

HOUSE BILL No. 2301

By Committee on Commerce and Labor

2-5

9 AN ACT concerning public safety; relating to elevators, escalators, plat-
10 form lifts, stairway chairlifts, dumbwaiters, moving walks, automated
11 people movers and other conveyances.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. Sections 1 to 25 shall be known and may be cited as the
15 elevator safety act.

16 Sec. 2. As used in this act:

17 (a) "Act" means the elevator safety act.

18 (b) "Administrators" shall mean the secretary of labor, the secretary
19 of administration and an officer designated by the elevator safety review
20 board.

21 (c) "ANSI" means the American national standards institute.

22 (d) "ASCE 21" means the American society of civil engineers' auto-
23 mated people mover standards.

24 (e) "ASME A17.1" means the American society of mechanical engi-
25 neers' safety code for elevators and escalators.

26 (f) "ASME A17.3" means the American society of mechanical engi-
27 neers' safety code for existing elevators and escalators.

28 (g) "ASME A18.1" means the American society of mechanical engi-
29 neers' safety standard for platform lifts and stairway chairlifts.

30 (h) "ASME QEI" means the American society of mechanical engi-
31 neers' standard for the qualification of elevator inspectors.

32 (i) "Automated people mover" means an installation defined as an
33 "automated people mover" in the ASCE 21.

34 (j) "Board" means the elevator safety review board.

35 (k) "Certificate of operation" means a document issued by the direc-
36 tor of licenses that indicates that the conveyance has had the required
37 safety inspection and tests and fees have been paid as set by the board.

38 (l) "Code" means the standard established by the board by rules and
39 regulations based upon the safety code for elevators, ASME A17.1; the
40 safety code for existing elevators and escalators, ASME A17.3; the safety
41 standards for platform lifts and stairway chairlifts, ASME A18.1; the stan-
42 dard for the qualification of elevator inspectors, ASME QEI-1; and the
43 automated people mover standards, ASCE 21.

- 1 (m) “Conveyance” means any elevator, dumbwaiter, escalator, mov-
2 ing sidewalk, platform lifts, stairway chairlifts and automated people
3 movers.
- 4 (n) “Dormant elevator, dumbwaiter or escalator” means an installa-
5 tion placed out of service as specified in the ASME A17.1 and ASME
6 A18.1.
- 7 (o) “Elevator” means an installation defined as an “elevator” in
8 ASME A17.1.
- 9 (p) “Elevator apprentice” and “elevator helper” mean a person who
10 works under the direct supervision of a licensed elevator mechanic.
- 11 (q) “Elevator contractor” means any sole proprietor, firm or corpo-
12 ration who possesses an elevator contractor’s license in accordance with
13 the provisions of sections 10 and 11, and amendments thereto, and who
14 is engaged in the business of erecting, constructing, installing, altering,
15 servicing, repairing or maintaining elevators or related conveyances cov-
16 ered by this act.
- 17 (r) “Elevator contractor’s license” means a license which is issued to
18 an elevator contractor who has been authorized by the board to possess
19 this type of license. It entitles the holder thereof to engage in the business
20 of erecting, constructing, installing, altering, servicing, testing, repairing
21 or maintaining elevators or related conveyances covered by this act.
- 22 (s) “Escalator” means an installation defined as an “escalator” in the
23 ASME A17.1.
- 24 (t) “Existing installation” means an installation as defined as an “in-
25 stallation, existing” in ASME A17.1.
- 26 (u) “Elevator mechanic’s license” means a license, which is issued to
27 a person who has proven such person’s qualifications and ability and has
28 been authorized by the board to work on conveyance equipment. It en-
29 titles the holder thereof to install, construct, alter, service, repair, test,
30 maintain and perform electrical work on elevators and related convey-
31 ances covered by this act.
- 32 (v) “Inspector’s license” means a license which is issued to an ASME
33 QEI certified elevator inspector who has proven such elevator inspector’s
34 qualifications and ability and has been authorized by the board to possess
35 this type of license. The inspector’s license entitles the holder thereof to
36 engage in the business of inspecting elevators or related conveyances
37 covered by this act.
- 38 (w) “Licensee” means a licensed elevator contractor, elevator inspec-
39 tor and elevator mechanic.
- 40 (x) “Limited elevator contractor’s license” means a license issued by
41 the director of licenses authorizing a sole proprietor, firm or corporation
42 who employs individuals to carry on a business of erecting, constructing,
43 installing, altering, servicing, repairing or maintaining platform lifts and

- 1 stairway chairlifts within any building or structure, including, but not lim-
2 ited to, private residences.
- 3 (y) “Material alteration” means “alteration” as defined in the code.
- 4 (z) “Moving walk” means an installation defined as a “moving walk”
5 in the ASME A17.1.
- 6 (aa) “Private residence” means a separate dwelling or a separate
7 apartment or condominium in a multiple dwelling which is occupied by
8 members of a single-family unit.
- 9 (bb) “Repair” means “repair” as defined in the referenced standards
10 in existence on the effective date of this act upon which the code is based.
- 11 (cc) “Temporary dormant elevator, dumbwaiter or escalator” means
12 an installation whose power supply has been disconnected by removing
13 fuses and placing a padlock on the mainline disconnect switch in the “off”
14 position.
- 15 All other building transportation terms shall be defined by the ASME
16 A17.1 and ASME A18.1.
- 17 Sec. 3. (a) This act covers the design, construction, operation, in-
18 spection, testing, maintenance, alteration and repair of the following
19 equipment, its associated parts and its hoistway:
- 20 (1) Hoisting and lowering mechanisms equipped with a car or plat-
21 form, which move between two or more landings. This equipment in-
22 cludes, but is not limited to, the following:
- 23 (A) Elevators; and
24 (B) platforms lifts and stairway chair lifts;
- 25 (2) power driven stairways and walkways for carrying persons be-
26 tween landings. This equipment includes, but is not limited to, the
27 following:
- 28 (A) Escalators; and
29 (B) moving walks;
- 30 (3) hoisting and lowering mechanisms equipped with a car, which
31 serves two or more landings and is restricted to the carrying of material
32 by its limited size or limited access to the car. This equipment includes,
33 but is not limited to, the following:
- 34 (A) Dumbwaiters; and
35 (B) material lifts and dumbwaiters with automatic transfer devices.
- 36 (b) This act covers the design, construction, operation, inspection,
37 maintenance, alteration and repair of automated guided transit vehicles
38 on guideways with an exclusive right-of-way. This equipment includes,
39 but is not limited to, automated people movers:
- 40 Sec. 4. Equipment not covered by this act includes, but is not limited
41 to, the following:
- 42 (a) Material hoists within the scope of ANSI standard A10.5 as in
43 existence on the date of this act.

- 1 (b) Manlifts within the scope of ASME A90.1 as in existence on the
2 effective date of this act.
- 3 (c) Mobile scaffolds, towers and platforms within the scope of ANSI
4 A92 as in existence on the effective date of this act.
- 5 (d) Powered platforms and equipment for exterior and interior main-
6 tenance within the scope of ANSI 120.1 as in existence on the effective
7 date of this act.
- 8 (e) Conveyors and related equipment within the scope of ASME
9 B20.1 as in existence on the effective date of this act.
- 10 (f) Cranes, derricks, hoists, hooks, jacks and slings within the scope
11 of ASME B30 as in existence on the effective date of this act.
- 12 (g) Industrial trucks within the scope of ASME B56 as in existence
13 on the effective date of this act.
- 14 (h) Portable equipment, except for portable escalators which are cov-
15 ered by ANSI A17.1 as in existence on the effective date of this act.
- 16 (i) Tiering or piling machines used to move materials to and from
17 storage located and operating entirely within one story.
- 18 (j) Equipment for feeding or positioning materials at machine tools,
19 printing presses, etc.
- 20 (k) Skip or furnace hoists.
- 21 (l) Wharf ramps.
- 22 (m) Railroad car lifts or dumpers.
- 23 (n) Line jacks, false cars, shafters, moving platforms and similar
24 equipment used for installing an elevator by a contractor licensed in this
25 state.
- 26 Sec. 5. (a) Elevator personnel performing work covered by this code
27 shall by documented training or experience or both, be familiar with the
28 operation and safety functions of the components and equipment. Train-
29 ing and experience shall include, but not be limited to, recognizing the
30 safety hazards and performing the procedures to which they are assigned
31 in conformance with the requirements of the code. This act shall establish
32 the minimum standards for elevator personnel.
- 33 (b) The provisions of this act are not intended to prevent the use of
34 systems, methods or devices of equivalent or superior quality, strength,
35 fire resistance, code effectiveness, durability and safety to those required
36 by the code, provided that there is technical documentation to demon-
37 strate the equivalency of the system, method or device, as prescribed in
38 ASME A17.1, ASME A18.1 or ASCE 21 as prescribed in the code.
- 39 Sec. 6. (a) No person shall erect, construct, alter, replace, maintain,
40 remove or dismantle any conveyance contained within buildings or other
41 structures unless an elevator mechanic's license has been issued as de-
42 scribed herein and such person is working under the direct supervision
43 of a sole proprietor, firm or corporation who is an elevator contractor

1 pursuant to this act. No person shall wire any conveyance, from the main-
2 line feeder terminals on the controller, unless an elevator mechanic's
3 license has been issued as defined in section 2, and amendments thereto,
4 and is working under the direct supervision of a sole proprietor, firm or
5 corporation who is an elevator contractor pursuant to this act. No other
6 license shall be required for this work. A licensed elevator contractor is
7 not required for removing or dismantling conveyances, which are de-
8 stroyed as a result of a complete demolition of a secured building or
9 structure or where the hoistway or wellway is demolished back to the
10 basic support structure whereby no access is permitted therein to endan-
11 ger the safety and welfare of a person.

12 (b) No person shall inspect any conveyance within buildings or struc-
13 tures, including, but not limited to, private residences, unless an inspec-
14 tor's license has been issued as defined in section 2, and amendments
15 thereto.

16 Sec. 7. (a) There is hereby created the elevator safety review board
17 consisting of nine members, one of whom shall be the secretary of labor
18 or such secretary's designee and one of whom shall be the secretary of
19 administration or such secretary's designee. The Governor shall appoint
20 the remaining seven members of the board as follows; one representative
21 from a major elevator manufacturing company or it's authorized repre-
22 sentative; one representative from an elevator servicing company; one
23 representative of the architectural design or elevator consulting profes-
24 sion; one representative of the general public; one representative of a
25 municipality in this state; one representative of a building owner or man-
26 ager; and one representative of labor involved in the installation, main-
27 tenance and repair of elevators.

28 (b) The members constituting such board shall serve for terms of
29 three years, excluding the secretary of labor or such secretary's designee
30 and the secretary of administration or such secretary's designee who shall
31 serve continuously. The members of the board shall serve without com-
32 pensation. The board members shall receive statutory amounts as pro-
33 vided in subsection (e) of K.S.A. 75-3223, and amendments thereto. The
34 governor shall appoint one of the members to serve as chairperson. The
35 chairperson shall be the deciding vote in the event of a tie vote.

36 (c) The board shall meet and organize within 10 days after the ap-
37 pointment of its members and at such meeting shall elect one secretary
38 of the board to serve during the term to be fixed by the rules and regu-
39 lations to be adopted by the board. The board shall meet regularly once
40 in each month at a time and place to be fixed by it and at such times as
41 it is deemed necessary for the consideration of code, rules and regula-
42 tions, appeals, variances and for the transaction of such other business as
43 properly may come before it. Special meetings shall be called as provided

1 in the rules and regulations. Any appointed board member absent from
2 three consecutive meetings shall be dismissed.

3 (d) Any vacancy on the board shall be filled in like manner as the
4 original appointment.

5 Sec. 8. (a) The board shall be authorized to consult with engineering
6 authorities and organizations concerned with standard safety codes; rules
7 and regulations governing the operation, maintenance, servicing, con-
8 struction, alteration, installation or inspection of elevators, dumbwaiters,
9 escalators and other conveyances, or both, and the qualifications which
10 are adequate, reasonable and necessary for an elevator mechanic, con-
11 tractor and inspector.

12 (b) The board shall be authorized to recommend amendments of ap-
13 plicable legislation, when appropriate, to legislators.

14 (c) The board shall adopt rules and regulations to administer and
15 implement the provisions of this act including, but not limited to, the
16 equipment regulated by this act. Such rules and regulations shall include
17 the following documents: The safety code for elevators and escalators,
18 ASME A17.1; the safety code for existing elevators and escalators, ASME
19 A17.3; the safety standards for platform lifts and stairway chairlifts, ASME
20 A18.1; standard for the qualification of elevator inspectors, ASME QEI-
21 1; and automated people mover standards, ASCE 21 as in existence on
22 the effective date of this act. The board may by rule and regulation adopt
23 later versions of such documents within six months of their effective date.

24 (d) The board shall have the authority to grant exceptions and vari-
25 ances from the literal requirements of applicable code and standards,
26 rules and regulations and local legislation in cases where such variances
27 would not jeopardize the public safety and welfare. The board shall have
28 the authority to hear appeals, hold hearings and decide upon such appeals
29 within 60 days of the appeal.

30 (e) The board shall appoint a director of licenses. The director of
31 licenses may approve or deny a license upon failure to meet or to continue
32 to meet the applicant or licensee's qualifications for licensure.

33 (f) The board shall establish fee schedules for licenses, permits, cer-
34 tificates and inspections. The fees shall reflect the board's actual costs
35 and expenses to operate and to conduct its duties as described in this act.

36 Sec. 9. There is hereby created the elevator safety review board fee
37 fund. The board shall remit all moneys received by or for it from fees,
38 charges or penalties to the state treasurer in accordance with the provi-
39 sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each
40 such remittance, the state treasurer shall deposit the entire amount in the
41 state treasury to the credit of the elevator safety review board fee fund.
42 All expenditures from the elevator safety review board fee fund shall be
43 made in accordance with appropriation acts upon warrants of the director

1 of accounts and reports issued pursuant to vouchers approved by the
2 chairperson of the elevator safety review board or by a person or persons
3 designated by the chairperson.

4 Sec. 10. (a) (1) *Elevator contractor*. Any sole proprietor, firm or cor-
5 poration wishing to engage in the business of elevator, dumbwaiter, es-
6 calator, moving sidewalk installation, alteration, service, replacement or
7 maintenance shall make application for a license with the director of li-
8 censes on a form provided by the director.

9 (2) *Elevator mechanic*. Any person, wishing to engage in installing,
10 altering, repairing or servicing elevator, dumbwaiter, escalator, moving
11 sidewalk installation, alteration, service, replacement or maintenance shall
12 make application for a license with the director of licenses on a form
13 provided by the director.

14 (3) *Inspector*. Any person, wishing to engage in the business of ele-
15 vator, dumbwaiter, escalator, moving walks, platform or stairway chairlifts
16 inspections shall, upon proof of ASME QEI certification, make applica-
17 tion for a license with the director of licenses on a form to be provided
18 by the director.

19 (b) The applications shall contain the following information:

20 (1) If a person or sole proprietor, the name, residence and business
21 address of the applicant.

22 (2) If a partnership, the name, residence and business address of each
23 partner.

24 (3) If a domestic corporation, the name and business address of the
25 corporation and the name and residence address of the principal officer
26 of such corporation; if a foreign corporation, the name and address of an
27 agent located locally who shall be authorized to accept service of process
28 and official notices.

29 (4) The number of years the applicant has engaged in the business
30 of installing, inspecting or maintaining or servicing elevators or platform
31 lifts, or both.

32 (5) The approximate number of persons, if any, to be employed by
33 the elevator contractor applicant, and if applicable, satisfactory evidence
34 that the employees are or will be covered by worker's compensation
35 insurance.

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

38 (7) Criminal record of convictions, if any, as verified by the Kansas
39 bureau of investigation. The applicant shall bear the cost of obtaining
40 such verified criminal record.

41 (8) Such other information as the director of licenses may require.

42 (c) *Qualifications for an elevator mechanic's license*. (1) No license
43 shall be granted to any person who has not demonstrated their qualifi-

1 cations and abilities to the satisfaction of the administrators. Applicants
2 for a mechanic's license must demonstrate; an acceptable combination of
3 documented experience and education credits: Not less than three years
4 work experience in the elevator industry, in construction, maintenance or
5 service or repair or any combination thereof, as verified by current and
6 previous employers licensed to do business in this state; and satisfactory
7 completion of a written examination administered by the elevator safety
8 review board on the code.

9 (2) Any person who furnishes the commissioner with acceptable
10 proof that they have worked as an elevator constructor, maintenance or
11 repair person upon making application for a license and paying the ap-
12 plicable license fee shall be entitled to receive a license without an ex-
13 amination. They shall have worked without direct and immediate super-
14 vision for an elevator contractor licensed to do business in this state. This
15 employment shall not be less than three years immediately prior to the
16 effective date of this act. The person must make application within one
17 year of the effective date of this act.

18 (3) The applicant shall provide proof of a certificate of completion
19 and successfully passing the mechanic examination of a nationally rec-
20 ognized training program for the elevator industry such as the national
21 elevator industry educational program or its equivalent or a certificate of
22 completion of an apprenticeship program for elevator mechanic, having
23 standards substantially equal to those of this act and registered with the
24 bureau of apprenticeship and training, United States department of labor
25 or a state apprenticeship council.

26 (4) A license shall be issued to an individual holding a valid license
27 from a state having standards substantially equal to those of the code upon
28 application and without examination.

29 (d) *Qualifications for an elevator inspector's license.* No inspector's
30 license shall be granted to any person, unless they demonstrate to the
31 satisfaction of the administrators, that they meet the code qualifications
32 for elevator inspectors.

33 (e) *Qualifications for an elevator contractor's license.* No license shall
34 be granted to any sole proprietor, firm or corporation that has not dem-
35 onstrated the requisite qualifications and abilities under the code to the
36 satisfaction of the administrators. Duly authorized applicants for an ele-
37 vator contractor's license must demonstrate that they have in their employ
38 licensed elevator mechanics who perform the work described in section
39 6, and amendments thereto, and have proof of compliance with the in-
40 surance requirements set forth in section 19, and amendments thereto.

41 (f) A license may be issued to a sole proprietor, firm or corporation
42 holding a valid license from a state having standards substantially equal
43 to those of this act, upon application.

1 (g) An elevator apprentice or elevator helper is not required to be
2 licensed.

3 Sec. 11. (a) Upon approval of an application by the administrators,
4 the director of licenses may issue a license. Such license shall be renew-
5 able biennially, the fee for such license for any renewal thereafter shall
6 be set by the board.

7 (b) Whenever an emergency exists in the state due to disaster, act of
8 God or work stoppage and the number of persons in the state holding
9 licenses granted by the board is insufficient to cope with the emergency,
10 elevator contractors shall respond as necessary to assure the safety of the
11 public. Any person certified by a licensed elevator contractor to have an
12 acceptable combination of documented experience and education to per-
13 form elevator work without direct and immediate supervision shall seek
14 an emergency elevator mechanic's license from the director of licenses
15 within five business days after commencing work requiring a license. The
16 administrators shall issue emergency elevator mechanic's licenses. The
17 elevator contractor shall furnish proof of competency as the administra-
18 tors may require. Each such license shall recite that it is valid for a period
19 of 60 days from the date thereof and for such particular elevators or
20 geographical areas as the administrators may designate and otherwise
21 shall entitle the licensee to the rights and privileges of an elevator me-
22 chanic's license issued in this act. The administrators shall renew an emer-
23 gency elevator mechanic's license during the existence of an emergency.
24 No fee shall be charged for any emergency elevator mechanic's license
25 or renewal thereof.

26 (c) An elevator contractor shall notify the administrator when there
27 are no licensed personnel available to perform elevator work. The elevator
28 contractor may request that the administrator issue temporary elevator
29 mechanic's licenses to persons certified by the licensed elevator contrac-
30 tor to have an acceptable combination of documented experience and
31 education to perform elevator work without direct and immediate super-
32 vision. Any person certified by an elevator contractor to have an accept-
33 able combination of documented experience and education to perform
34 elevator work without direct and immediate supervision shall immediately
35 seek a temporary elevator mechanic's license from the director of licenses
36 and shall pay such fee, as the board shall determine. Each such license
37 shall recite that it is valid for a period of 60 days from the date of issuance
38 and while the licensee is employed by the licensed elevator contractor
39 that certified the individual as qualified. Such license shall be renewable
40 as long as the shortage of license holders shall continue.

41 (d) The renewal of all licenses granted under the provisions of this
42 section shall be conditioned upon the submission of a certificate of com-
43 pletion of a course designed to ensure the continuing education of li-

1 censees on new and existing provisions of the regulations of the board.
2 Such course shall consist of not less than eight hours of instruction that
3 shall be attended and completed within one year immediately preceding
4 any such license renewal.

5 (e) The courses shall be taught by instructors through continuing ed-
6 ucation providers that may include, but shall not be limited to, association
7 seminars and labor training programs. The board shall approve the con-
8 tinuing education providers. All instructors shall be approved by the board
9 and exempt from the requirements of the preceding paragraph with re-
10 gard to their application for license renewal provided that such applicant
11 was qualified as an instructor at any time during the one year period
12 immediately preceding the scheduled date for such renewal.

13 (f) A licensee who is unable to complete the continuing education
14 course required under this section prior to the expiration of their license
15 due to a temporary disability may apply for a waiver from the board. The
16 application for waiver shall be on a form provided by such board which
17 shall be signed under the pains and penalties of perjury and accompanied
18 by a certified statement from a competent physician attesting to such
19 temporary disability. Upon the board's approval of a waiver, a waiver
20 sticker, valid for 90 days, shall be issued to such licensee and affixed to
21 the license. Such waiver may be renewed upon application as for the
22 original waiver application. Upon the termination of such temporary dis-
23 ability, such licensee shall submit to the board a certified statement from
24 the same physician, if practicable, attesting to the termination of such
25 temporary disability.

26 (g) Approved training providers shall keep uniform records, for a pe-
27 riod of 10 years, of the attendance of licensees following a format ap-
28 proved by the board. Such record shall be available for inspection by the
29 board at its request. Approved training providers shall be responsible for
30 the security of all attendance records and certificates of completion. Fal-
31 sifying or knowingly allowing another to falsify such attendance records
32 or certificates of completion shall constitute grounds for suspension or
33 revocation of the approval required under this section to be a training
34 provider.

35 Sec. 12. A license issued pursuant to this act may be suspended, re-
36 voked or subjected to civil penalty by the board upon verification that any
37 one or more of the following reasons exist:

- 38 (a) Any false statement as to a material matter in the application.
39 (b) Fraud, misrepresentation or bribery in securing a license.
40 (c) Failure to notify the director of licenses and the owner or lessee
41 of an elevator or related mechanisms of any condition not in compliance
42 with this act.
43 (d) Violation of any provision of the act.

1 Sec. 13. (a) No license shall be suspended, revoked or subjected to
2 civil penalty until after a hearing before the board upon notice to the
3 licensee of at least 10 days at the last known address appearing on the
4 license, served personally or by registered mail. The notice shall state the
5 date, hour and place of hearing and set forth a statement of facts consti-
6 tuting the grounds for the charges against the licensee. After the hearing,
7 the board may suspend or revoke the license or dismiss the proceeding.

8 (b) All administrative proceedings by the board regarding exceptions
9 and variances granted or affecting any license under this act shall be
10 conducted in accordance with the provisions of the Kansas administrative
11 procedure act.

12 Sec. 14. (a) A person, sole proprietor, firm or corporation whose li-
13 cense is revoked, suspended or subjected to civil penalty may appeal from
14 such determination to the board, which shall within 30 days thereafter,
15 hold a hearing, of which at least 15 days written notice shall be given to
16 all interested parties. The board shall, within 30 days after such hearing,
17 issue a decision.

18 (b) Judicial review and civil enforcement of a decision of the board
19 shall be in accordance with the act for judicial review and civil enforce-
20 ment of agency actions.

21 Sec. 15. Within six months after the date of the appointment of the
22 board, the owner or lessee of every existing conveyance shall register with
23 the director of licenses each elevator, dumbwaiter, platform lift and es-
24 calator or device described in section 3, and amendments thereto, owned
25 and operated by them, giving the type, rated load and speed, name of
26 manufacturer, it's location and the purpose for which it is used and such
27 additional information as the director of licenses may require. Elevators,
28 dumbwaiters, platform lifts, chairlifts, escalators and moving walks or
29 other conveyances upon which construction has begun subsequent to the
30 date of the creation of the board shall be registered at the time they are
31 completed and placed in service.

32 Sec. 16. It shall be the responsibility of individuals, firms or corpo-
33 rations licensed as described in this act to ensure that installation or serv-
34 ice and maintenance, or both, of elevators and devices described in sec-
35 tion 3, and amendments thereto, is performed in compliance with the
36 provisions contained in the state safety and fire prevention act, K.S.A. 31-
37 132 et. seq., and amendments thereto.

38 Sec. 17. (a) No conveyance covered by this act shall be erected, con-
39 structed, installed or altered within buildings or structures unless a permit
40 has been obtained from the director of licenses before the work is com-
41 menced. Where any material alteration, as defined in section 2, and
42 amendments thereto, is made, the device shall conform to applicable
43 requirements of the code. No permit required hereunder shall be issued

1 except to a sole proprietor, firm or corporation holding a current elevator
2 contractor's license duly issued pursuant to this act. A copy of such permit
3 shall be kept at the construction site at all times while the work is in
4 progress.

5 (b) The permit fee shall be as set by the board. Permit fees collected
6 are non-refundable.

7 (c) Permit requirements are as follows:

8 (1) Each application for a permit shall be accompanied by copies of
9 specifications and accurately scaled and fully dimensioned plans showing
10 the location of the installation in relation to the plans and elevation of the
11 building; the location of the machinery room and the equipment to be
12 installed, relocated or altered; and all structural supporting members
13 thereof, including foundations, and shall specify all materials to be em-
14 ployed and all loads to be supported or conveyed. Such plans and speci-
15 fications shall be sufficiently complete to illustrate all details of construc-
16 tion and design.

17 (2) The applicable fee shall accompany each permit application.

18 (d) Permits may be revoked for the following reason:

19 (1) Where any false statement or misrepresentation exists as to the
20 material facts in the application, plans or specifications on which the per-
21 mit was based.

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

24 (3) Where the work detailed under the permit is not being performed
25 in accordance with the provisions of the application, plans or specifica-
26 tions or with the code or conditions of the permit.

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

29 (e) Permits shall expire:

30 (1) If the work authorized by such permit is not commenced within
31 six months after the date of issuance, or within a shorter period of time
32 as the director or the director's duly authorized designee in such director
33 or designee's discretion may specify at the time the permit is issued.

34 (2) If the work is suspended or abandoned for a period of 60 days,
35 or such shorter period of time as the director or the director's duly au-
36 thorized designee in such director or designee's discretion may specify at
37 the time the permit is issued, after the work has been started. For good
38 cause, the director or the director's designee may allow an extension of
39 the foregoing period at such director or designee's discretion.

40 Sec. 18. (a) All new conveyance installations shall be performed by
41 a sole proprietor, firm or corporation to which a license to install or service
42 conveyances has been issued. Subsequent to installation, such licensed
43 sole proprietor, firm or corporation must certify compliance with the ap-

1 plicable sections of the code. Prior to any conveyance being used, the
2 property owner or lessee must obtain a certificate of operation from the
3 director of licenses. A fee as set by the board shall be paid for such
4 certificate of operation. It shall be the responsibility of the licensed ele-
5 vator contractor to complete and submit the first time registration for any
6 new installation.

7 (b) The certificate of operation fee for all new and existing platform
8 lifts and stairway chairlifts for private residences and any renewal certifi-
9 cate fees shall be waived. The director of public works for the county in
10 which the residence exists, or such director's designee shall inspect, upon
11 the request of a private residence owner, and in accordance with the code,
12 all newly installed and existing platform lifts and stairway chairlifts for
13 private residences subsequent to an inspection by a person, firm or cor-
14 poration to which a license to inspect a conveyance has been issued. If
15 the residence exists in a county with no department of public works, the
16 director of licenses or such director's designee shall inspect, upon the
17 request of a private residence owner and in accordance with the code, all
18 newly installed and existing platform lifts and stairway chairlifts for a pri-
19 vate residence subsequent to an inspection by a person, firm or corpo-
20 ration to which a license to inspect a conveyance has been issued. The
21 board shall provide the owner of the private residence where the con-
22 veyance is located with relevant information about conveyance safety
23 requirements, including, but not limited to, having the owner contact the
24 board in order to ensure that the conveyance is periodically and timely
25 inspected and made safe before the permit for the conveyance expires.
26 The inspection shall only be done at the request and consent of the private
27 residence owner. The penalty provisions of this act shall not apply to
28 private residence owners.

29 (c) The certificate of operation referenced in subsections (a) and (b)
30 are renewable annually except for certificates issued for platform lifts and
31 stairway chairlifts for private residences, which shall be valid for a period
32 of three years. Certificates of operation must be clearly displayed on or
33 in each conveyance or in the machine room for use for the benefit of
34 code enforcement staff.

35 Sec. 19. (a) Elevator contractors shall submit proof to the director of
36 licenses of a current insurance policy issued by an insurance company
37 authorized to do business in the state, providing general liability coverage
38 of at least \$1,000,000 for injury or death of any number of persons in any
39 one occurrence, with the coverage of at least \$500,000 for property dam-
40 age in any one occurrence and statutory workers compensation insurance
41 coverage.

42 (b) Elevator inspectors, not employed by the board or a county's pub-
43 lic works department, shall submit to the director of licenses proof of a

1 current insurance policy, issued by an insurance company authorized to
2 do business in the state, providing general liability coverage of at least
3 \$1,000,000 for injury or death of any number of persons in any one oc-
4 currence, with the coverage of at least \$500,000 for property damage in
5 any one occurrence and statutory workers compensation insurance
6 coverage.

7 (c) Proof of such policies shall be delivered to the director of licenses
8 before or at the time of the issuance of a license. In the event of any
9 material alteration of or cancellation of any policy at least 10 days notice
10 thereof shall be given to the director of licenses.

11 Sec. 20. (a) It shall be the duty of the board to develop an enforce-
12 ment program, which will ensure compliance with the rules and regula-
13 tions and requirements referenced in this act. Such enforcement program
14 shall include, but will not be limited to, rules and regulations for identi-
15 fication of property locations which are subject to such rules and regu-
16 lations and requirements; issuing notifications to violating property own-
17 ers or operators, performing random on-site inspections and tests on
18 existing installations; witnessing periodic inspections and testing in order
19 to ensure satisfactory performance by licensed persons, sole proprietors,
20 firms or corporations; and assisting in development of public awareness
21 programs.

22 (b) Any person may make a request for an investigation into an al-
23 leged violation of this act by giving notice to the director of licenses of
24 such violation or danger. Such notice shall be in writing, setting forth
25 reasonable particularity the grounds for the notice and be signed by the
26 person making the request. Upon the request of any person signing a
27 notice, such person's name shall not appear on any copy of such notice
28 or any record published, released or made available.

29 (c) If upon receipt of such notification the director of licenses deter-
30 mines that there are reasonable grounds to believe that such violation or
31 danger exists, the director shall cause to be made an investigation in ac-
32 cordance with the provisions of this act, as soon as practicable, to deter-
33 mine if such violation or danger exists. If the director determines that
34 there are no reasonable grounds to believe that a violation or danger
35 exists, the director shall notify the party in writing of such determination.

36 Sec. 21. This act shall not be construed to relieve or lessen the re-
37 sponsibility or liability of any person, firm or corporation owning, oper-
38 ating, controlling, maintaining, erecting, constructing, installing, altering,
39 inspecting, testing or repairing any elevator or other related mechanisms
40 covered by this act for damages to a person or property caused by any
41 defect therein, nor does the state assume any such liability or responsi-
42 bility therefore or any liability to any person for whatever reason by the
43 adoption of this act or any acts or omissions arising hereunder.

- 1 Sec. 22. Any owner or lessee who violates any provision of this act,
2 upon conviction thereof, shall be fined an amount not to exceed \$1,500
3 or be imprisoned for a period not exceeding 30 days, or both.
- 4 Sec. 23. The provisions of this chapter are not retroactive unless oth-
5 erwise stated and equipment shall be required to comply with the appli-
6 cable code at the date of its installation or within the period determined
7 by the board for compliance. If upon the inspection of any device covered
8 by this act, the equipment is found to be in a dangerous condition or
9 there is an immediate hazard to those riding or using such equipment or
10 if the design or the method of operation in combination with devices used
11 is considered inherently dangerous in the opinion of the director, the
12 director shall notify the owner of such condition and shall order such
13 alterations or additions as may be deemed necessary to eliminate the
14 dangerous condition.
- 15 Sec. 24. (a) Except for private residence owners, it shall be the re-
16 sponsibility of the owner of any new or existing conveyance located in any
17 building or structure to have the conveyance inspected annually by a
18 licensed elevator inspector. Subsequent to such inspection, the licensed
19 elevator inspector shall supply the property owner or lessee and the di-
20 rector with a written inspection report describing any and all code vio-
21 lations. It shall be the responsibility of the director to enforce compliance.
22 Property owners shall have 30 days from the date of the published in-
23 spection report to be in full compliance by correcting such violations.
- 24 (b) It shall be the responsibility of the owner of all conveyances to
25 have an elevator contractor insure that the required tests are performed
26 at intervals in compliance with the code.
- 27 (c) All tests shall be performed by a licensed elevator mechanic.
- 28 Sec. 25. Whenever a provision in this act is found to be inconsistent
29 with any provision of the applicable state law, code or rules and regula-
30 tions, the state law shall prevail. This act unless specifically stated oth-
31 erwise, is not intended to establish more stringent or more restrictive
32 standards than standards set forth in the applicable state law.
- 33 Sec. 26. This act shall take effect and be in force from and after its
34 publication in the statute book.