



**To: House Committee on Commerce**  
**From: John Federico, President, Federico // Duerst Consulting**  
**Re: In-Person Oral Opponent: HB2826**  
**Date: March 19, 2024**

Good afternoon Chairman, and members of the House Commerce Committee:

My name is John Federico and I appear in guarded opposition to HB2826. Several years ago, we worked closely with the elevator industry, the Fire Marshall's office, local government, various agricultural & wind-related groups, and numerous Legislators, over the course of 2 years, to cobble together a bill that would provide a framework for reasonable protections and expectations of safety for the elevator-riding public. We felt strongly that we thoroughly engaged all interested parties and moved forward with a law that was reasonable, all the while providing critical safety requirements and for the first time ever, oversight.

At the time, Kansas was just one of two states that did not require any statutory requirement dictating training or licensing for elevator installation or inspections. And with an eye towards consumer safety, the Elevator Safety Act sprung from those concerns.

The Elevator Safety Act incorporated national safety standards, best practices from similarly situated states, and exempted out entities and businesses that had unique situations and/or their elevators moved product instead of people.

***Elevator means any device for lifting people or moving people, cargo, or freight within, or adjacent and connected to a structure or excavation, and includes any escalator, power driven stairway, moving walkway or stairway chair lift.***

**The term "elevator" does not include: any amusement device, mining, equipment subject to regulation, boiler grate stoker, aircraft, railroad car, boat, barge, ship, truck, or other self-propelled vehicle or component thereof, dumbwaiter, conveyor chair or bucket hoist, construction hoist or similar devices used for the primary purpose of elevating or lowering materials.**

***\*\*Federally owned conveyances, including those owned by sovereign tribal nations, conveyances installed in owner occupied private residence as defined in the Act, and any conveyance subject to the provision of a municipal inspection program are exempt from the Elevator Safety Act.***

Prior to the Elevator Safety Act, none of this was required...

**The OSFM has jurisdiction to ensure that elevators are installed, maintained and regularly inspected in compliance with recognized safety standards and codes. All elevator contractors, elevator mechanics and elevator inspectors are required to be licensed by the state. This program works to ensure the safe installation, operation, service and repair of all eligible elevators**

We respectfully suggest, that these are not unreasonable notions and by passing the bill in both Chambers, the Legislature thought their action was in the best interest of the public.

However, the elements of the Elevator Safety Act, are words on paper. The actual execution of this new program, has been slow, and thus far as had its' fair share of concerns raised out of confusion and sadly, opportunity.

Chairman Tarwater, a member of the Kansas Elevator Advisory Board has been open, honest and gracious in making me aware of problems he would like to see fixed/adjusted. I believe the industry is wholeheartedly in agreement, and is willing work through any changes that are deemed necessary or overly burdensome.

However, the bill in front of you, as currently drafted, does create cause for concern about the easing of certain requirements, that go directly to elevator safety.

Mr. Chairman, it would be our hope that either we can have the opportunity to work through some of these issues, and fix what needs to be fixed. This can be accomplished either by delaying advancement of this legislation, and/or putting a pause on implementation of any rules, regulations or standards by the OSFM until the Elevator Advisory Board can work through these issues.