

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1345 Session of
2006

INTRODUCED BY REGOLA AND D. WHITE, OCTOBER 11, 2006

REFERRED TO LABOR AND INDUSTRY, OCTOBER 11, 2006

AN ACT

1 Reenacting and amending the former act of May 2, 1929 (P.L.1518,
2 No.452), entitled "An act regulating the construction,
3 equipment, maintenance, operation and inspection of
4 elevators; granting certain authority to and imposing certain
5 duties upon the Department of Labor and Industry; providing
6 fees for inspection of elevators, certificates of operation,
7 and approval of plans; providing penalties for violations of
8 this act; and repealing all acts or parts of acts
9 inconsistent with this act," restoring the act to the state
10 in which it existed prior to repeal by the Pennsylvania
11 Construction Code Act.

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

14 Section 1. The title of the act of May 2, 1929 (P.L.1518,
15 No.452), referred to as the Elevator Regulation Law, reenacted
16 and amended April 8, 1937 (P.L.277, No.69), and repealed
17 November 10, 1999 (P.L.491, No.45), is reenacted to read:

AN ACT

18
19 Regulating the construction, equipment, maintenance, operation
20 and inspection of elevators; granting certain authority to
21 and imposing certain duties upon the Department of Labor and
22 Industry; providing fees for inspection of elevators,

1 certificates of operation, and approval of plans; providing
2 penalties for violations of this act; and repealing all acts
3 or parts of acts inconsistent with this act.

4 Section 2. Section 1 of the act, amended June 23, 1972
5 (P.L.485, No.156), and repealed November 10, 1999 (P.L.491,
6 No.45), is reenacted and amended to read:

7 Section 1. Definitions.--Be it enacted, &c., That, as used
8 in this act, "Department" shall mean the Department of Labor and
9 Industry of the Commonwealth of Pennsylvania.

10 "Elevator" shall mean all the machinery and equipment used in
11 raising and lowering personnel, material, equipment or other
12 goods or cargo by means of a car, cage or platform vertically
13 between permanent rails or guides, and shall also include all
14 elevators, dumb-waiters, escalators, gravity elevators, inclined
15 passenger lifts, hoists, except temporary construction elevators
16 approved and meeting the provisions of sections 3 and 7 of this
17 act, and other lifting or lowering apparatus, except elevators,
18 hoists and lifting or lowering apparatus used in raising and
19 lowering a car, cage or platform in the coal mines and on slopes
20 used in open-pit coal mining in this Commonwealth, and in the
21 breakers, washeries and cleaning plants connected therewith and
22 which are under the jurisdiction of the Department of
23 Environmental [Resources] Protection and the mine inspectors,
24 and shall not include elevators, hoists and lifting apparatus
25 used on farms, and except elevators, hoists and lifting or
26 lowering apparatus used in raising and lowering a car, cage or
27 platform in any ore mine.

28 "Establishment" shall mean any room, building or place within
29 this Commonwealth where persons are employed or permitted to
30 work for compensation of any kind, to whomever payable, and any

1 place of business to which the public has access, except private
2 dwellings.

3 "Freight elevator" shall mean an elevator constructed and
4 used for the carrying of materials.

5 "Temporary construction elevator" shall mean an elevator
6 erected temporarily for use in transporting building materials
7 or workmen during construction of new buildings or during
8 construction or alterations to an existing building.

9 "Inspector" shall mean an inspector examined and authorized
10 by the Department of Labor and Industry to inspect elevators and
11 lifting apparatus in this Commonwealth.

12 "Passenger elevator" shall mean an elevator constructed and
13 used for carrying persons.

14 "Man lift" shall mean that type of elevator which operates by
15 an endless vertical belt which revolves over fixed pulleys at
16 the top and bottom limits of travel and to which steps and hand
17 holds are attached so that persons may ride thereon.

18 "Person" shall mean any individual, firm, partnership,
19 unincorporated association, corporation or municipality.

20 Wherever the singular is used in this act, it shall include
21 the plural, and wherever the masculine gender is used it shall
22 include the feminine and neuter.

23 Section 3. Sections 2 and 3 of the act, amended July 29,
24 1941 (P.L.581, No.246), and repealed November 10, 1999 (P.L.491,
25 No.45) are reenacted to read:

26 Section 2. General Requirement.--Every elevator, as
27 described in section one of this act, shall be so constructed,
28 equipped, maintained and operated, with respect to the
29 supporting members, elevator car, shaftway, guides, cables,
30 doors and gates, safety stops and mechanisms, locking

1 mechanisms, electrical apparatus and wiring, mechanical
2 apparatus, counterweights, and all other appurtenances, as to
3 safely sustain the load which the said elevator is designed and
4 intended to carry.

5 No certificate of operation for any "man lift" shall be
6 refused or suspended, unless such elevator is found to have been
7 incorrectly installed, to be mechanically defective, or to be
8 operating under some unnecessary hazard.

9 Section 3. Rules and Regulations.--To carry out the
10 provisions and the intent and purpose of this act, the
11 department shall have power, and its duty shall be, to make,
12 alter, amend or repeal rules and regulations for the
13 construction, installation, maintenance, operation and
14 inspection of elevators used or destined for use in this
15 Commonwealth, and shall make specifications for the construction
16 and equipment of such elevators. No elevator shall be permitted
17 to be installed and used in this Commonwealth which does not
18 comply with the rules and regulations herein provided for.

19 No rules and regulations shall be adopted prohibiting the use
20 of man lifts, except only when such man lifts are found to have
21 been incorrectly installed, to be mechanically defective, or to
22 be operating under some unnecessary hazard.

23 Section 4. Sections 4 and 5 of the act, amended December 10,
24 1974 (P.L.862, No.291), and repealed November 10, 1999 (P.L.491,
25 No.45), are reenacted and amended to read:

26 Section 4. Examination of Inspectors and Fees Therefor.--No
27 person shall inspect elevators unless he has passed a written
28 examination prescribed by the department. Application for
29 examination shall be made in writing, upon a form furnished by
30 the department, and shall be accompanied by an examination fee

1 of forty dollars (\$40). If the applicant is successful in
2 passing the said examination, a certificate of competency and a
3 commission shall be issued upon the payment of an additional fee
4 of twenty dollars (\$20). All inspectors shall be required to
5 secure a new credential card each year, by application to the
6 department, which application shall be accompanied by a fee of
7 ten dollars (\$10). The Secretary of Labor and Industry may
8 suspend any commission for due cause, but no commission may be
9 revoked until the inspector has been granted a hearing.
10 Notwithstanding the provisions of this section to the contrary,
11 the amount of any fee referred to in this section shall be
12 determined pursuant to the provisions of section 613-A of the
13 act of April 9, 1929 (P.L.177, No.175), known as "The
14 Administrative Code of 1929."

15 Section 5. Inspection of Insured Elevators.--If an elevator
16 is insured by a company authorized to insure elevators in this
17 Commonwealth against loss from accident, the inspection shall be
18 made by an employe of such company, duly licensed under section
19 4 of this act, of a firm engaged in the making of inspections on
20 a fee or contract basis when performing inspections on such
21 basis for an insurance carrier and the only fee collectible by
22 the Commonwealth shall be the certificate fee of ten dollars
23 (\$10) hereinafter provided for in this act. Elevators insured
24 and not inspected by the insurance company or other firms
25 authorized under section 5, will be inspected by a department
26 inspector with fees for inspections collectible by the
27 Commonwealth, and which fees will be the responsibility of the
28 owner, tenant or lessee responsible for maintenance and upkeep
29 of the elevator. Notwithstanding the provisions of this section
30 to the contrary, the amount of any fee referred to in this

1 section shall be determined pursuant to the provisions of
2 section 613-A of the act of April 9, 1929 (P.L.177, No.175),
3 known as "The Administrative Code of 1929."

4 Section 5. Section 6 of the act, repealed November 10, 1999
5 (P.L.491, No.45), is reenacted to read:

6 Section 6. Inspection of Uninsured Elevators.--If such
7 elevator is not so insured, the inspection shall be made by an
8 inspector in the employ of the department, and there shall be a
9 fee charged for each inspection as hereinafter provided for in
10 this act.

11 Section 6. Section 7 of the act, amended June 23, 1972
12 (P.L.485, No.156), and repealed November 10, 1999 (P.L.491,
13 No.45), is reenacted to read:

14 Section 7. Frequency of Inspections.--Every passenger
15 elevator and escalator shall be inspected four times in every
16 twelve months; freight elevators, including gravity elevators,
17 shall be inspected at least twice in every twelve months; dumb-
18 waiters, hoists and other lifting apparatus shall be inspected
19 at least once in every twelve months; temporary construction
20 elevators shall be load-tested at the time of each erection and
21 inspected every three months thereafter.

22 Section 7. Sections 8 and 9 of the act, amended July 29,
23 1941 (P.L.581, No246), and repealed November 10, 1999 (P.L.491,
24 No.45), are reenacted to read:

25 Section 8. Issuance of Certificates.--Every inspector shall
26 forward to the department a full report of each and every
27 inspection made of any elevator, showing the exact condition of
28 the said elevator. If this report indicates that the said
29 elevator is in a safe condition to be operated, the department
30 shall issue a certificate of operation for a capacity not to

1 exceed that named in the said report of inspection, which
2 certificate shall be valid for thirteen months after the date of
3 inspection. No elevator may be lawfully operated without having
4 such a certificate conspicuously posted in the elevator car,
5 cage or platform, or adjacent to one of the entrances to such
6 elevator.

7 Section 9. Discontinuance of Operation.--If any elevator be
8 found, which, in the judgment of an inspector in employ of the
9 department, is dangerous to life and property, or is being
10 operated without the operating certificate required by this act,
11 such inspector may require the owner or user of such elevator to
12 discontinue its operation within twenty-four hours, and such
13 inspector shall immediately report all facts in connection with
14 such elevator to the department, and he shall place a notice in
15 the elevator car to this effect. In the event a certificate has
16 been issued for such elevator, the said certificate shall be
17 suspended, and not renewed until such elevator shall have been
18 placed in a safe condition. In such case, where an elevator has
19 been placed out of service, the owner or user of such elevator
20 shall not again operate the same, until repairs have been made
21 and permission given by the said inspector to resume operation
22 of the said elevator.

23 Section 8. Sections 10 and 11 of the act, amended December
24 10, 1974 (P.L.862, No.291), and repealed November 10, 1999
25 (P.L.491, No.45), are reenacted and amended to read:

26 Section 10. Fees for Inspection.--The fee for the
27 certificate of operation for all insured and uninsured elevators
28 shall be ten dollars (\$10). When elevators are inspected by
29 inspectors of the department, the following fee shall be charged
30 in addition to the certificate fee:

1 For passenger elevators, fees not exceeding eighty dollars
2 (\$80) per annum.

3 For freight elevators, including gravity elevators, fees not
4 exceeding forty dollars (\$40) per annum.

5 For dumb-waiters, hoists and other lifting apparatus, fees
6 not exceeding twenty dollars (\$20) per annum.

7 For building hoists, fees not exceeding twenty dollars (\$20)
8 for each inspection. Notwithstanding the provisions of this
9 section to the contrary, the amount of any fee referred to in
10 this section shall be determined pursuant to the provisions of
11 section 613-A of the act of April 9, 1929 (P.L.177, No.175),
12 known as "The Administrative Code of 1929."

13 Section 11. Plans, Permits and Inspections.--(a) Before any
14 elevator shall be erected and installed, detailed plans and
15 specifications of the said apparatus, in triplicate, shall be
16 submitted to the department for approval. The application for
17 the approval of plans of elevators shall be accompanied by the
18 following fees: Dumb-waiters, fifty dollars (\$50); freight
19 elevators fifty dollars (\$50); and passenger elevators fifty
20 dollars (\$50). If the said plans are approved, a permit for the
21 erection and installation of such elevator shall be issued by
22 the department, and a final inspection shall be made of the
23 apparatus when installed and ready for operation, before final
24 approval shall be given by the department. The elevator shall
25 not be operated until such final inspection and approval be
26 given, unless a temporary permit be granted by the department.
27 These fees shall include the initial inspection and certificate
28 of operation.

29 (b) No elevator shall hereafter be repaired, renovated or
30 reerected when the changes involve major repairs unless a permit

1 is obtained from the department. Major repairs are those likely
2 to involve reinspection or testing and may be more specifically
3 defined by rules and regulations established by the department.
4 When repairs or changes are extensive, the department may
5 require that triplicate plans and specifications be submitted to
6 it before a permit is granted. The fee for such permit shall be
7 fifty dollars (\$50) for passenger elevators and fifty dollars
8 (\$50) for freight elevators. Where major repairs have been made
9 on an elevator or lifting apparatus, it shall not again be
10 operated until a final inspection or test and approval by the
11 department has been given. The testing or inspection fee shall
12 be included in the plans approval.

13 (c) Notwithstanding the provisions of this section to the
14 contrary, the amount of any fee referred to in this section
15 shall be determined pursuant to the provisions of section 613-A
16 of the act of April 9, 1929 (P.L.177, No.175), known as "The
17 Administrative Code of 1929."

18 Section 9. Sections 12, 13, 14, 15 and 16 of the act,
19 repealed November 10, 1999 (P.L.491, No.45), are reenacted to
20 read:

21 Section 12. Registration of Elevators.--The owner or user of
22 every elevator in this Commonwealth, except elevators located in
23 cities of the first, second, and second A classes, shall, prior
24 to December thirty-first, one thousand nine hundred and twenty-
25 nine, register with the Department of Labor and Industry every
26 elevator operated by him, giving the type, capacity and
27 description, name of manufacturer, and purpose for which each is
28 used. Such registration shall be made on forms to be furnished
29 by the department.

30 The owner or user of every elevator, located in cities of the

1 first, second, and second A classes, shall register such
2 elevator, as provided in this section, prior to December thirty-
3 first, one thousand nine hundred and thirty-seven.

4 Section 13. Disposition of Fees Collected.--All fees
5 provided for by this act shall be paid by cash, money order, or
6 certified check to the Department of Labor and Industry, who
7 shall transmit the same to the State Treasurer, through the
8 Department of Revenue.

9 Section 14. Enforcement.--It shall be the duty of the
10 Department of Labor and Industry to enforce the provisions of
11 this act.

12 Section 15. Procedure in Prosecutions.--Prosecutions for
13 violations of the provisions of this act, or the rules and
14 regulations of the department, may be instituted by the
15 department, and shall be in the form of summary proceedings
16 before an alderman, magistrate or justice of the peace. Upon
17 conviction, after a hearing, the penalties hereinafter provided
18 for shall be imposed, and shall be final, unless an appeal be
19 taken to a court of proper jurisdiction in the manner prescribed
20 by law.

21 Section 16. Penalties.--Any person who shall violate any of
22 the provisions of this act, or the rules and regulations of the
23 department, as herein provided for, or who shall fail or neglect
24 to pay the fees herein provided for, shall, for the first
25 offense, be penalized by a fine of not more than one hundred
26 dollars and costs, and, upon nonpayment thereof, imprisonment in
27 the county jail for not more than ten days, and for each
28 subsequent offense shall be penalized by a fine of not more than
29 two hundred dollars and costs, and, upon nonpayment thereof,
30 imprisonment in the county jail for not more than thirty days.

1 Any person who shall continue to operate his elevator or other
2 lifting apparatus after notice to discontinue its use as set
3 forth in section nine of this act, shall be penalized in a like
4 action by a fine of five dollars for each day the said elevator
5 or lifting apparatus has been operated after the service of the
6 said notice, in addition to the fines above set forth.

7 All fines collected under this act shall be forwarded to the
8 Department of Labor and Industry, who shall transmit the same to
9 the State Treasury, through the Department of Revenue.

10 Section 10. The Secretary of Labor and Industry shall
11 transmit a notice for publication in the Pennsylvania Bulletin
12 when the secretary is satisfied that all of the following have
13 been enacted:

14 (1) The addition of sections 2, 3, 3.1, 3.2, 3.6(a),
15 (b), (c), (d) and (e), (f)(1)(ii) and (iii) and (2), 4, 4.1,
16 4.2, 5, 6, 7, 8, 9, 10, 11 and 12 of the act of April 27,
17 1927 (P.L.465, No.299), referred to as the Fire and Panic
18 Act.

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

21 (3) The reenactment of the act of September 1, 1965
22 (P.L.459, No.235), entitled, as amended, "An act requiring
23 that certain buildings and facilities adhere to certain
24 principles, standards and specifications to make the same
25 accessible to and usable by persons with physical handicaps,
26 and providing for enforcement."

27 (4) The reenactment of the act of July 9, 1976 (P.L.919,
28 No.170), entitled "An act providing for the approval or
29 disapproval of applications for a permit relating to the
30 construction or maintenance of improvements to real estate."

1 (5) The reenactment of the act of December 15, 1980
2 (P.L.1203, No.222), known as the Building Energy Conservation
3 Act.

4 (6) The reenactment of the act of December 17, 1990
5 (P.L.742, No.185), entitled "An act providing for restrooms
6 in facilities where the public congregates; and requiring
7 that restroom facilities be provided for women on an
8 equitable basis."

9 (7) The reenactment of the act of December 19, 1990
10 (P.L.1387, No.214), known as the Dry Cleaning Law.

11 (8) The repeal of the act of November 10, 1999 (P.L.491,
12 No.45), known as the Pennsylvania Construction Code Act.

13 Section 11. This act shall take effect as follows:

14 (1) The following provisions shall take effect
15 immediately:

16 (i) Section 10 of this act.

17 (ii) This section.

18 (2) The remainder of this act shall take effect upon
19 publication of the notice under section 10 of this act.