

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 934 Session of 2017

INTRODUCED BY BAKER, YUDICHAK, LEACH, ARGALL, RAFFERTY, COSTA, McGARRIGLE, SABATINA, TARTAGLIONE, STREET, KILLION, FARNESE, BLAKE, BOSCOLA, BROWNE, DINNIMAN AND SCAVELLO, OCTOBER 31, 2017

REFERRED TO LABOR AND INDUSTRY, OCTOBER 31, 2017

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,  
 2 as amended, "An act providing for and reorganizing the  
 3 conduct of the executive and administrative work of the  
 4 Commonwealth by the Executive Department thereof and the  
 5 administrative departments, boards, commissions, and officers  
 6 thereof, including the boards of trustees of State Normal  
 7 Schools, or Teachers Colleges; abolishing, creating,  
 8 reorganizing or authorizing the reorganization of certain  
 9 administrative departments, boards, and commissions; defining  
 10 the powers and duties of the Governor and other executive and  
 11 administrative officers, and of the several administrative  
 12 departments, boards, commissions, and officers; fixing the  
 13 salaries of the Governor, Lieutenant Governor, and certain  
 14 other executive and administrative officers; providing for  
 15 the appointment of certain administrative officers, and of  
 16 all deputies and other assistants and employes in certain  
 17 departments, boards, and commissions; providing for the  
 18 regulation of pari-mutuel thoroughbred horse racing and  
 19 harness horse racing activities, imposing certain taxes and  
 20 providing for the disposition of funds from pari-mutuel  
 21 tickets; and prescribing the manner in which the number and  
 22 compensation of the deputies and all other assistants and  
 23 employes of certain departments, boards and commissions shall  
 24 be determined," in powers and duties of the Department of  
 25 Labor and Industry, its departmental administrative and  
 26 advisory boards and departmental administrative officers,  
 27 further providing for Industrial Board and establishing the  
 28 Elevator Safety Board.

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

1 Section 1. Section 2214(g) and (h) of the act of April 9,  
2 1929 (P.L.177, No.175), known as The Administrative Code of  
3 1929, are amended to read:

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

6 \* \* \*

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

11 (h) To have jurisdiction under the following acts:

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Section 2. The act is amended by adding a section to read:

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

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

28 (1) The Department of Labor and Industry.

29 (2) An elevator manufacturing company.

30 (3) An elevator servicing company.

1 (4) An architectural design or elevator consulting  
2 profession.

3 (5) An elevator inspector.

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

6 (7) A building owner or manager.

7 (8) A municipality.

8 (9) The general public.

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

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

14 (1) The members of the board shall serve for a term of three  
15 (3) years.

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

18 (3) The members shall serve without salary.

19 (4) The members shall receive reimbursement from the  
20 Commonwealth for expenses necessarily incurred by them in the  
21 performance of their duties.

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

25 (e) (1) The board shall meet and organize within one  
26 hundred twenty (120) days of the effective date of this section  
27 and at that meeting shall elect one secretary of the board to  
28 serve during the term to be fixed by the rules and regulations  
29 adopted by the board. The board shall meet monthly at a time and  
30 place to be fixed by the board and at times as it is deemed

1 necessary for the consideration of code regulations, appeals,  
2 variances and the transaction of other business. Special  
3 meetings may be called as provided in the rules and regulations  
4 adopted by the board.

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

8 (f) (1) The board shall recommend regulations to the  
9 Secretary of Labor and Industry relating to construction,  
10 maintenance and inspection of elevators and safe operation of  
11 elevators. The board may consult with engineering authorities  
12 and other appropriate organizations regarding the application of  
13 elevator industry codes and standards.

14 (2) The board shall review any International Code Council  
15 code being reviewed by the Uniform Construction Code Review and  
16 Advisory Council as the code relates to the construction,  
17 maintenance and inspection of elevators and safe operation of  
18 elevators. The review by the board may include recommendations  
19 to accept, reject or modify the International Code Council code  
20 being reviewed.

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

25 (4) The board may grant exceptions and variances from the  
26 requirements of applicable codes and standards, regulations or  
27 municipal ordinances if the changes would not jeopardize the  
28 safety and welfare of the general public or individuals employed  
29 in the elevator industry.

30 (5) The board may hold hearings and hear appeals on matters

1 relating to this section in accordance with regulations and  
2 procedures established by the board in consultation with the  
3 Department of Labor and Industry.

4 Section 3. Within seven days of the first meeting of the  
5 Elevator Safety Board, the Department of Labor and Industry  
6 shall publish a notice in the Pennsylvania Bulletin stating the  
7 date of the meeting.

8 Section 4. This act shall take effect as follows:

9 (1) The amendment of section 2214(g) and (h) of the act  
10 shall take effect upon the date of the first meeting of the  
11 Elevator Safety Board as stated in the notice required under  
12 section 3.

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