

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) *a dumbwaiter, conveyor, chain or bucket hoist, construction*
28 *hoist or similar device used for the primary purpose of elevating or*
29 *lowering materials;*

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

32 ~~(E)(F)~~ lift, manlift, belt manlift, *chain hoists, climb assists*, special
33 purpose personnel elevator, automated people mover or similar device in
34 *wind turbine towers*, grain elevators, grain warehouses, seed processing
35 facilities, grain processing facilities, biofuel processing facilities, feed
36 mills, flour mills or any similar pet food, feed or agricultural commodity

1 processing facilities.

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

4 (e) "Elevator contractor" means a sole proprietorship, firm,
5 partnership, corporation or association that is engaged in the business of
6 erecting, constructing, installing, altering, servicing, repairing or
7 maintaining elevators.

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

10 (g) "Elevator mechanic" means an individual engaged in the business
11 of erecting, constructing, installing, altering, servicing, repairing or
12 maintaining elevators under the direct supervision of an elevator
13 contractor.

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

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

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

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

23 (2) in a single family residence; or

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

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

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

38 Sec. 4. Nothing in this act shall be construed to preempt or otherwise
39 restrict a city or county from adopting or continuing any requirements or
40 standards that ~~are more stringent than~~ **meet or exceed** those of this act ~~or~~
41 **and any** rules and regulations adopted pursuant thereto. **Any city or**
42 **county that has adopted such requirements or standards shall notify the**
43 **state fire marshal of such adoption on or before June 30, 2022, and on**

1 ***each June 30 thereafter.***

2 Sec. 5. (a) No individual shall erect, construct, alter, replace,
3 maintain, remove or dismantle any elevator contained within a building
4 or other structure in this state or wire any elevator from the mainline
5 feeder terminals on the controller unless such individual is a licensed
6 elevator mechanic and such individual is working under the direct
7 supervision of a licensed elevator contractor. ~~No other license shall be~~
8 ~~required for such work.~~ An elevator mechanic's license or elevator
9 contractor's license is not required for removing or dismantling elevators
10 that are destroyed as a result of a complete demolition of a secured
11 building or structure, or where the hoistway or wellway is demolished
12 back to the basic support structure whereby no access is permitted therein
13 to endanger the safety and welfare of a person.

14 (b) No individual shall inspect any elevator within a building or
15 other structure in this state, including, but not limited to, private
16 residences, unless such individual is a licensed elevator inspector. ***This***
17 ***subsection shall not apply to any individual employed as an elevator***
18 ***inspector by a city or county who performs inspections only while***
19 ***engaged in the performance of such individual's duties as an employee***
20 ***of such city or county.***

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

25 (d) All elevators shall conform to the rules and regulations adopted
26 pursuant to this act. Where any material alteration is made, the elevator
27 shall conform to applicable requirements of the code. Nothing in this act
28 shall be construed so as to prevent the use, sale or reinstallation of an
29 elevator installed in this state prior to the effective date of this act,
30 provided that such elevator has been made to conform to the rules and
31 regulations adopted pursuant to this act and has not been found upon
32 inspection to be in an unsafe condition or in violation of this act or rules
33 and regulations adopted pursuant thereto.

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

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

38 (A) One representative from a major elevator manufacturing
39 company or its authorized representative;

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

41 (C) one representative of the architectural design or elevator
42 consulting profession;

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

- 1 (E) one representative of a building owner or building manager;
- 2 (F) one representative of labor involved in the installation,
3 maintenance and repair of elevators; and
- 4 (G) one representative from the general public;
- 5 (2) one member to be appointed by the president of the senate;
- 6 (3) one member to be appointed by the speaker of the house of
7 representatives;
- 8 (4) the state fire marshal or the state fire marshal's designee, who
9 shall serve ex officio; and
- 10 (5) the secretary of administration or the secretary's designee, who
11 shall serve ex officio.
- 12 (b) Each member of the board appointed under subsections (a)(1)
13 through (3) shall serve a term of three years or until a successor is
14 appointed and qualified. Whenever a vacancy occurs, a successor shall be
15 appointed in accordance with subsection (a). The members of the board
16 shall elect one of the members to serve as chairperson.
- 17 (c) The members of the board shall serve without compensation.
18 Members who are not state officers or employees and who are attending
19 meetings of such committee, or attending a subcommittee meeting thereof
20 authorized by such committee, shall be paid amounts provided in K.S.A.
21 75-3223(e), and amendments thereto.
- 22 (d) The board shall meet at least ~~once~~ **six times** each year at a time
23 and place to be fixed by the state fire marshal and at such other times as
24 the state fire marshal deems necessary for the consideration of rules and
25 regulations and for the transaction of such other business as may come
26 properly before the board.
- 27 (e) The board shall advise the state fire marshal and make
28 recommendations regarding rules and regulations necessary to implement
29 and enforce the provisions of this act. The board shall annually review any
30 rules and regulations adopted by the state fire marshal pursuant to this act.
- 31 Sec. 7. (a) (1) Any individual, firm, partnership, corporation,
32 association or other entity wishing to engage in the business of installing,
33 altering, servicing, replacing or maintaining elevators shall make
34 application for an elevator contractor's license in such form and manner as
35 prescribed by the state fire marshal and shall pay the required initial
36 application fee, which shall not exceed \$500. An applicant shall
37 demonstrate that such applicant employs a licensed elevator mechanic or
38 mechanics to perform the work described in section 5, and amendments
39 thereto, and shall provide proof of compliance with the insurance
40 requirements set forth in section 8, and amendments thereto.
- 41 (2) Any individual wishing to engage in installing, altering, repairing
42 or servicing of elevators shall make application for an elevator mechanic's
43 license in such form and manner as prescribed by the state fire marshal and

1 shall pay the required initial application fee, which shall not exceed \$150.

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

8 (b) No license shall be issued to any applicant that has not
9 demonstrated the requisite qualifications and abilities required by this act
10 and rules and regulations adopted pursuant thereto. Upon the state fire
11 marshal's approval of an application as having met the requirements for
12 licensure, the state fire marshal shall issue a license. Such license shall be
13 valid for a period of two years and shall be renewable biennially upon
14 submission of a renewal application and payment of the required renewal
15 application fee, which shall not exceed the initial application fee.

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

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

21 (e) ***Any city or county that has adopted requirements and standards***
22 ***that meet or exceed the requirements and standards of this act and any***
23 ***rules and regulations adopted pursuant thereto may issue an elevator***
24 ***contractor's license or elevator mechanic's license in accordance with***
25 ***such requirements and standards. Any such license shall specify that it***
26 ***is issued by such city or county. No such license shall be issued in lieu of***
27 ***any license issued by the state fire marshal or authorize the licensee to***
28 ***perform work as an elevator contractor or elevator mechanic outside the***
29 ***jurisdiction of the issuing city or county.***

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

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

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

5 Sec. 9. (a) Whenever the state fire marshal determines an emergency
6 exists in the state due to a disaster, an act of God or work stoppage and the
7 number of persons in the state holding elevator mechanic's licenses is
8 determined by the state fire marshal to be insufficient to cope with the
9 emergency, the state fire marshal may issue emergency elevator
10 mechanic's licenses as necessary to assure the safety of the public. An
11 elevator contractor or applicant for an emergency mechanic's license shall
12 furnish such proof of competency as may be required by rules and
13 regulations adopted pursuant to this act.

14 (b) An elevator contractor shall notify the state fire marshal when
15 there are no licensed elevator mechanics available to perform work
16 requiring such license. The elevator contractor may request that the state
17 fire marshal issue temporary elevator mechanic's licenses to individuals
18 certified by the licensed elevator contractor to have an acceptable
19 combination of documented experience and education to perform such
20 work without the direct and immediate supervision of a licensed elevator
21 mechanic. Any individual who is certified as such by an elevator
22 contractor may apply for a temporary elevator mechanic's license in such
23 form and manner as prescribed by the state fire marshal. The applicant
24 shall pay the required application fee with such application, which shall
25 not exceed \$50. The state fire marshal may issue a temporary elevator
26 mechanic's license if the state fire marshal finds that the requirements for
27 such licenses have been met.

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

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

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

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

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

1 and

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

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

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

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

17 (c) An elevator inspector license may be suspended or revoked upon
18 a finding by the state fire marshal that the licensed elevator inspector has
19 performed duties incompetently, demonstrated untrustworthiness, falsified
20 any matter or statement contained in any application or report or failed to
21 report findings of any inspection made by such licensee to the state fire
22 marshal as required under section 15, and amendments thereto. Such a
23 suspension or revocation shall be effective upon receipt of notice of the
24 suspension or termination by the licensee or the licensee's employer.

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

33 Sec. 11. (a) In addition to any other penalty provided by law, the state
34 fire marshal, upon a finding that any owner, lessee or operator of an
35 elevator, or owner or lessee of a building or structure in which an elevator
36 is located, has violated, knowingly permitted a violation or negligently
37 failed to detect, report or correct a violation of any provision of this act or
38 rules and regulations adopted pursuant thereto with regard to the
39 construction, installation, maintenance, inspection or operation of an
40 elevator, is authorized to impose a civil penalty not to exceed \$1,000 per
41 violation for each day of such unlawful operation or violation. Such civil
42 penalty shall constitute an actual and substantial economic deterrent to the
43 violation for which the penalty is assessed.

1 (b) In addition to any other penalty provided by law, the state fire
2 marshal, upon a finding that any licensee has violated, knowingly
3 permitted a violation or negligently failed to detect, report or correct a
4 violation of any provision of this act or rules and regulations adopted
5 pursuant thereto, is authorized to impose a civil penalty not to exceed
6 \$1,000 per violation. Such civil penalty shall constitute an actual and
7 substantial economic deterrent to the violation for which the penalty is
8 assessed.

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

14 (d) All fines assessed and collected under this section shall be
15 remitted to the state treasurer in accordance with the provisions of K.S.A.
16 75-4215, and amendments thereto. Upon receipt of each such remittance,
17 the state treasurer shall deposit the entire amount in the state treasury to
18 the credit of the elevator safety fee fund.

19 Sec. 12. (a) Any individual, sole proprietor, firm, partnership,
20 association or corporation aggrieved by an order issued by the state fire
21 marshal pursuant to the provisions of this act may request a hearing on
22 such order within 15 days from the date of the service of such order by
23 filing such request in writing with the state fire marshal. Such hearing shall
24 be conducted in accordance with the provisions of the Kansas
25 administrative procedure act. The filing of a request for a hearing shall not
26 abate or operate as a stay of the effect of an emergency order or an order to
27 cease and desist or a stop work order unless otherwise stated in such order.

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

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

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

38 Sec. 14. (a) No elevator shall be erected, constructed, installed or
39 altered within or adjacent to a building or structure unless a valid permit is
40 obtained from the state fire marshal. Such permit shall be issued prior to
41 the commencement of any work on such elevator. A permit shall only be
42 issued to a licensed elevator contractor. A copy of such permit shall be
43 kept at the construction site at all times while the work is in progress.

1 Notwithstanding the issuance of a permit, no work shall be performed on
2 any such elevator if the state fire marshal has issued a stop work order for
3 such elevator.

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

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

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

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

15 (3) the work detailed under the permit is not being performed in
16 accordance with the provisions of the application, or in the plans or
17 specifications on which the permit was based, or is not in accordance with
18 the code; or

19 (4) the licensed elevator contractor to whom the permit was issued
20 fails or refuses to comply with a stop work order issued by the state fire
21 marshal.

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

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

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

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

34 ***(e) This section shall not apply to any elevator to be erected,***
35 ***constructed, installed or altered in any city or county that has adopted***
36 ***requirements or standards that meet or exceed the requirements or***
37 ***standards of this act and any rules and regulations adopted pursuant***
38 ***thereto.***

39 Sec. 15. (a) It shall be the responsibility of the owner of any new or
40 existing elevator or the owner's agent to have such elevator inspected
41 annually by a licensed elevator inspector. Upon such inspection, the
42 licensed elevator inspector shall provide the owner of the elevator or the
43 owner's agent, the owner or lessee of the property where such elevator is

1 located and the state fire marshal with a written inspection report
2 describing any and all code violations. The owner of the elevator or the
3 owner's agent shall have 30 days from the date of the inspection report to
4 be in full compliance by correcting such violations. The state fire marshal
5 may grant additional 30-day extensions of time if the state fire marshal
6 determines good cause has been shown and the safety of the public will
7 not be endangered.

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

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

20 (b) For any elevator installed on or after July 1, 2021, and prior to
21 January 1, 2022, the owner of such elevator or the owner's agent shall
22 apply for a certificate of operation within six months after such elevator is
23 placed into operation. Such application shall be in such form and manner
24 as prescribed by the state fire marshal and shall include a certification by
25 the licensed elevator contractor that such installation was performed in
26 compliance with the applicable provisions of this act and rules and
27 regulations adopted pursuant thereto and payment of the required
28 application fee, which shall not exceed \$100.

29 (c) On and after January 1, 2022, before a newly installed elevator
30 may be placed into operation, the licensed elevator contractor that
31 performed the new installation shall apply for a certificate of operation.
32 Such application shall be in such form and manner as prescribed by the
33 state fire marshal and shall include a certification by the licensed elevator
34 contractor that such installation was performed in compliance with the
35 applicable provisions of this act and rules and regulations adopted
36 pursuant thereto and payment of the required application fee, which shall
37 not exceed \$100.

38 (d) The state fire marshal shall grant applications and renewal
39 applications for certificates of operation if the state fire marshal finds the
40 applicant has demonstrated to the state fire marshal's satisfaction that all
41 applicable provisions of this act and rules and regulations adopted
42 pursuant thereto have been met, the elevator will be operated in
43 accordance with the rules and regulations adopted pursuant to this act and

1 operation of the elevator will not present a danger to the public.

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

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

12 ***(g) This section shall not apply to any elevator located in a city or***
13 ***county that has adopted requirements and standards that meet or exceed***
14 ***the requirements and standards of this act and any rules and regulations***
15 ***adopted pursuant thereto.***

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

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

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

26 (2) the type;

27 (3) the rated load and speed;

28 (4) the name of the manufacturer;

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

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

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

37 ***(d) This section shall not apply to any elevator located in a city or***
38 ***county that has adopted requirements and standards that meet or exceed***
39 ***the requirements and standards of this act and any rules and regulations***
40 ***adopted pursuant thereto. Any such city or county shall establish and***
41 ***maintain a registry of elevators located in such city or county that are in***
42 ***operation. Such registry shall include that information described in***
43 ***subsection (b)(1) through (6).***

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

8 (b) Such request, notice and any records relating to the request shall
9 be confidential and shall not be disclosed by the state fire marshal unless
10 ordered to be disclosed by a court of competent jurisdiction. The
11 provisions of this subsection shall expire on July 1, 2026, unless the
12 legislature reviews and reenacts such provisions in accordance with K.S.A.
13 45-229, and amendments thereto, prior to July 1, 2026.

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

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

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

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

40 (2) requirements and qualifications for the licensure of elevator
41 contractors, mechanics and inspectors, including initial and renewal
42 application requirements, examination requirements and continuing
43 education requirements;

1 (3) requirements and qualifications for the issuance of emergency and
2 temporary licenses;

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

5 (5) requirements for registration of elevators; and

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

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

13 (c) The state fire marshal shall have the authority to grant or deny
14 requests for exceptions and variances from the requirements of rules and
15 regulations adopted pursuant to this act or from municipal ordinances in
16 cases where the state fire marshal finds such exception or variance would
17 not jeopardize the public safety and welfare and that the request meets the
18 applicable standards adopted by the state fire marshal for granting such an
19 exception or variance.

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

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