

**To: House Committee on Commerce**

**From: Kevin Sullivan, National Coordinator, Elevator Industry Work Preservation Fund (EIWPF)**

**Re: In-Person Oral Opponent: HB2826**

**Date: March 19, 2024**

Chairman Tarwater and members of the Committee,

My name is Kevin Sullivan, and I have both the elevator mechanic certification and the qualified elevator inspector certification. I have been in the industry for 26 years and I am the son of an elevator mechanic.

I would like to thank former Representative John Barker for sponsoring the Kansas Elevator Safety Act. The number one responsibility of an elevator mechanic is to build an elevator that is safe for the riding public. 3 reasons why elevators and escalators are safe:

- Mechanic education and training
- Regular and Routine Maintenance of the Equipment
- Annual and 5-year safety tests and inspections

39 States including Kansas require Elevator Mechanic Licensing. 49 States require elevator inspections. North Dakota is the only State that does not require inspections and legislation is being introduced in the next legislative session to address this.

I understand and apologize to the members of the committee for all of the confusion and complaints associated to the Elevator Safety Act. Implementation of the Act has been slow and confusing. Elevator Oversight is new to the State Fire Marshal. The State Fire Marshal is new to his job and has many priorities. The Rules and Regulations for the Act have not been written. The Board has only been in place for 6 months and has not been asked to help resolve complaints or find solutions to problems

We know problems exist and we want to help resolve them. I have personally spoken with 4 Board members and all are opposed to House Bill 2826.

Some elevators in the state of Kansas have never been inspected, while others have not been inspected in 10 years. As the elevator program matures more and more maintenance contracts will include annual and 5 year tests in the price of the contract. That doesn't exist in some contracts today because the tests haven't been required in Kansas. Competition in the market will keep prices down. Maintenance and inspections are not the same thing- Not all maintenance contracts are created equal.

ASME is a group of elevator Industry professionals who develop the elevator safety codes and standards including maintenance schedules and inspection frequency. ASME Code Committee Members have hundreds and hundreds of years of industry experience. The industry standard for inspections are:

- Acceptance
- Annual
- 5 Year Full Load

Eliminating the 5 full load safety test using test weights is like making the passenger the test weights. I know that is not what this committee wants to happen but eliminating this test will make it happen.

Setting the Inspection Fee at \$250 will attract the wrong kind of inspectors. Escalators are considered more dangerous for riders than elevators and should stay in the law. The Shall to May changes will result in no one getting the mechanic or inspector certification.

Additionally, I am concerned this law would hurt existing elevator safety laws in neighboring states and states across the US. Making the certificate of operation valid for 5 years will make the state more liable when accidents and injuries occur. Elevators shall conform to code at time of installation but what if building owner wants to add safety device to the elevator.

I urge you to not advance HB2826.

Thank you,

Kevin Sullivan  
National Coordinator | EIWPF