MISSISSIPPI LEGISLATURE REGULAR SESSION 2012

By: Representative Upshaw To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 913

AN ACT ESTABLISHING MINIMUM STANDARDS FOR CONVEYANCE PERSONNEL AND SERVICES; TO PROVIDE FOR THE SCOPE OF THE ACT; TO DEFINE CERTAIN TERMS USED IN THE ACT; TO PROVIDE FOR THE LICENSURE OF ELEVATOR CONTRACTORS, ELEVATOR MECHANICS AND ELEVATOR INSPECTORS, AND TO ESTABLISH QUALIFICATIONS THEREFOR; TO PROVIDE FOR BIENNIAL RENEWAL OF LICENSES; TO PROVIDE THAT LICENSES MAY BE SUSPENDED, REVOKED OR SUBJECT TO CIVIL PENALTIES UPON CERTAIN VIOLATIONS; TO REQUIRE REGISTRATION OF EXISTING ELEVATORS, PLATFORM LIFTS, DUMBWAITERS, ESCALATORS, MOVING WALKS AND ANY OTHER CONVEYANCE; TO REQUIRE INSTALLATIONS AND/OR SERVICE AND MAINTENANCE TO BE PERFORMED IN COMPLIANCE WITH THE STATE FIRE PREVENTION AND BUILDING CODE; TO REQUIRE PERMITS BEFORE A CONVEYANCE IS ERECTED, CONSTRUCTED, INSTALLED OR ALTERED WITHIN BUILDINGS OR STRUCTURES; TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS OF THE ACT; TO PROVIDE THAT THE PROVISIONS OF THE ACT ARE NOT RETROACTIVE UNLESS OTHERWISE STATED; TO PROVIDE THAT THE OWNER OF ALL NEW AND EXISTING CONVEYANCES LOCATED IN ANY BUILDING OR STRUCTURE SHALL HAVE THE RESPONSIBILITY OF HAVING THE CONVEYANCE INSPECTED ANNUALLY BY A LICENSED ELEVATOR INSPECTOR; TO EXEMPT FROM THE PROVISIONS OF THIS ACT ANY ELEVATOR IN A PRIVATE RESIDENCE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The purpose of this act is to provide for the safety of conveyance equipment and personnel, and to promote public safety awareness. This act establishes the minimum standards for conveyance personnel and services. The use of unsafe or defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public. 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. Conveyance personnel performing work covered by this act shall, by documented training and/or experience, 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 required under this act.

SECTION 2. 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 provided by Section 3 of this act:

(a) Hoisting and lowering mechanisms equipped with a car or platform that moves between two (2) or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, ASME A17.3 and ASME A18.1):

(i) Elevators;

(ii) Platform lifts;

(iii) Stairway chairlifts.

(b) 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/CSA B44, ASME A17.7/CSA B44.7, and ASME A17.3):

(i) Escalators;

(ii) Moving walks.

(c) Hoisting and lowering mechanisms equipped with a car that serves two (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/CSA B44, ASME A17.7/CSA B44.7, and ASME A17.3):

(i) Dumbwaiters;

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

SECTION 3. (1) Equipment not covered by this act includes, but is not limited to, the following:

(a) Material hoists within the scope of ANSI A10.5;

(b) Man lifts within the scope of ASME A90.1;

(c) Mobile scaffolds, towers and platforms within the scope of ANSI A92;

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI A120.1;

(e) Conveyors and related equipment within the scope of ASME B20.1;

(f) Cranes, derricks, hoists, hooks, jacks and slings within the scope of ASME B30;

(g) Industrial trucks within the scope of ASME B56;

(h) Portable equipment, except for portable escalators that are covered by ASME A17.1/CSA B44 and ASME A17.7/CSA B44.7;

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

(j) Equipment for feeding or positioning materials at machine tools, printing presses, or similar equipment;

(k) Skip or furnace hoists;

(l) Wharf ramps;

(m) Railroad car lifts or dumpers;

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

(2) The provisions of this act shall not apply to any conveyance that is located in a private residence.

SECTION 4. For purposes of this act, the following terms are defined as follows, unless the context clearly indicates otherwise:

(a) "Administrator" means the person or persons designated by the Office of the Attorney General.

(b) "ANSI" means the American National Standards Institute.

(c) "ASCE" means the American Society of Civil Engineers.

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

(e) "ASME" means the American Society of Mechanical Engineers.

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

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

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

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

(j) "ASME QEI-1" means the standard for the qualification of elevator inspectors.

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

(l) "Certificate of operation" means a document that indicates that the conveyance has had the safety inspection and tests required by this act.

(m) "Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lift, stairway chairlift, or automated people mover.

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

(o) "Elevator contractor" means any sole proprietor, firm, corporation or other business entity engaged in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators and other conveyances.

(p) "Elevator helper or apprentice" means a person who works under the general direction of a licensed elevator mechanic.

(q) "Elevator inspector" means any person defined in ASME QEI as an inspector of elevators and other conveyances.

(r) "Elevator mechanic" means any person who is engaged in erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or other conveyances.

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

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

(u) "License" means a written license issued under this act.

(v) "Licensee" means the elevator mechanic, elevator contractor or elevator inspector who possesses a license issued under this act.

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

SECTION 5. (1) Only a person who is working under the direct supervision of a licensed elevator contractor and who possesses an elevator mechanic license is authorized to erect, construct, alter, replace, maintain, remove, dismantle or wire from the mainline feeder terminals on the controller of any conveyance contained within buildings or structures in this state. Supervision by a licensed elevator contractor is not required for removing or dismantling 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 whereby no access is permitted to endanger the safety and welfare of a person.

(2) Only a person who possesses an elevator inspector license is authorized to inspect conveyances identified in this act.

SECTION 6. (1) The Office of the Attorney General shall promulgate regulations for the equipment and licenses regulated by this act. The regulations shall incorporate the Safety Code for Elevators and Escalators, ASME A17.1/CSA B44; the Safety Code for

Existing Elevators and Escalators, ASME A17.3; the Performance-Based Safety Code for Elevators and Escalators, ASME A17.7/CSA B44.7, the Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1; and Standard for the Qualification of Elevator Inspectors, ASME QEI-1.

(2) The licensing authority shall consult with engineering authorities and organizations that are concerned with standard safety codes, the rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of conveyances and the qualifications that are adequate, reasonable and necessary for licensing as an elevator mechanic, contractor and inspector.

(3) Exceptions and variances from the literal requirements of applicable standards and regulations may be granted in cases where an exception or variance would not jeopardize the public safety and welfare.

SECTION 7. (1) The licensing authority shall develop and implement an application process for licenses designated in this act.

(2) (a) Applicants for a mechanic license must demonstrate the following qualifications and abilities:

(i) An acceptable combination of documented experience and education credits of not less than three (3) years' work experience in the elevator industry, whether in construction, maintenance or service and repair, or any combination thereof, as verified by current and previous employers, and satisfactory completion of a written examination administered by the licensing authority on the most recent applicable codes and standards;

(ii) Certificates of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(iii) Certificates of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this act, and registered with the Bureau of Apprenticeship and Training or the United States Department of Labor.

(b) A license shall be issued to an applicant who holds a valid license from a state having standards substantially equal to those of this act without examination.

(c) Any person who furnishes the licensing authority with acceptable proof that the person has worked as an elevator constructor, maintenance or repair person, upon making application for a license, shall be entitled to receive an elevator mechanic license without examination if the person has worked without direct and immediate supervision for a licensed elevator contractor for not less than three (3) years immediately before July 1, 2012. To be eligible to be licensed without examination under this paragraph, the person must make application on or before July 1, 2013. A license is not required for an elevator helper or apprentice.

(3) Applicants for an inspector license must meet the ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

(4) (a) Applicants for an elevator contractor license must demonstrate that they have in their employ licensed elevator mechanic(s).

(b) An elevator contractor license may be issued to an applicant who holds an equivalent valid license from a state having standards substantially equal to those of this act.

(5) (a) Except when otherwise expressly provided, licenses issued under this act shall be valid for two (2) years.

(b) 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. The courses shall

be subject to approval by the licensing authority and shall consist of not less than eight (8) hours of instruction that shall be attended and completed within one (1) year immediately preceding any such license renewal.

SECTION 8. A license issued pursuant to this act may be suspended, revoked or subject to civil penalty by the administrators upon verification that any one or more of the following reasons exist:

(a) Any false statement as to a material matter in the application.

(b) Fraud, misrepresentation or bribery in securing a license.

(c) Failure to notify the licensing authority and the owner or lessee of an elevator or other conveyance in any condition that is not in compliance with this act.

(d) Violation of any provision of this act.

SECTION 9. (1) On or before December 31, 2013, the owner or lessee of every conveyance not exempted under this act shall register with the Office of the Attorney General each such conveyance owned or operated by the owner or lessee, giving the type, rated load and speed, name of manufacturer, its location, the purpose for which it is used, and such additional information as may be required.

(2) Conveyances placed in service on or after July 1, 2012, shall be registered at the time they are completed and placed in service.

SECTION 10. A licensee shall inspect, test, install, service and maintain conveyances in compliance with the provisions and standards of the State Fire Prevention and Building Code.

SECTION 11. (1) A permit must be obtained before a conveyance covered by this act shall be erected, constructed, installed or altered within buildings or structures in this state. Where any material alteration is made, the device shall conform to

applicable requirements in ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, ASME A18.1 or ASCE 21 for the alteration. A permit may be issued only to a licensed elevator contractor, and a copy of the permit shall be kept at the construction site at all times while the work is in progress.

(2) Each application for a permit shall be accompanied 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; all structural supporting members thereof, including foundations; and shall specify all materials to be employed and all loads to be supported or conveyed. The plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

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

(a) Where any false statement or misrepresentation as to the material facts was made in the application, plans, or specifications on which the permit was based.

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

(c) Where 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.

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

(4) (a) A permit expires if the work authorized by a permit is not commenced within six (6) months after the date of issuance.

(b) For good cause, an extension of the permit may be granted.

(5) A permit is not required for a repair.

SECTION 12. (1) All new conveyance installations shall be performed by a licensed elevator contractor who must certify compliance with this act upon completion of the work. Before any conveyance is used, the property owner or lessee must obtain a certificate of operation. It is the responsibility of the licensed elevator contractor to complete and submit first-time registration(s) for new installations.

(2) A certificate of operation is renewable annually, except that certificates issued for platform and stairway chairlifts for private residences shall be valid for a period of three (3) years. A certificate 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.

SECTION 13. (1) 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 annually (ASME A17.1/CSA B44, category one) by a licensed elevator inspector who shall supply the property owner or lessee and the licensing authority with a written inspection report that describes any and all code violations. Property owners shall have thirty (30) days from the date of the published inspection report to be in full compliance with correcting the violations.

(2) (a) It shall be the responsibility of the owner of all conveyances to hire an elevator contractor to supervise the required tests at intervals in compliance with the ASME A17.1/CSA B44 Appendix N, ASME A18.1 and ASCE 21.

(b) All tests shall be performed by a licensed elevator mechanic.

SECTION 14. Any owner or lessee who shall violate any of the provisions of this act, upon conviction thereof, shall be fined in an amount not to exceed One Thousand Five Hundred Dollars ($1,500.00).

SECTION 15. The provisions of this act are not retroactive unless otherwise stated and equipment shall be required to comply with the applicable code at the date of its installation or within the period determined by the licensing authority for compliance with ASME A17.3, whichever is more stringent. If, upon the inspection of any device covered by this act, the equipment is found in dangerous condition or there is an immediate hazard to those riding or using such equipment, the licensing authority shall notify the owner of the condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.

SECTION 16. The Office of the Attorney General shall have authority to promulgate rules and regulations for licensing and enforcement for all provisions in this act.

SECTION 17. This act shall take effect and be in force from and after July 1, 2012.