

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3050 Session of
2006

INTRODUCED BY BIRMELIN AND MARKOSEK, OCTOBER 20, 2006

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 20, 2006

AN ACT

1 Establishing the Elevator Act and the Elevator Safety Review
2 Board; conferring powers and imposing duties; providing for
3 licensing; and imposing civil penalties.

4 TABLE OF CONTENTS

5 Chapter 1. Preliminary Provisions

6 Section 101. Short title.

7 Section 102. Purpose.

8 Section 103. Definitions.

9 Section 104. Equipment covered.

10 Section 105. Equipment not covered.

11 Chapter 3. Board

12 Section 301. Elevator Safety Review Board.

13 Section 302. Board meetings.

14 Section 303. Powers of board.

15 Section 304. Enforcement.

16 Chapter 5. Licensing

17 Section 501. License required.

18 Section 502. Issuance and renewal of licenses; fees.

1 Section 503. Application for elevator contractor, mechanic or
2 inspector license.

3 Section 504. Qualifications.

4 Section 505. Permits.

5 Section 506. Registration of existing elevators, platform
6 lifts, dumbwaiters, escalators, moving walks and
7 any other conveyance.

8 Section 507. Hearing on charges and decision.

9 Section 508. Appeals.

10 Chapter 7. New Installations, Annual Inspections,
11 Registrations and Insurance

12 Section 701. New installations, annual inspections and
13 registrations.

14 Section 702. Insurance requirements.

15 Chapter 9. Liability, Hazardous Conditions and Penalties

16 Section 901. Liability.

17 Section 902. Hazardous conditions.

18 Section 903. Civil penalties for offenses.

19 Chapter 11. Miscellaneous Provisions

20 Section 1101. Retroactivity.

21 Section 1102. Inspection and testing.

22 Section 1103. Construction.

23 Section 1104. Effective date.

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

26 CHAPTER 1

27 PRELIMINARY PROVISIONS

28 Section 101. Short title.

29 This act shall be known and may be cited as the Pennsylvania
30 Elevator Act.

1 Section 102. Purpose.

2 (a) Safety.--The purpose of this act is to provide for the
3 safety of installers, maintainers, operators and users and to
4 promote public safety awareness. The use of unsafe and defective
5 lifting devices imposes a substantial probability of serious and
6 preventable injury to employees and exposes the public to unsafe
7 conditions. The prevention of these injuries and protection of
8 employees and the public from unsafe conditions is in the best
9 interest of the people of this Commonwealth. Elevator personnel
10 performing work covered by this act shall be documented in
11 training or experience or both and be familiar with the
12 operation and safety functions of the components and equipment.
13 Training and experience shall include, but not be limited to,
14 recognizing the safety hazards and performing the procedures to
15 which they are assigned in conformance with the requirements of
16 this act. This act shall establish the minimum standards for
17 elevator personnel.

18 (b) Equivalents.--The provisions of this act are not
19 intended to prevent the use of systems, methods or devices of
20 equivalent or superior quality, strength, fire resistance,
21 effectiveness, durability and safety to those required by this
22 act, provided that there is technical documentation to
23 demonstrate the equivalency of the system, method or device as
24 prescribed in the requirements of ASME A17.1, ASME A18.1 or ASCE
25 21.

26 Section 103. Definitions.

27 The following words and phrases when used in this act shall
28 have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "ANSI." The American National Standards Institute.

1 "ASCE." The American Society of Civil Engineers.

2 "ASCE 21." The Automated People Mover Standards drafted by
3 the American Society of Civil Engineers.

4 "ASME." The American Society of Mechanical Engineers.

5 "ASME A17.1." The safety code for elevators and escalators
6 drafted by the American Society of Mechanical Engineers. This
7 safety code is an American National Standard.

8 "ASME A17.3." The safety code for existing elevators and
9 escalators drafted by the American Society of Mechanical
10 Engineers. This safety code is an American National Standard.

11 "ASME A18.1." The safety standard for platform lifts and
12 stairway chair lifts drafted by the American Society of
13 Mechanical Engineers. This safety code is an American National
14 Standard.

15 "ASME QE1." The standards for the qualifications of elevator
16 inspectors drafted by the American Society of Mechanical
17 Engineers.

18 "Automated people mover." An installation defined as an
19 automated people mover in ASCE 21.

20 "Board." The Elevator Safety Review Board established in
21 section 301.

22 "Certificate of operation." A document issued by the
23 Department of Labor and Industry that indicates that the
24 conveyance has had the required safety inspection and tests and
25 fees have been paid as set forth in this act.

26 "Conveyance." Any elevator, dumbwaiter, escalator, moving
27 sidewalk, platform lift, stairway chairlift and automated people
28 mover.

29 "Department." The Department of Labor and Industry of the
30 Commonwealth.

1 "Dormant elevator, dumbwaiter or escalator." An installation
2 designated as out of service by the requirements of ASME A17.1
3 and ASME A18.1.

4 "Elevator." An installation defined as an elevator in ASME
5 A17.1.

6 "Elevator contractor." Any sole proprietor, firm or
7 corporation who possesses an elevator contractor license in
8 accordance with the provisions of sections 502 and 504 and who
9 is engaged in the business of erecting, constructing,
10 installing, altering, servicing, repairing or maintaining
11 elevators or related conveyances covered by this act.

12 "Elevator apprentice." A person who works under the general
13 direction of a licensed elevator mechanic. A license for the
14 position is not required.

15 "Elevator contractor license." A license which is issued to
16 an elevator contractor who has been authorized by the Elevator
17 Safety Review Board established in section 301 to possess an
18 elevator contractor license. The license shall entitle the
19 holder to engage in the business of erecting, constructing,
20 installing, altering, servicing, testing, repairing or
21 maintaining elevators or related conveyances covered by this
22 act.

23 "Elevator inspector." A person defined in ASME QEI as an
24 inspector who possesses an elevator inspector license in
25 accordance with the provisions of this act.

26 "Elevator mechanic." A person who possesses an elevator
27 mechanic license in accordance with the provisions of sections
28 502 and 504 and who is engaged in erecting, constructing,
29 installing, altering, servicing, repairing or maintaining
30 elevators or related conveyances covered by this act.

1 "Elevator mechanic license." A license which is issued to a
2 person who has proven his or her qualifications and ability and
3 has been authorized by the Elevator Safety Review Board
4 established in section 301 to work on conveyance equipment. The
5 license shall entitle the holder to install, construct, alter,
6 service, repair, test, maintain and perform electrical work on
7 elevators or related conveyances covered by this act.

8 "Escalator." An installation defined as an escalator in ASME
9 A17.1.

10 "Existing installation." An installation defined as an
11 installation, existing in ASME A17.1.

12 "Inspector license." A license which is issued to an ASME
13 QEI-certified elevator inspector who has proven his or her
14 qualifications and ability and has been authorized by the
15 Elevator Safety Review Board established in section 301 to
16 possess this type of license. The license shall entitle the
17 holder to engage in the business of inspecting elevators or
18 related conveyances covered by this act.

19 "License." A written license, issued by the Department of
20 Labor and Industry, authorizing a person, sole proprietor, firm
21 or corporation to carry on the business of erecting,
22 constructing, installing, altering, servicing, repairing,
23 maintaining or performing inspections of elevators or related
24 conveyances covered by this act.

25 "Limited elevator contractor license." A license which is
26 issued by the Department of Labor and Industry authorizing a
27 sole proprietor, firm or corporation which employs individuals
28 to carry on a business of erecting, constructing, installing,
29 altering, servicing, repairing or maintaining platform lifts and
30 stairway chairlifts within any building or structure, including,

1 but not limited to, private residences.

2 "Material alteration." An alteration as defined in the ASCE
3 and the ASME standards.

4 "Moving walk." An installation defined as a moving walk in
5 ASME A17.1.

6 "Private residence." A separate dwelling or a separate
7 apartment in a multiple-family dwelling which is occupied by
8 members of a single-family unit.

9 "Repair." A repair as defined in the ASCE and the ASME
10 standards. This repair does not require a permit.

11 "Secretary." The Secretary of Labor and Industry of the
12 Commonwealth.

13 "Temporary certificate of operation." A document issued by
14 the Department of Labor and Industry which permits the temporary
15 use of a noncompliant conveyance by the general public for a
16 limited time, not to exceed 30 days, while minor repairs are
17 being completed.

18 "Temporarily dormant elevator, dumbwaiter or escalator." An
19 installation whose power supply has been disconnected by
20 removing fuses and placing a padlock on the mainline disconnect
21 switch in the "OFF" position. The car is parked and the hoistway
22 doors are in the closed and latched position. A wire seal shall
23 be installed on the mainline disconnect switch by a licensed
24 elevator inspector. This installation shall not be used again
25 until it has been put in safe running order and is in condition
26 for use. Annual inspections shall continue for the duration of
27 the temporarily dormant status by a licensed elevator inspector.
28 Temporarily dormant status shall be renewable on an annual basis
29 and shall not exceed a five-year period. The inspector shall
30 file a report with the chief elevator inspector describing the

1 current conditions. The wire seal and padlock shall not be
2 removed for any purpose without permission from the elevator
3 inspector.

4 Section 104. Equipment covered.

5 Except as provided by section 105, this act covers the
6 design, construction, operation, inspection, testing,
7 maintenance, alteration and repair of the following equipment,
8 its associated parts and its hoistways:

9 (1) Hoisting mechanisms. This act covers hoisting and
10 lowering mechanisms, equipped with a car or platform, which
11 move between two or more landings. This equipment includes,
12 but is not limited to, elevators, platform lifts and stairway
13 chairlifts.

14 (2) Power-driven stairways. This act covers power-driven
15 stairways and walkways for carrying persons between landings.
16 This equipment includes, but is not limited to, escalators
17 and moving walks.

18 (3) Limited hoisting mechanisms. This act covers
19 hoisting and lowering mechanisms equipped with a car, which
20 serve two or more landings and are restricted to the carrying
21 of material by limited size or limited access to the car.
22 This equipment includes, but is not limited to, dumbwaiters
23 and dumbwaiters with automatic transfer devices and material
24 lifts.

25 (4) Automatic guided transit vehicles. This act covers
26 the design, construction, operation, inspection, maintenance,
27 alteration and repair of automatic guided transit vehicles on
28 guideways with an exclusive right-of-way. This equipment
29 includes, but is not limited to, automated people movers.

30 Section 105. Equipment not covered.

Equipment not covered by this act includes, but is not limited to, the following:

- (1) Material hoists within the scope of ANSI A10.5.
- (2) Manlifts within the scope of AMSE A90.1.
- (3) Mobile scaffolds, towers and platforms within the scope of ANSI A92.
- (4) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1.
- (5) Conveyors and related equipment within the scope of ASME B20.1.
- (6) Cranes, derricks, hoists, hooks, jacks and slings within the scope of ASME B30.
- (7) Industrial trucks within the scope of ASME B56.
- (8) Portable equipment, except for portable escalators which are covered by ANSI A17.1.
- (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 or like devices.
- (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 Commonwealth.

CHAPTER 3

BOARD

Section 301. Elevator Safety Review Board.

- (a) Establishment.--There is hereby created the Elevator

1 Safety Review Board.

2 (b) Composition.--The board shall be composed of nine
3 members as follows:

4 (1) The Secretary of Labor and Industry or his designee.

5 (2) The Secretary of State or his designee.

6 (3) One representative from a major elevator
7 manufacturing company or its authorized representative.

8 (4) One representative from an elevator servicing
9 company.

10 (5) One representative of the architectural design or
11 elevator consulting profession.

12 (6) One representative of the general public.

13 (7) One representative of a municipality in this
14 Commonwealth.

15 (8) One representative of a building owner or manager.

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

18 (c) Appointment.--The Governor shall appoint the
19 representatives designated in subsection (b)(3) through (9). The
20 Governor shall appoint one of the members designated in
21 subsection (b) to serve as chairman. The chairman shall be the
22 deciding vote in the event of a tie vote.

23 (d) Term of board members.--The members constituting the
24 board shall serve for terms of three years, excluding the
25 Secretary of Labor and Industry and the Secretary of State, who
26 shall serve continuously.

27 (e) Compensation.--The members shall serve without salary.

28 (f) Expenses.--The board members shall be reimbursed by the
29 Commonwealth for expenses necessarily incurred by them in the
30 performance of their duties.

1 Section 302. Board meetings.

2 (a) Initial meeting.--The board shall meet and organize
3 within ten days after the appointment of its members and elect a
4 secretary to serve during the term to be fixed by the rules and
5 regulations adopted by the board.

6 (b) Regular and special meetings.--The board shall meet
7 regularly once each month at a time and place to be fixed by it
8 and at such times as it deems necessary for the consideration of
9 applicable code regulations, appeals, variances and for the
10 transaction of such other business as may come before it.
11 Special meetings shall be called as provided in the rules and
12 regulations.

13 (c) Absences.--Any appointed board member absent from three
14 consecutive meetings shall be dismissed.

15 Section 303. Powers of board.

16 (a) Consultation.--The board shall be authorized to consult
17 with engineering authorities and organizations concerned with
18 standard safety codes, rules and regulations governing the
19 operation, maintenance, servicing, construction, alteration,
20 installation and inspection of elevators, dumbwaiters,
21 escalators and other similar matters. The board shall also be
22 authorized to consult with engineering authorities concerning
23 elevator mechanic, contractor and inspector qualifications which
24 are adequate, reasonable and necessary.

25 (b) Recommendations.--The board shall be authorized to
26 recommend amendments to applicable legislation, when
27 appropriate.

28 (c) Regulatory authority.--The board shall establish the
29 regulations for the equipment regulated by this act. The
30 regulations shall include:

(1) The safety code for elevators and escalators, ASME A17.1.

(2) The safety code for existing elevators and escalators, ASME A17.3.

(3) The safety standards for platform lifts and stairway chairlifts, ASME A18.1.

(4) The standard for the qualification of elevator inspectors, ASME QEI-1.

(5) Automated People Mover Standards, ASCE 21.

(d) Latest standards.--The board shall adopt the latest editions of the standards cited in subsection (c) within six months of their effective date. Any modifications to the standards that the board deems necessary shall be justified in writing by the board.

(e) Exceptions and variances.--The board shall also have the authority to grant exceptions and variances from the literal requirements of applicable codes and standards, regulations or local legislation 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 these matters within 30 days of appeal.

(f) Fees.--The board shall establish fee schedules for licenses, permits, certificates and inspections. The fees shall reflect the actual costs and expenses to operate the board and conduct its duties as prescribed in this act.

Section 304. Enforcement.

(a) Enforcement program.--It shall be the duty of the board to develop an enforcement program which will ensure compliance with regulations and requirements of this act. This program shall include, but not be limited to:

(1) Regulations for identification of property locations which are subject to said regulations and requirements.

(2) Issuing notifications to violating property owners or operators.

(3) Random onsite inspections and tests on existing installations.

(4) Witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, sole proprietors, firms or corporations.

(5) Assisting in development of public awareness programs.

(b) Investigation requests.--Any person may make a request for an investigation into alleged violations of this act by giving notice to the department of such violation or danger. Such 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 such notice or any record published, released or made available.

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

LICENSING

Section 501. License required.

(a) Elevator mechanic license.--No person shall erect, construct, alter, replace, maintain, remove or dismantle any conveyance contained within buildings or structures in this Commonwealth unless an elevator mechanic license has been issued as described in this act and is working under the direct supervision of a sole proprietor, firm or corporation that is an elevator contractor pursuant to this act. No person shall wire any conveyance, from the mainline feeder terminals on the controller, in this Commonwealth unless an elevator mechanic license has been issued as described in this act and is working under the direct supervision of a sole proprietor, firm or corporation that is an elevator contractor pursuant to this act. No other license shall be required for this work. A licensed elevator contractor is not required to remove or dismantle conveyances which 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 therein to endanger the safety and welfare of a person.

(b) Inspector license.--No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless an inspector license has been issued as provided in this act.

Section 502. Issuance and renewal of licenses; fees.

(a) Issuance and renewal.--Upon approval of an application by the department, the department may issue a license which shall be renewable biennially. The fee for such license for any renewal thereafter shall be set by the board.

1 (b) Emergencies.--Whenever an emergency exists in this
2 Commonwealth due to a disaster, an act of God or work stoppage
3 and the number of persons in this Commonwealth holding licenses
4 granted by the board is insufficient to cope with the emergency,
5 elevator contractors shall respond as necessary to assure the
6 safety of the public. Any person certified by a licensed
7 elevator contractor to have an acceptable combination of
8 documented experience and education to perform elevator work
9 without direct and immediate supervision shall seek an emergency
10 elevator mechanic license from the department within five
11 business days after commencing work requiring a license. The
12 department shall issue emergency elevator mechanic licenses. The
13 elevator contractor shall furnish proof of competency as the
14 department may require. Each license is valid for a period of 60
15 days from the date of issuance and for such particular elevators
16 or geographical areas as the department may designate and
17 otherwise shall entitle the licensee to the rights and
18 privileges of an elevator mechanic license issued under this
19 act. The department shall renew an emergency elevator mechanic
20 license during the existence of an emergency. No fee shall be
21 charged for any emergency elevator mechanic license or renewal
22 thereof.

23 (c) Labor shortage.--An elevator contractor shall notify the
24 department when there are no licensed personnel available to
25 perform elevator work. The elevator contractor may request that
26 the department issue temporary elevator mechanic licenses to
27 persons certified by the licensed elevator contractor to have an
28 acceptable combination of documented experience and education to
29 perform elevator work without direct and immediate supervision.
30 Any person certified by an elevator contractor to have an

1 acceptable combination of documented experience and education to
2 perform elevator work without direct and immediate supervision
3 shall immediately seek a temporary elevator mechanic license
4 from the department and shall pay such fee as the board shall
5 determine. Each such license is valid for a period of 60 days
6 from the date of issuance and while employed by the licensed
7 elevator contractor that certified the individual as qualified.
8 It shall be renewable as long as the shortage of license holders
9 shall continue.

10 (d) Continuing education.--The renewal of all licenses
11 granted under this section shall be conditioned upon the
12 submission of a certificate of completion of a course designed
13 to ensure the continuing education of licensees on new and
14 existing provisions of the regulations set forth by the board.
15 Such course shall consist of not less than eight hours of
16 instruction that shall be attended and completed within one year
17 immediately preceding any such license renewal.

18 (e) Instruction.--The courses shall be taught by instructors
19 through continuing education providers that may include, but
20 shall not be limited to, association seminars and labor training
21 programs. The board shall approve the continuing education
22 providers. All instructors shall be approved by the board and be
23 exempt from the requirements of subsection (d) with regard to
24 their application for license renewal, provided that such
25 applicant was qualified as an instructor at any time during the
26 one year immediately preceding the scheduled date for such
27 renewal.

28 (f) Temporary disability.--A licensee who is unable to
29 complete the continuing education course required under this
30 section prior to the expiration of his license due to a

1 temporary disability may apply for a waiver from the board. The
2 waiver shall be on a form provided by the board, which shall be
3 signed under the penalty of perjury and accompanied by a
4 certified statement from a competent physician attesting to the
5 disability. Upon the termination of the temporary disability,
6 the licensee shall submit to the board a certified statement
7 from the same physician, if practicable, attesting to the
8 termination of the temporary disability. Upon this termination,
9 a waiver sticker which is valid for 90 days shall be issued to
10 the licensee and affixed to his license.

11 (g) Attendance records for continuing education courses.--
12 Approved training providers shall keep uniform records, for a
13 period of ten years, of attendance of licensees following a
14 format approved by the board, and such records shall be
15 available for inspection by the board at its request. Approved
16 training providers shall be responsible for the security of all
17 attendance records and certificates of completion, provided,
18 however, that falsifying or knowingly allowing another to
19 falsify such attendance records or certificates of completion
20 shall constitute grounds for suspension or revocation of the
21 approval required under this subsection.

22 Section 503. Application for elevator contractor, mechanic or
23 inspector license.

24 (a) Elevator contractor.--Any sole proprietor, firm or
25 corporation wishing to engage in the business of elevator,
26 dumbwaiter, escalator or moving sidewalks installation,
27 alteration, service, replacement or maintenance within this
28 Commonwealth shall make application for a license with the
29 department on a form provided by the department.

30 (b) Elevator mechanic.--Any person wishing to engage in

1 elevator, dumbwaiter, escalator or moving sidewalks
2 installation, alteration, service, replacement or maintenance
3 within this Commonwealth shall make application for a license
4 with the department on a form provided by the department.

5 (c) Inspector.--Upon proof of ASME QEI certification, any
6 person wishing to engage in the business of elevator,
7 dumbwaiter, escalator, moving sidewalk, platform or stairway
8 chairlift inspection within this Commonwealth shall make
9 application for a license with the department on a form to be
10 provided by the department.

11 (d) Contents of application.--The applications shall contain
12 information for the following provisions:

13 (1) If the applicant is a person or sole proprietor, the
14 name, residence and business address of the applicant.

15 (2) If the applicant is a partnership, the name,
16 residence and business address of each partner.

17 (3) If the applicant is a domestic corporation, the name
18 and business address of the corporation and the name and
19 residence address of the principal officer of the
20 corporation. If the applicant is a corporation other than a
21 domestic corporation, the corporation shall include the name
22 and address of its local agent who is to accept service of
23 process and official notices.

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

27 (5) The approximate number of persons, if any, to be
28 employed by the elevator contractor applicant and, if
29 applicable, satisfactory evidence that the employees are or
30 will be covered by workers' compensation insurance.

1 (6) Satisfactory evidence that the applicant is or will
2 be covered by general liability, personal injury and property
3 damage insurance.

4 (7) Criminal record of convictions, if any, as verified
5 by the Commissioner of Pennsylvania State Police or other
6 relevant law enforcement agency.

7 (8) Such other information as the department may
8 require.

9 Section 504. Qualifications.

10 (a) Elevator mechanics.--No license shall be granted to any
11 person who has not demonstrated the qualifications and
12 abilities. Applicants for a mechanic license must demonstrate an
13 acceptable combination of documented experience and education
14 credits, including:

15 (1) Not less than three years' work experience in the
16 elevator industry, construction, maintenance, service or
17 repair, or any combination thereof, as verified by current
18 and previous employers licensed to do business in this
19 Commonwealth.

20 (2) Satisfactory completion of a written examination
21 administered by the board on the most recent referenced codes
22 and standards.

23 (b) Exceptions.--Any person shall be granted an elevator
24 mechanic license without satisfying the requirements of
25 subsection (a) by:

26 (1) Furnishing the department with acceptable proof that
27 he has worked as an elevator contractor, maintenance or
28 repair person. Upon making application for a license and
29 paying the license fee, the person is entitled to receive a
30 license without an examination. The person shall have worked

1 without direct and immediate supervision for an elevator
2 contractor licensed to do business in this Commonwealth. This
3 employment shall not be less than three years immediately
4 prior to the effective date of this act. A person seeking a
5 license under the exception outlined in this paragraph must
6 make application within one year of the effective date of
7 this act.

8 (2) Obtaining a certificate of completion and
9 successfully passing the mechanic examination of a nationally
10 recognized training program for the elevator industry such as
11 the National Elevator Industry Educational Program or its
12 equivalent.

13 (3) Obtaining a certificate of completion of an
14 apprenticeship for elevator mechanic program, having
15 standards substantially equal to those of this chapter and
16 registered with the Bureau of Apprenticeship and Training,
17 United States Department of Labor or a state apprenticeship
18 council.

19 (4) Furnishing the department with acceptable proof of
20 holding a valid license from a state having standards
21 substantially equal to those of this act.

22 (c) Elevator inspectors.--No inspector license shall be
23 granted to any person unless he demonstrates to the satisfaction
24 of the department or officer designated by the board that the
25 person meets the current ASME QEI-1.

26 (d) Elevator contractor.--Authorized applicants for an
27 elevator contractor license must demonstrate the following
28 qualifications:

29 (1) Have in its employ no fewer than one licensed
30 elevator mechanic who performs the work described in section

1 501(a).

2 (2) Have proof of compliance with the insurance
3 requirements set forth in section 702.

4 (e) Reciprocity.--A license may be issued to a sole
5 proprietor, firm or corporation holding a valid license from a
6 state having standards substantially equal to those of this
7 chapter, upon application.

8 Section 505. Permits.

9 (a) Permit required.--No conveyance covered by this act
10 shall be erected, constructed, installed or altered within
11 buildings or structures within this Commonwealth unless a permit
12 has been obtained from the department before the work is
13 commenced. Where any material alteration, as defined in this
14 act, is made, the device shall conform to applicable
15 requirements in ASME A17.1, ASME A18.1 or ASCE 21 for the
16 alteration. No permit required hereunder shall be issued except
17 to a sole proprietor, firm or corporation holding a current
18 elevator contractor license issued pursuant to this chapter. A
19 copy of the permit shall be kept at the construction site at all
20 times while the work is in progress.

21 (b) Fee.--The permit fee shall be set by the board. Permit
22 fees collected are nonrefundable. Applicable permit fees shall
23 accompany each permit application.

24 (c) Permit requirements.--Each application for a permit
25 shall be accompanied by copies of specifications along with
26 accurately scaled and fully dimensioned plans showing the
27 location of the installation in relation to the plans and
28 elevation of the building, the location of the machinery room
29 and the equipment to be installed, relocated or altered; all
30 structural supporting members thereof, including foundations;

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

5 (d) Revocation of permits.--Permits may be revoked for the
6 following reasons:

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

10 (2) Where the permit was issued in error and should not
11 have been issued in accordance with the applicable
12 provisions.

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

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

19 (e) Expiration of permits.--Permits shall expire for the
20 following reasons:

21 (1) If the work authorized by the permit is not
22 commenced within six months after the date of issuance or
23 within a shorter period of time as the department may specify
24 at the time the permit is issued.

25 (2) If the work approved by the permit is suspended or
26 abandoned for a period of 60 days, or a shorter period of
27 time as the department or its authorized representative in
28 its discretion may specify at the time the permit is issued,
29 after the work has been started. For good cause, the
30 department at its discretion may allow an extension of the

1 60-day period.

2 Section 506. Registration of existing elevators, platform
3 lifts, dumbwaiters, escalators, moving
4 sidewalks and other conveyances.

5 Within six months after the date of the appointment of the
6 board, the owner or lessee of an existing conveyance shall
7 register with the department each elevator, dumbwaiter, platform
8 lift and escalator or device described in section 104 owned and
9 operated by the owner or lessee, giving the type, rated load and
10 speed, name of manufacturer, its location and the purpose for
11 which it is used and any additional information that the
12 department may require. Elevators, dumbwaiters, platform lifts,
13 escalators and moving sidewalks or other conveyances for which
14 construction has begun subsequent to the date of the creation of
15 the board shall be registered at the time they are completed and
16 placed in service.

17 Section 507. Hearing on charges and decision.

18 (a) Notice.--No license shall be suspended, revoked or
19 subject to civil penalty until after a hearing before the
20 department upon notice, served personally or by registrered
21 mail, to the licensee of at least ten days at the last known
22 address appearing on the license. The notice shall state the
23 date, hour and place of the hearing and set forth a statement of
24 facts constituting the grounds for the charges against the
25 licensee.

26 (b) Decision.--The department shall suspend or revoke the
27 license or dismiss the proceeding.

28 Section 508. Appeals.

29 Any person, sole proprietor firm or corporation whose license
30 is revoked, suspended or subject to civil penalty may appeal

1 from such determination to the board. The board shall hold a
2 hearing within 30 days and provide 15 days' written notice to
3 all interested parties. Within 30 days after the hearing, the
4 board shall issue a decision.

5 CHAPTER 7

6 NEW INSTALLATIONS, ANNUAL INSPECTIONS,
7 REGISTRATIONS AND INSURANCE

8 Section 701. New installations, annual inspections and
9 registrations.

10 (a) Installations.--All new conveyance installations shall
11 be performed by a sole proprietor, firm or corporation to which
12 a license to install or service conveyances has been issued.
13 Subsequent to installation, the licensed sole proprietor, firm
14 or corporation must certify compliance with the applicable
15 sections of this act. Prior to any conveyance being used, the
16 property owner or lessee must obtain a certificate of operation
17 from the department. A fee as set forth in this act shall be
18 paid for the certificate of operation. It shall be the
19 responsibility of the licensed elevator contractor to complete
20 and submit first-time registration for new installations.

21 (b) Platform and stairway chairlifts.--The certificate of
22 operation fee for all new and existing platform and stairway
23 chairlifts for private residences and any certificate renewal
24 fees shall be waived. The department or a designee shall
25 inspect, in accordance with the requirements set forth in this
26 act, all newly installed and existing platform lifts and
27 stairway chairlifts for private residences subsequent to an
28 inspection by a person, firm or corporation to which a license
29 to inspect conveyances has been issued. The department or
30 designee shall provide notice to the owner of the private

1 residences where the conveyance is located with relevant
2 information about conveyance safety requirements, including, but
3 not limited to, having the owner contact the department in order
4 to ensure that the conveyance is periodically and timely
5 inspected and made safe before the permit for the conveyance
6 expires. The inspection shall only be done at the request and
7 consent of the private residence owner. All penalty provisions
8 of this act shall not apply to private residence owners.

9 (c) Display certificate of operation.--Certificates of
10 operation referred to in subsections (a) and (b) are renewable
11 annually except for certificates issued for platform and
12 stairway chairlifts for private residences, which shall be valid
13 for a period of three years. Certificates of operation must be
14 clearly displayed on or in each conveyance or in the machine
15 room for use for the benefit of applicable code enforcement
16 staff.

17 Section 702. Insurance requirements.

18 (a) Elevator contractors.--Elevator contractors shall submit
19 to the department an insurance policy or certified copy thereof,
20 issued by an insurance company authorized to do business in this
21 Commonwealth, to provide general liability coverage of at least
22 \$1,000,000 for injury or death of any number of persons in any
23 one occurrence, with the coverage of at least \$500,000 for
24 property damage in any one occurrence and the statutory workers'
25 compensation insurance coverage.

26 (b) Elevator inspectors.--Elevator inspectors not employed
27 by the authority having inspection jurisdiction shall submit to
28 the department an insurance policy or certified copy thereof,
29 issued by an insurance company authorized to do business in this
30 Commonwealth, to provide general liability coverage of at least

1 \$1,000,000 for injury or death of any number of persons in any
2 one occurrence, with coverage of at least \$500,000 for property
3 damage in any one occurrence and the statutory workers'
4 compensation insurance coverage.

5 (c) Delivery of policy.--Such policies, or duly certified
6 copies thereof, or an appropriate certificate of insurance,
7 approved as to form and as to sufficiency by the Insurance
8 Department shall be delivered to the department before or at the
9 time of the issuance of a license. In the event of any material
10 alteration or cancellation of any policy, at least ten days'
11 notice of the cancellation shall be given to the department.

12 CHAPTER 9

13 LIABILITY, HAZARDOUS CONDITIONS AND PENALTIES

14 Section 901. Liability.

15 (a) Liability.--This act shall not be construed to relieve
16 or lessen the responsibility or liability of any person, firm or
17 corporation owning, operating, controlling, maintaining,
18 erecting, constructing, installing, altering, inspecting,
19 testing or repairing any elevator or other related mechanisms
20 covered by this act for damages to person or property caused by
21 any defect therein, not does the Commonwealth assume any such
22 liability or responsibility or any liability to any person for
23 any reason by the adoption of this act or any acts or omissions
24 under this act.

25 (b) Notice.--If upon the inspection of any device covered by
26 this chapter the equipment is found in dangerous condition,
27 there is an immediate hazard to those riding or using such
28 equipment or if the design or the method of operation in
29 combination with devices used is considered inherently dangerous
30 in the opinion of the department, the department shall notify

1 the owner of the condition and shall order such alterations or
2 additions as may be deemed necessary to eliminate the dangerous
3 condition.

4 Section 902. Hazardous conditions.

5 If upon the inspection of any device covered by this chapter
6 the equipment is found in dangerous condition or there is an
7 immediate hazard to those riding or using such equipment or if
8 the design or the method of operation in combination with
9 devices used is considered inherently dangerous in the opinion
10 of the department, the department shall notify the owner of the
11 condition and shall order such alterations or additions as may
12 be deemed necessary to eliminate the dangerous condition.

13 Section 903. Civil penalties for offenses.

14 Any owner or lessee who violates any of the provisions of
15 this chapter, upon conviction, shall be fined an amount of not
16 more than \$1,500.

17 CHAPTER 11

18 MISCELLANEOUS PROVISIONS

19 Section 1101. Retroactivity.

20 The provisions of this act are not retroactive unless
21 otherwise stated, and equipment shall be required to comply with
22 the applicable code at the date of equipment installation or
23 within the period determined by the board for compliance with
24 ASME A17.3, whichever is more stringent.

25 Section 1102. Inspection and testing.

26 (a) Annual inspections.--It shall be the responsibility of
27 the owner of all new and existing conveyances located in any
28 building or structure to have the conveyance inspected annually,
29 ASME A17.1, Category One, by a licensed elevator inspector.
30 Subsequent to inspection, the licensed elevator inspector shall

1 supply the property owner or lessee and the department with a
2 written inspection report describing any and all code
3 violations. It shall be the responsibility of the department to
4 gain code compliance. Property owners shall have 30 days from
5 the date of the published inspection report to be in full
6 compliance by correcting the violations.

7 (b) Required testing.--It shall be the responsibility of the
8 owner of all conveyances to have an elevator contractor, as
9 described in this act, insure that the required tests are
10 performed at intervals in compliance with ASME A17.1, ASME A18.1
11 and ASCE 21. All tests shall be performed by a licensed elevator
12 mechanic.

13 Section 1103. Construction.

14 Whenever a provision in this act is found to be inconsistent
15 with any provision of applicable laws, codes or regulations of
16 this Commonwealth, the laws of this Commonwealth shall prevail.
17 Unless specifically stated otherwise, this act is not intended
18 to establish more stringent or more restrictive standards than
19 standards set forth in the applicable State law.

20 Section 1104. Effective date.

21 This act shall take effect in 60 days.