

ADMINISTRATIVE CODE OF 1929 - FEES AND INDUSTRIAL BOARD AND
ELEVATOR SAFETY BOARD

Act of Jun. 28, 2018, P.L. 451, No. 68

Cl. 71

Session of 2018

No. 2018-68

SB 934

AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled, as amended, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; providing for the regulation of pari-mutuel thoroughbred horse racing and harness horse racing activities, imposing certain taxes and providing for the disposition of funds from pari-mutuel tickets; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," in powers and duties of the Department of Labor and Industry, its departmental administrative and advisory boards and departmental administrative officers, further providing for fees and for Industrial Board and establishing the Elevator Safety Board.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 613-A(a)(11) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended October 30, 2017 (P.L.379, No.40), is amended to read:

Section 613-A. Department of Labor and Industry to Collect Fees.--(a) Notwithstanding any other provision of law, the department is authorized to charge fees for the following purposes and in the following amounts:

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| (11) Fees for variance requests: | |
| (i) Industrial board variance, appeal and request for extension of time: | |
| (A) Standard fee..... | 321 |
| (B) For expedited action on variances, appeals or requests for extensions of time..... | 1,321 |
| (ii) Accessibility Advisory Board variance, appeal or request for extension of time: | |

(A) Standard fee.....	321
(B) For expedited action on variances, appeals or requests for extensions of time.....	1,321
(iii) Elevator Safety Board variance, appeal or request for extension of time:	
(A) Standard fee.....	321
(B) For expedited action on variances, appeals or requests for extensions of time.....	1,321

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Section 2. Section 2214(g) and (h) of the act are amended to read:

Section 2214. Industrial Board.--The Industrial Board created by this act shall have the power, and its duty shall be:

* * *

(g) To establish such technical advisory boards or committees as may be necessary for the performance of its duties, including, but not limited to, a Fire and Panic Advisory Board[, an Elevator Advisory Board] and a Boiler Advisory Board;

(h) To have jurisdiction under the following acts:

(1) The act of May 30, 1895 (P.L.129, No.99), entitled "An act to provide for safety guards upon passenger elevators and providing a penalty for violation thereof."

(2) The act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

[(3) The act of May 2, 1929 (P.L.1513, No.451), referred to as the Boiler Regulation Law.

(4) The act of May 2, 1929 (P.L.1518, No.452), referred to as the Elevator Regulation Law.]

(5) The act of May 18, 1937 (P.L.654, No.174), entitled, as amended, "An act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, materials, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties."

(6) The act of May 27, 1937 (P.L.926, No.249), referred to as the Bedding and Upholstery Law.

[(7) The act of July 31, 1941 (P.L.616, No.261), known as the "Employment Agency Law."

(8) The act of May 14, 1949 (P.L.1342, No.402), known as the "Dry Cleaning and Dyeing Law."

(9) The act of December 27, 1951 (P.L.1793, No.475), referred to as the Liquefied Petroleum Gas Act.]

(10) The act of July 25, 1961 (P.L.857, No.372), referred to as the Stuffed Toy Manufacturing Act.

(11) The act of August 22, 1961 (P.L.1034, No.467), entitled "An act requiring a guard to be posted when a manhole is entered; imposing powers and duties on the Department of Labor and Industry; and authorizing said department to promulgate rules and regulations relating to manholes, and providing penalties."

(12) The act of June 2, 1971 (P.L.115, No.5), entitled "An act requiring the use of safety glazing materials in hazardous locations in residential, commercial and public buildings, imposing duties on the Department of Labor and Industry and providing penalties."

(12.1) The act of June 18, 1998 (P.L.655, No.85), known as the Boiler and Unfired Pressure Vessel Law.

(12.2) The act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act.

(13) Any other acts assigned by the Secretary of Labor and Industry.

Section 3. The act is amended by adding a section to read:

Section 2214.1. Elevator Safety Board.--(a) The Elevator Safety Board is established and shall consist of the members as provided in this section.

(b) The Governor shall appoint the members of the board with one representative from each of the following:

(1) The Department of Labor and Industry.

(2) An elevator manufacturing company.

(3) An elevator servicing company.

(4) An architectural design or elevator consulting profession.

(5) An elevator inspector.

(6) A labor organization specializing in the installation, maintenance and repair of elevators and other conveyances.

(7) A building owner or manager.

(8) A municipality.

(9) The general public.

(c) Within thirty (30) days of the effective date of this section, the Governor shall make the initial appointments to the board.

(d) The board shall have term limitations and structure as follows:

(1) The members of the board shall serve for a term of three (3) years and, except for the member under paragraph (2), may not serve for more than three (3) consecutive terms.

(2) The representative of the Department of Labor and Industry or its designee shall serve continuously.

(3) The members shall serve without salary.

(4) The members shall receive reimbursement from the Commonwealth in such amounts as determined by the Department of Labor and Industry for reasonable travel, lodging and other expenses necessarily incurred by them in the performance of their duties.

(5) The Governor shall appoint one member to serve as chairperson, who shall be the deciding vote in the event of a tie vote.

(e) (1) The board shall meet and organize within one hundred twenty (120) days of the effective date of this section and at that meeting shall elect one secretary of the board to serve during the term to be fixed by the rules and regulations adopted by the board. The board shall meet monthly at a time and place to be fixed by the Department of Labor and Industry and at times as it is deemed necessary for the consideration of code regulations, appeals, variances and the transaction of other business. Special meetings may be called as provided in the rules and regulations adopted by the board. The Department of Labor and Industry shall set the place and time of special meetings.

(2) Any member absent from three consecutive meetings shall be dismissed and the vacancy shall be filled in the same manner as the appointment of the absent member.

(f) (1) The board shall recommend regulations to the Secretary of Labor and Industry relating to construction, maintenance and inspection of elevators and safe operation of elevators. The board may consult with engineering authorities

and other appropriate organizations regarding the application of elevator industry codes and standards.

(2) The Secretary of Labor and Industry shall review any recommendations for regulations submitted by the board and, if the secretary approves the recommendations, shall promulgate regulations consistent with the recommendations.

(3) The board may grant exceptions and variances from the requirements of applicable codes and standards or regulations if the changes would not jeopardize the safety and welfare of the general public or individuals employed in the elevator industry. The Department of Labor and Industry shall accept applications for all exceptions and variances and shall make recommendations on the applications to the board.

(4) The board may hold hearings and hear appeals on matters relating to this section in accordance with regulations and procedures established by the board in consultation with the Department of Labor and Industry.

Section 4. Within seven days of the first meeting of the Elevator Safety Board, the Department of Labor and Industry shall publish a notice in the Pennsylvania Bulletin stating the date of the meeting.

Section 5. This amendatory act shall be known and may be cited as Kristopher's Law.

Section 6. This act shall take effect as follows:

(1) The amendment of sections 613-A(a)(11) and 2214(g) and (h) of the act shall take effect upon the date of the first meeting of the Elevator Safety Board as stated in the notice required under section 4.

(2) The remainder of this act shall take effect in 60 days.

APPROVED--The 28th day of June, A.D. 2018.

TOM WOLF