



NEII

NATIONAL ELEVATOR INDUSTRY, INC.

SETTING STANDARDS IN MOTION

Statement of the National Elevator Industry, Inc.

Submitted to the Committee on Commerce, Labor, and Economic Development

Kansas House of Representatives

Hearing on HB 2826

March 19, 2024

The National Elevator Industry, Inc., (NEII) is the leading trade association for companies that manufacture, install, and maintain elevators, escalators, moving walks, and other building transportation products. NEII members collectively represent more than eighty-five percent of the work hours in the building transportation industry. To maintain the public interest and to ensure safety for the riding public and the elevator workforce, NEII opposes HB 2826 and urges this committee to consider the unintended consequences of supporting its enactment.

HB 2826 would make significant amendments to the Elevator Safety Act (ESA) that concern the definition of an elevator, licensure requirements, inspection and testing requirements, and the future adoption of rules and regulations. These changes undermine the intention of the legislature to promote elevator safety through the establishment of a statewide elevator program.

Prior to the ESA's enactment in 2022, the responsibility for adoption and enforcement of elevator codes and related permitting decisions rested with local jurisdictions, unless it was a building managed by the State of Kansas. Kansas was one of only two states, at that time, that had not adopted a statewide safety program, including codes and inspection, for elevators and escalators. That approach resulted in a patchwork of codes and standards across the state, inconsistent permitting requirements, and a mixture of inspection protocols.

With the passage of the ESA, Kansas created a minimum safety standard to protect both the riding public and elevator industry workers in the state. The legislation enacted just two years ago also provided for a county or municipality to manage the program within its jurisdiction so long as the minimum requirements were met. HB 2826 would abandon that legislative directive, without allowing the program to be fully implemented, and effectively gut what would be a strong, comprehensive elevator safety program.

NEII recognizes that there has been some confusion and frustration with the program's implementation, due in part, to the failure of the former State Fire Marshal to promulgate rules in a timely manner as directed by this legislature. In addition to not adopting well-understood rules, the former State Fire Marshal also failed to provide clear or consistent guidance regarding code enforcement, which agitated building owners and the elevator industry alike. We are encouraged, however, by the early actions of the new State Fire Marshal to provide clear, written guidance to stakeholders regarding his approach for code enforcement in 2024.

Further and equally concerning is that NEII and its member companies, including a member of the Kansas Elevator Safety Board were neither engaged in the consideration or drafting of HB 2826, nor were we approached to discuss any concerns regarding the program. NEII has – and will continue to be – an eager partner in the development of a statewide elevator safety program for the State of Kansas. Working collaboratively with industry stakeholders could have outlined a responsible/reasonable/appropriate pathway forward.

Instead of passing a hastily drafted bill with a likelihood for unintended consequences, NEII recommends allowing program concerns to be addressed through a rulemaking process with the new State Fire Marshal. In place of HB 2826, NEII strongly urges the committee to adopt HB 2827, which would delay the enforcement of the ESA until at least July 1, 2025. HB 2827 provides time to address the concerns raised by members of this committee, the industry, and building owners across the state. HB 2827 also provides the best opportunity to maintain the intent of the ESA and the integrity of a statewide elevator program by allowing the Elevator Safety Board, which includes members of the Legislature, and the Administration the opportunity to get this right.

NEII urges you to oppose HB 2826 and instead pass HB 2827 in order to avoid the creation of new safety issues by pushing through a bill (HB 2826) that does not appear to have had stakeholder input.

Thank you for the opportunity to submit testimony. Please feel free to contact Billy Taylor, NEII Director of Government Affairs at btaylor@neii.org if you have any questions or need additional information.