality within its corporate limits and a county within unincorporated areas within its boundaries may inspect, license, or otherwise regulate elevators and devices described in Section 10 of this Act, but any~~ Any safety standards or regulations adopted by a municipality or county under this subsection must be at least as stringent as those provided for in this Act and the rules adopted under this Act. ~~A municipality or county that inspects, licenses, or otherwise regulates elevators and devices described in Section 10 of this Act may impose reasonable fees~~

~~to cover the cost of the inspection, licensure, or other regulation.~~

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

(c) (Blank). ~~This Act does not limit the home rule powers of a municipality with a population over 500,000, and this Act shall not apply within such a municipality if that application would be inconsistent with an ordinance adopted under those home rule powers.~~

(Source: P.A. 92-873, eff. 6-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.