

**SENATE BILL No. 181**

By Committee on Federal and State Affairs

2-9

1 AN ACT creating the elevator safety act; relating to safety standards for  
2 elevators; licensure requirements for elevator inspection, installation  
3 and repair, duties of the state fire marshal; establishing the elevator  
4 safety fee fund.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. The provisions of sections 1 through 20, and amendments  
8 thereto, shall be known and may be cited as the elevator safety act.

9 Sec. 2. As used in sections 1 through 20, and amendments thereto:

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

11 (b) "Board" means the elevator safety advisory board.

12 (c) (1) "Elevator" means any device for lifting or moving people,  
13 cargo or freight within, or adjacent and connected to, a structure or  
14 excavation, including, but not limited to:

15 (A) An escalator, power-driven stairway, moving walkway or  
16 stairway chair lift; and

17 (B) a dumbwaiter, conveyor, chain or bucket hoist, construction hoist  
18 or similar device used for the primary purpose of elevating or lowering  
19 materials.

20 (2) The term "elevator" does not mean any:

21 (A) Amusement ride or other device subject to the Kansas  
22 amusement ride act, K.S.A. 2020 Supp. 44-1601 et seq., and amendments  
23 thereto;

24 (B) mining equipment;

25 (C) aircraft, railroad car, boat, barge, ship, truck or other self-  
26 propelled vehicle or component thereof;

27 (D) boiler grate stoker or other similar firing mechanism subject to  
28 the boiler safety act, K.S.A. 44-913 et seq., and amendments thereto; or

29 (E) lift, manlift, belt manlift, special purpose personnel elevator,  
30 automated people mover or similar device in grain elevators, grain  
31 warehouses, seed processing facilities, grain processing facilities, biofuel  
32 processing facilities, feed mills, flour mills or any similar pet food, feed or  
33 agricultural commodity processing facilities.

34 (d) "Elevator apprentice" means an individual who works under the  
35 supervision or general direction of a licensed elevator mechanic.

36 (e) "Elevator contractor" means a sole proprietorship, firm,

1 partnership, corporation or association that is engaged in the business of  
2 erecting, constructing, installing, altering, servicing, repairing or  
3 maintaining elevators.

4 (f) "Elevator inspector" means an individual engaged in the business  
5 of inspecting elevators.

6 (g) "Elevator mechanic" means an individual engaged in the business  
7 of erecting, constructing, installing, altering, servicing, repairing or  
8 maintaining elevators under the direct supervision of an elevator  
9 contractor.

10 (h) "Licensee" means an elevator contractor, inspector or mechanic  
11 who is licensed pursuant to this act.

12 Sec. 3. (a) The provisions of this act shall apply to the design,  
13 construction, installation, operation, inspection, testing, maintenance,  
14 alteration and repair of elevators.

15 (b) The provisions of this act shall not apply to elevators that are:

16 (1) In or adjacent to a building or excavation owned by or under the  
17 operational control of any federal agency or located on property owned by  
18 the United States or any federally recognized native American Indian tribe;

19 (2) in a single family residence; or

20 (3) in or adjacent to a building or structure within a manufacturing,  
21 utility or other industrial facility, except that any elevator in or adjacent to  
22 a wind turbine tower shall be subject to the provisions of this act.

23 (c) Any elevator described in subsection (b) shall be inspected by a  
24 licensed elevator inspector upon request by the owner or the owner's agent  
25 and payment of the inspection fee.

26 (d) Nothing in this act shall be construed to relieve or lessen the  
27 responsibility or liability of any individual, firm or corporation owning,  
28 operating, controlling, maintaining, erecting, constructing, installing,  
29 altering, inspecting, testing or repairing any elevator for damages to a  
30 person or property caused by any defect therein, or as an assumption of  
31 any such liability or responsibility or any liability to any person for  
32 whatever reason by the state by enactment of this act or any acts or  
33 omissions arising under the provisions of this act.

34 Sec. 4. Nothing in this act shall be construed to preempt or otherwise  
35 restrict a city or county from adopting or continuing any requirements or  
36 standards that are more stringent than those of this act or rules and  
37 regulations adopted pursuant thereto.

38 Sec. 5. (a) No individual shall erect, construct, alter, replace,  
39 maintain, remove or dismantle any elevator contained within a building  
40 or other structure in this state or wire any elevator from the mainline  
41 feeder terminals on the controller unless such individual is a licensed  
42 elevator mechanic and such individual is working under the direct  
43 supervision of a licensed elevator contractor. No other license shall be

1 required for such work. An elevator mechanic's license or elevator  
2 contractor's license is not required for removing or dismantling elevators  
3 that are destroyed as a result of a complete demolition of a secured  
4 building or structure, or where the hoistway or wellway is demolished  
5 back to the basic support structure whereby no access is permitted therein  
6 to endanger the safety and welfare of a person.

7 (b) No individual shall inspect any elevator within a building or  
8 other structure in this state, including, but not limited to, private  
9 residences, unless such individual is a licensed elevator inspector.

10 (c) No individual, firm, partnership, corporation, association or other  
11 entity shall erect, alter, replace, maintain, remove, dismantle or operate any  
12 elevator in this state or construct any elevator for use in this state in  
13 violation of this act or rules and regulations adopted pursuant thereto.

14 (d) All elevators shall conform to the rules and regulations adopted  
15 pursuant to this act. Where any material alteration is made, the elevator  
16 shall conform to applicable requirements of the code. Nothing in this act  
17 shall be construed so as to prevent the use, sale or reinstallation of an  
18 elevator installed in this state prior to the effective date of this act,  
19 provided that such elevator has been made to conform to the rules and  
20 regulations adopted pursuant to this act and has not been found upon  
21 inspection to be in an unsafe condition or in violation of this act or rules  
22 and regulations adopted pursuant thereto.

23 Sec. 6. (a) There is hereby established the elevator safety advisory  
24 board. The elevator safety advisory board shall consist of the following  
25 eleven members who shall be residents of this state:

26 (1) Seven members, to be appointed by the governor as follows:

27 (A) One representative from a major elevator manufacturing  
28 company or its authorized representative;

29 (B) one representative from an elevator servicing company;

30 (C) one representative of the architectural design or elevator  
31 consulting profession;

32 (D) one representative of a city or county in this state;

33 (E) one representative of a building owner or building manager;

34 (F) one representative of labor involved in the installation,  
35 maintenance and repair of elevators; and

36 (G) one representative from the general public;

37 (2) one member to be appointed by the president of the senate;

38 (3) one member to be appointed by the speaker of the house of  
39 representatives;

40 (4) the state fire marshal or the state fire marshal's designee, who  
41 shall serve ex officio; and

42 (5) the secretary of administration or the secretary's designee, who  
43 shall serve ex officio.

1 (b) Each member of the board appointed under subsections (a)(1)  
2 through (3) shall serve a term of three years or until a successor is  
3 appointed and qualified. Whenever a vacancy occurs, a successor shall be  
4 appointed in accordance with subsection (a). The members of the board  
5 shall elect one of the members to serve as chairperson.

6 (c) The members of the board shall serve without compensation.  
7 Members who are not state officers or employees and who are attending  
8 meetings of such committee, or attending a subcommittee meeting thereof  
9 authorized by such committee, shall be paid amounts provided in K.S.A.  
10 75-3223(e), and amendments thereto.

11 (d) The board shall meet at least once each year at a time and place to  
12 be fixed by the state fire marshal and at such other times as the state fire  
13 marshal deems necessary for the consideration of rules and regulations and  
14 for the transaction of such other business as may come properly before the  
15 board.

16 (e) The board shall advise the state fire marshal and make  
17 recommendations regarding rules and regulations necessary to implement  
18 and enforce the provisions of this act. The board shall annually review any  
19 rules and regulations adopted by the state fire marshal pursuant to this act.

20 Sec. 7. (a) (1) Any individual, firm, partnership, corporation,  
21 association or other entity wishing to engage in the business of installing,  
22 altering, servicing, replacing or maintaining elevators shall make  
23 application for an elevator contractor's license in such form and manner as  
24 prescribed by the state fire marshal and shall pay the required initial  
25 application fee, which shall not exceed \$500. An applicant shall  
26 demonstrate that such applicant employs a licensed elevator mechanic or  
27 mechanics to perform the work described in section 5, and amendments  
28 thereto, and shall provide proof of compliance with the insurance  
29 requirements set forth in section 8, and amendments thereto.

30 (2) Any individual wishing to engage in installing, altering, repairing  
31 or servicing of elevators shall make application for an elevator mechanic's  
32 license in such form and manner as prescribed by the state fire marshal and  
33 shall pay the required initial application fee, which shall not exceed \$150.

34 (3) Any individual wishing to engage in the business of inspecting  
35 elevators shall make application for an elevator inspector's license in such  
36 form and manner as prescribed by the state fire marshal and shall pay the  
37 required initial application fee, which shall not exceed \$250. An applicant  
38 shall provide proof of compliance with the insurance requirements set  
39 forth in section 8, and amendments thereto.

40 (b) No license shall be issued to any applicant that has not  
41 demonstrated the requisite qualifications and abilities required by this act  
42 and rules and regulations adopted pursuant thereto. Upon the state fire  
43 marshal's approval of an application as having met the requirements for

1 licensure, the state fire marshal shall issue a license. Such license shall be  
2 valid for a period of two years and shall be renewable biennially upon  
3 submission of a renewal application and payment of the required renewal  
4 application fee, which shall not exceed the initial application fee.

5 (c) An elevator contractor's license may be issued, upon application,  
6 to an applicant that holds a valid license from a state having standards  
7 substantially equal to those of this act and rules and regulations adopted  
8 pursuant thereto.

9 (d) An elevator apprentice is not required to hold a license.

10 Sec. 8. (a) Elevator contractors shall submit proof to the state fire  
11 marshal of a current insurance policy issued by an insurance company  
12 authorized to do business in this state that provides general liability  
13 coverage of at least \$1,000,000 for injury or death of any number of  
14 persons in any one occurrence, with coverage of at least \$500,000 for  
15 property damage in any one occurrence and proof of workers  
16 compensation insurance coverage as required by Kansas law.

17 (b) Elevator inspectors, except those employed by an agency, city or  
18 county, shall submit to the state fire marshal proof of a current insurance  
19 policy issued by an insurance company authorized to do business in this  
20 state that provides general liability coverage of at least \$1,000,000 for  
21 injury or death of any number of persons in any one occurrence, with  
22 coverage of at least \$500,000 for property damage in any one occurrence  
23 and proof of statutory workers compensation insurance coverage.

24 (c) Proof of such policies shall be delivered to the state fire marshal  
25 with the application for the license. A licensee shall provide the state fire  
26 marshal of notice of any material alteration or cancellation of any policy at  
27 least 10 days prior to the effective date of such change in the policy.

28 Sec. 9. (a) Whenever the state fire marshal determines an emergency  
29 exists in the state due to a disaster, an act of God or work stoppage and the  
30 number of persons in the state holding elevator mechanic's licenses is  
31 determined by the state fire marshal to be insufficient to cope with the  
32 emergency, the state fire marshal may issue emergency elevator  
33 mechanic's licenses as necessary to assure the safety of the public. An  
34 elevator contractor or applicant for an emergency mechanic's license shall  
35 furnish such proof of competency as may be required by rules and  
36 regulations adopted pursuant to this act.

37 (b) An elevator contractor shall notify the state fire marshal when  
38 there are no licensed elevator mechanics available to perform work  
39 requiring such license. The elevator contractor may request that the state  
40 fire marshal issue temporary elevator mechanic's licenses to individuals  
41 certified by the licensed elevator contractor to have an acceptable  
42 combination of documented experience and education to perform such  
43 work without the direct and immediate supervision of a licensed elevator

1 mechanic. Any individual who is certified as such by an elevator  
2 contractor may apply for a temporary elevator mechanic's license in such  
3 form and manner as prescribed by the state fire marshal. The applicant  
4 shall pay the required application fee with such application, which shall  
5 not exceed \$50. The state fire marshal may issue a temporary elevator  
6 mechanic's license if the state fire marshal finds that the requirements for  
7 such licenses have been met.

8 Sec. 10. (a) An application for a license may be denied or a license  
9 may be suspended or revoked by the state fire marshal upon a finding that  
10 one or more of the following have been committed by the applicant or  
11 licensee:

12 (1) Any willfully false statement or willful omission as to a material  
13 matter made in the process of securing a license or renewal of a license. A  
14 material matter is a fact relevant to a question or line of inquiry in the  
15 applicable application form or in additional inquiry of the applicant by the  
16 state fire marshal that if made known to the state fire marshal could  
17 constitute a basis for a denial of the application under this act or rules and  
18 regulations adopted pursuant thereto;

19 (2) fraud, misrepresentation or bribery in securing a license;

20 (3) failure to notify the state fire marshal and the owner of an elevator  
21 or the owner's agent when:

22 (A) Any elevator is being operated in this state that is not in  
23 compliance with this act or rules and regulations adopted pursuant thereto;  
24 and

25 (B) that such noncompliance was known by the licensee or  
26 reasonably should have been known by the licensee;

27 (4) failure to maintain any requirement or to notify the state fire  
28 marshal of any material alteration or change relating to any requirement  
29 that is necessary to obtain or renew a license that is in nature a continuing  
30 requirement, including, but not limited to, insurance requirements; or

31 (5) any violation of this act or rules and regulations adopted pursuant  
32 thereto.

33 (b) A license may be suspended or revoked upon a finding by the  
34 state fire marshal that facts and circumstances exist that require suspension  
35 or revocation of the license to protect the safety of the public, including,  
36 but not limited to, facts and circumstances going to the competence, ability  
37 or fitness of the licensee to safely conduct the work or activities permitted  
38 by the license in a manner that does not risk the safety or well-being of co-  
39 workers, employees or the public.

40 (c) An elevator inspector license may be suspended or revoked upon  
41 a finding by the state fire marshal that the licensed elevator inspector has  
42 performed duties incompetently, demonstrated untrustworthiness, falsified  
43 any matter or statement contained in any application or report or failed to

1 report findings of any inspection made by such licensee to the state fire  
2 marshal as required under section 15, and amendments thereto. Such a  
3 suspension or revocation shall be effective upon receipt of notice of the  
4 suspension or termination by the licensee or the licensee's employer.

5 (d) Except as otherwise provided by this act, no license shall be  
6 suspended or revoked until after a written order issued by the state fire  
7 marshal has been served to the licensee who committed the violation. Such  
8 order shall state the violation, the penalty to be imposed and the right of  
9 the person to request a hearing as provided in section 12, and amendments  
10 thereto. The state fire marshal may issue emergency orders, including, but  
11 not limited to, immediate suspensions or revocations of a license, as  
12 provided by the Kansas administrative procedure act.

13 Sec. 11. (a) In addition to any other penalty provided by law, the state  
14 fire marshal, upon a finding that any owner, lessee or operator of an  
15 elevator, or owner or lessee of a building or structure in which an elevator  
16 is located, has violated, knowingly permitted a violation or negligently  
17 failed to detect, report or correct a violation of any provision of this act or  
18 rules and regulations adopted pursuant thereto with regard to the  
19 construction, installation, maintenance, inspection or operation of an  
20 elevator, is authorized to impose a civil penalty not to exceed \$1,000 per  
21 violation for each day of such unlawful operation or violation. Such civil  
22 penalty shall constitute an actual and substantial economic deterrent to the  
23 violation for which the penalty is assessed.

24 (b) In addition to any other penalty provided by law, the state fire  
25 marshal, upon a finding that any licensee has violated, knowingly  
26 permitted a violation or negligently failed to detect, report or correct a  
27 violation of any provision of this act or rules and regulations adopted  
28 pursuant thereto, is authorized to impose a civil penalty not to exceed  
29 \$1,000 per violation. Such civil penalty shall constitute an actual and  
30 substantial economic deterrent to the violation for which the penalty is  
31 assessed.

32 (c) No civil penalty shall be imposed except upon the written order of  
33 the state fire marshal to the person who committed the violation. Such  
34 order shall state the violation, the penalty to be imposed and the right of  
35 the person to request a hearing as provided in section 12, and amendments  
36 thereto.

37 (d) All fines assessed and collected under this section shall be  
38 remitted to the state treasurer in accordance with the provisions of K.S.A.  
39 75-4215, and amendments thereto. Upon receipt of each such remittance,  
40 the state treasurer shall deposit the entire amount in the state treasury to  
41 the credit of the elevator safety fee fund.

42 Sec. 12. (a) Any individual, sole proprietor, firm, partnership,  
43 association or corporation aggrieved by an order issued by the state fire

1 marshal pursuant to the provisions of this act may request a hearing on  
2 such order within 15 days from the date of the service of such order by  
3 filing such request in writing with the state fire marshal. Such hearing shall  
4 be conducted in accordance with the provisions of the Kansas  
5 administrative procedure act. The filing of a request for a hearing shall not  
6 abate or operate as a stay of the effect of an emergency order or an order to  
7 cease and desist or a stop work order unless otherwise stated in such order.

8 (b) Except as otherwise provided, all administrative proceedings by  
9 the state fire marshal under this act shall be conducted in accordance with  
10 the provisions of the Kansas administrative procedure act.

11 (c) Judicial review and civil enforcement of agency actions under this  
12 act shall be in accordance with the Kansas judicial review act.

13 Sec. 13. It shall be the responsibility of a licensee to ensure that the  
14 design, construction, installation, operation, inspection, testing,  
15 maintenance, alteration and repair of an elevator is performed in  
16 compliance with the provisions of the state safety and fire prevention act,  
17 K.S.A. 31-132 et seq., and amendments thereto.

18 Sec. 14. (a) No elevator shall be erected, constructed, installed or  
19 altered within or adjacent to a building or structure unless a valid permit is  
20 obtained from the state fire marshal. Such permit shall be issued prior to  
21 the commencement of any work on such elevator. A permit shall only be  
22 issued to a licensed elevator contractor. A copy of such permit shall be  
23 kept at the construction site at all times while the work is in progress.  
24 Notwithstanding the issuance of a permit, no work shall be performed on  
25 any such elevator if the state fire marshal has issued a stop work order for  
26 such elevator.

27 (b) A licensed elevator contractor may apply for a permit in such  
28 form and manner as prescribed by the state fire marshal. The applicant  
29 shall pay the required permit fee with such application, which shall not  
30 exceed \$400.

31 (c) A permit may be revoked by the state fire marshal for any of the  
32 following reasons:

33 (1) Any false statement or misrepresentation exists as to the material  
34 facts in the application, or in the plans or specifications on which the  
35 permit was based;

36 (2) the permit was issued in error and should not have been issued in  
37 accordance with the provisions of this act;

38 (3) the work detailed under the permit is not being performed in  
39 accordance with the provisions of the application, or in the plans or  
40 specifications on which the permit was based, or is not in accordance with  
41 the code; or

42 (4) the licensed elevator contractor to whom the permit was issued  
43 fails or refuses to comply with a stop work order issued by the state fire

1 marshal.

2 (d) (1) A permit shall expire:

3 (A) If the work authorized by such permit is not commenced within  
4 six months after the date of issuance, or within a shorter period of time  
5 specified by the state fire marshal, in the state fire marshal's discretion, at  
6 the time the permit is issued; or

7 (B) if, after the work has been commenced, the work is suspended or  
8 abandoned for a period of 60 days, or such shorter period of time as  
9 specified by the state fire marshal, in the state fire marshal's discretion, at  
10 the time the permit is issued.

11 (2) For good cause, the state fire marshal, in the state fire marshal's  
12 discretion, may allow an extension of any of the periods of time set forth  
13 in this subsection.

14 Sec. 15. (a) It shall be the responsibility of the owner of any new or  
15 existing elevator or the owner's agent to have such elevator inspected  
16 annually by a licensed elevator inspector. Upon such inspection, the  
17 licensed elevator inspector shall provide the owner of the elevator or the  
18 owner's agent, the owner or lessee of the property where such elevator is  
19 located and the state fire marshal with a written inspection report  
20 describing any and all code violations. The owner of the elevator or the  
21 owner's agent shall have 30 days from the date of the inspection report to  
22 be in full compliance by correcting such violations. The state fire marshal  
23 may grant additional 30-day extensions of time if the state fire marshal  
24 determines good cause has been shown and the safety of the public will  
25 not be endangered.

26 (b) It shall be the responsibility of the owner of any elevator or the  
27 owner's agent to have a licensed elevator contractor conduct all required  
28 tests at the intervals required by this act and rules and regulations adopted  
29 pursuant thereto. All tests shall be performed by a licensed elevator  
30 mechanic.

31 Sec. 16. (a) For any elevator installed prior to July 1, 2021, the owner  
32 of the elevator or the owner's agent shall apply for a certificate of  
33 operation on or before July 1, 2022. Such application shall be in such form  
34 and manner as prescribed by the state fire marshal and shall include a copy  
35 of the most recent inspection report required pursuant to section 15, and  
36 amendments thereto, and payment of the required application fee, which  
37 shall not exceed \$100.

38 (b) For any elevator installed on or after July 1, 2021, and prior to  
39 January 1, 2022, the owner of such elevator or the owner's agent shall  
40 apply for a certificate of operation within six months after such elevator is  
41 placed into operation. Such application shall be in such form and manner  
42 as prescribed by the state fire marshal and shall include a certification by  
43 the licensed elevator contractor that such installation was performed in

1 compliance with the applicable provisions of this act and rules and  
2 regulations adopted pursuant thereto and payment of the required  
3 application fee, which shall not exceed \$100.

4 (c) On and after January 1, 2022, before a newly installed elevator  
5 may be placed into operation, the licensed elevator contractor that  
6 performed the new installation shall apply for a certificate of operation.  
7 Such application shall be in such form and manner as prescribed by the  
8 state fire marshal and shall include a certification by the licensed elevator  
9 contractor that such installation was performed in compliance with the  
10 applicable provisions of this act and rules and regulations adopted  
11 pursuant thereto and payment of the required application fee, which shall  
12 not exceed \$100.

13 (d) The state fire marshal shall grant applications and renewal  
14 applications for certificates of operation if the state fire marshal finds the  
15 applicant has demonstrated to the state fire marshal's satisfaction that all  
16 applicable provisions of this act and rules and regulations adopted  
17 pursuant thereto have been met, the elevator will be operated in  
18 accordance with the rules and regulations adopted pursuant to this act and  
19 operation of the elevator will not present a danger to the public.

20 (e) A certificate of operation shall be valid for one year from the date  
21 of issuance and may be renewed upon application submitted to the state  
22 fire marshal and payment of the required renewal fee, which shall not  
23 exceed the initial application fee. An application for a renewal certificate  
24 shall be accompanied by an inspection report for an inspection performed  
25 within the immediately preceding 12 months.

26 (f) Certificates of operation shall be clearly displayed on or in each  
27 elevator or in the machine room for such elevator. Each certificate of  
28 operation shall state that the elevator has been inspected, tested and found  
29 to be in compliance with all applicable standards of operation.

30 Sec. 17. (a) The state fire marshal shall establish a registry of  
31 elevators that are in operation and for which a certificate of operation has  
32 been issued and shall maintain the information provided under subsection  
33 (b) as part of such registry.

34 (b) On or before July 1, 2022, each elevator that was in operation on  
35 or before July 1, 2021, for which a certificate of operation has been issued  
36 pursuant to section 16, and amendments thereto, shall be registered with  
37 the state fire marshal. Such registration shall include:

38 (1) The name of the owner of such elevator, the owner's agent, if any,  
39 and the operator of the elevator;

40 (2) the type;

41 (3) the rated load and speed;

42 (4) the name of the manufacturer;

43 (5) the location and purpose for which such elevator is used; and

1 (6) such additional information as may be required by rules and  
2 regulations adopted pursuant to this act.

3 (c) Any elevator that is placed into service and for which a certificate  
4 of operation is issued after July 1, 2021, shall be registered at such time as  
5 a certificate of operation is issued for such elevator. The registration for  
6 any such elevator shall include that information described in subsection  
7 (b).

8 Sec. 18. (a) Any person may request an investigation into an alleged  
9 violation of this act or rules and regulations adopted pursuant thereto, or  
10 the installation, servicing, maintenance or operation of an elevator that  
11 appears to place the public or persons using such elevator in danger by  
12 notifying the state fire marshal of such violation or danger. Such request  
13 shall be in writing, setting forth in reasonable particularity the grounds for  
14 the request and be signed by the person making the request.

15 (b) Such request, notice and any records relating to the request shall  
16 be confidential and shall not be disclosed by the state fire marshal unless  
17 ordered to be disclosed by a court of competent jurisdiction. The  
18 provisions of this subsection shall expire on July 1, 2026, unless the  
19 legislature reviews and reenacts such provisions in accordance with K.S.A.  
20 45-229, and amendments thereto, prior to July 1, 2026.

21 (c) Upon receipt of such notification, the state fire marshal shall  
22 investigate the alleged violation as soon as practicable, and to the extent  
23 determined appropriate by the state fire marshal, determine if such  
24 violation or danger exists and may issue such orders as the state fire  
25 marshal deems necessary to avoid danger to the public during such  
26 investigation. If the state fire marshal determines that there are no  
27 reasonable grounds to believe that a violation or danger exists, the state  
28 fire marshal shall notify in writing the person who submitted the request  
29 for investigation and the owner of the elevator or the owner's agent of such  
30 determination. If the state fire marshal determines that a violation or  
31 danger exists, the state fire marshal shall revoke the certificate of operation  
32 for such elevator, issue such orders as the state fire marshal deems  
33 necessary to address the violation or danger or take such other actions as  
34 provided by this act to address the violation or danger.

35 Sec. 19. (a) On or before January 1, 2022, the state fire marshal shall  
36 adopt rules and regulations necessary to implement and enforce the  
37 provisions of this act. Rules and regulations adopted by the state fire  
38 marshal shall be based on and follow generally accepted national  
39 engineering standards, formula and practices that shall at a minimum  
40 include adoption of current American national standards known as the  
41 American society of mechanical engineers (ASME) safety code for  
42 elevators and escalators and the safety standards for wind turbine tower  
43 elevators.

1 (b) Such rules and regulations shall include rules and regulations:

2 (1) For the operation, maintenance, servicing, construction, alteration  
3 and installation of elevators;

4 (2) requirements and qualifications for the licensure of elevator  
5 contractors, mechanics and inspectors, including initial and renewal  
6 application requirements, examination requirements and continuing  
7 education requirements;

8 (3) requirements and qualifications for the issuance of emergency and  
9 temporary licenses;

10 (4) requirements for issuance of permits and certificates of operation,  
11 including initial and renewal application requirements;

12 (5) requirements for registration of elevators; and

13 (6) standards for granting exceptions and variances from rules and  
14 regulations adopted pursuant to this act and municipal ordinances.

15 (b) The state fire marshal shall establish a schedule for fees for  
16 licenses, permits, certificates of operation, inspections and variance  
17 requests. The fees shall reasonably reflect the state fire marshal's actual  
18 costs and expenses to operate and to conduct those duties and obligations  
19 as described in this act.

20 (c) The state fire marshal shall have the authority to grant or deny  
21 requests for exceptions and variances from the requirements of rules and  
22 regulations adopted pursuant to this act or from municipal ordinances in  
23 cases where the state fire marshal finds such exception or variance would  
24 not jeopardize the public safety and welfare and that the request meets the  
25 applicable standards adopted by the state fire marshal for granting such an  
26 exception or variance.

27 Sec. 20. The elevator safety fee fund is hereby established in the state  
28 treasury and shall be administered by the state fire marshal. The state fire  
29 marshal shall remit all moneys received from fees, charges or penalties  
30 assessed in accordance with this act to the state treasurer in accordance  
31 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
32 receipt of each such remittance, the state treasurer shall deposit the entire  
33 amount in the state treasury to the credit of the elevator safety fee fund. All  
34 expenditures from the elevator safety fee fund shall be made in accordance  
35 with appropriation acts upon warrants of the director of accounts and  
36 reports issued pursuant to vouchers approved by the state fire marshal or  
37 the state fire marshal's designee.

38 Sec. 21. This act shall take effect and be in force from and after its  
39 publication in the statute book.