

Good afternoon, my name is David Smarte with the National Association of Elevator Contractors, I am the Global Safety & Education Officer. We are a large trade association providing safety and training within the elevator industry. We represent many independent contractors and suppliers totaling 690 members across the US.

Before I get into our points of concern we would like to say after much discussion with our members many who are small businesses in the Kansas area and who agree with our testimony and points and thank them for the hours of dialogue. We also would recognize that we are in alignment with NEII, we feel in the best interest of the small businesses and the industry it would be better to support HB2827 and withdraw HB2826.

This will provide time to address the concerns raised by members of this committee, industry, and small businesses across the state. The Elevator Safety Act with the integrity of a statewide elevator program would allow the Elevator Safety Board, which includes members of the Legislature, and the Administration the time and opportunity to get this in a form acceptable to all.

The National Association of Elevator Contractors would be available with the local interested parties, ABC, NEII and other national organizations to assist and work with your Elevator Safety Board on this endeavor.

The following are the items we are requesting to be reviewed and modified prior to taking **HB2826** to the floor for discussion and vote:

- **Sec. 1. KSA 2023 Supp. 44-1802 (2) (b)** Need to remove Stairway and Chairlift unless you are adding licensing for Residential Mechanics. Also need to put escalators back.
- **Sec. 2. KSA 2023 Supp. 44-1805 (a)** Implies that a mechanic working on the equipment does not have to be licensed. If you add Master and journeymen language it would help, explain what the intent is.
- **Sec. 2. KSA 2023 Supp. 44-1805 (b)** This appears to introduce private residence elevator regulation. There must be a path for accessibility licensing separate from commercial licensing, such as the NAEC CAT program. We are requesting inclusion of the program listed by name in the legislation.
- **Sec. 3. KSA 2023 Supp. 44-1807 3, (c) (2)** Regarding a *certificate of completion of an elevator technician program provided by a postsecondary education institution or an equivalency examination*—Currently,

this does not exist. Need to add OR after (c) (1) and again after (c) (2). Require testing for (c) (2).

- **Sec. 4. KSA 2023 Supp. 44-1815 (a)** Should use original language. By removing this language, it contradicts with ASME A17-1 code. This creates a significant safety concern.
- **Sec. 4. KSA 2023 Supp. 44-1815 (b)** This is contradictory to existing industry safety norms and code recommendations. Based on this verbiage, a non-licensed inspector or ANY employee could provide inspection. Should require inspectors that are independent qualified per ASME QEI-1 standards as the qualifying means.
- **Sec. 4. KSA 2023 Supp. 44-1815 (c)** This sets a fee cap for private businesses that will create a safety issue. Some tests may take up to 8 hours or longer, depending on the issues.
- **Sec. 4. KSA 2023 Supp. 44-1815 (c) (2)** As written, this eliminates an independent inspection, creating a safety concern that contradicts ASME A17-1 code.
- **Sec. 4. KSA 2023 Supp. 44-1816 (d)** The section has the State Fire Marshall giving a certificate of operation without an inspection which creates a liability burden on the state of Kansas.