

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0365.01 Jery Payne

HOUSE BILL 10-1231

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Tochtrop,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF CONVEYANCES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sections 2 and 3 of the bill exempt stairway chair lifts from regulation under the "Elevator and Escalator Certification Act" (act). **Section 4** requires a contractor from another state to comply with the personnel and insurance requirements placed on Colorado contractors. **Section 5** authorizes reporting dangerous conditions to approved local jurisdictions in addition to the administrator of the act (administrator). **Section 6** requires newly installed or altered conveyances to be inspected

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

before being put in use. **Section 7** requires periodic inspections. In addition, section 7 authorizes the continued use of a private residence conveyance installed before 2008 in a building that is not a single-family residence.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 9-5.5-103 (10), Colorado Revised Statutes, is
3 amended, and the said 9-5.5-103 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **9-5.5-103. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (10) "Certificate of operation" means a document issued by the
8 administrator or an approved local jurisdiction for a conveyance
9 indicating that the conveyance has been inspected by a THE
10 ADMINISTRATOR, AN APPROVED LOCAL JURISDICTION, OR A LICENSED
11 third-party licensed conveyance inspector and approved under this article.

12 (18.5) "PRIVATE RESIDENCE CONVEYANCE" MEANS A POWERED
13 PASSENGER CONVEYANCE THAT IS LIMITED IN SIZE, CAPACITY, RISE, AND
14 SPEED AND IS DESIGNED TO BE INSTALLED IN A PRIVATE RESIDENCE OR IN
15 A MULTIPLE-FAMILY DWELLING AS A MEANS OF ACCESS TO A PRIVATE
16 RESIDENCE.

17 **SECTION 2.** The introductory portion to 9-5.5-104 (1) and
18 9-5.5-104 (1) (a), Colorado Revised Statutes, are amended to read:

19 **9-5.5-104. Scope.** (1) Except as provided in subsection (2) of
20 this section, this article ~~shall apply~~ APPLIES to the design, construction,
21 operation, inspection, testing, maintenance, alteration, and repair of the
22 following equipment:

23 (a) Hoisting and lowering mechanisms equipped with a car or

1 platform that moves between two or more landings. Such equipment
2 includes ~~but is not limited to~~, elevators and platform lifts, personnel
3 hoists, ~~stairway chair lifts~~, and dumbwaiters.

4 **SECTION 3.** The introductory portion to 9-5.5-104 (2) and
5 9-5.5-104 (2) (q) and (2) (r), Colorado Revised Statutes, are amended,
6 and the said 9-5.5-104 (2) is further amended BY THE ADDITION OF
7 A NEW PARAGRAPH, to read:

8 **9-5.5-104. Scope.** (2) This article ~~shall~~ DOES not apply to the
9 following:

- 10 (q) A passenger tramway defined in section 25-5-702, C.R.S.; ~~or~~
- 11 (r) Conveyances in a single-family residence; OR
- 12 (s) STAIRWAY CHAIR LIFTS AS DEFINED IN ASME A18.1 - 2005.

13 **SECTION 4. Repeal.** 9-5.5-107 (3) (c), Colorado Revised
14 Statutes, is repealed as follows:

15 **9-5.5-107. License qualifications - contractor - mechanic -**
16 **inspector - repeal.** (3) (c) ~~In lieu of qualifying under paragraph (b) of~~
17 ~~this subsection (3), an applicant shall qualify if the applicant possesses a~~
18 ~~valid license or certificate issued by a state having standards substantially~~
19 ~~equivalent to those of this article.~~

20 **SECTION 5.** 9-5.5-109 (1) (c), Colorado Revised Statutes, is
21 amended to read:

22 **9-5.5-109. License discipline.** (1) A certification issued pursuant
23 to this article may be suspended or revoked upon a finding by the
24 administrator of any of the following:

- 25 (c) Failure to notify the OWNER OR LESSEE OF A CONVEYANCE AND
26 THE administrator ~~and the owner or lessee of a conveyance~~ OR APPROVED
27 LOCAL JURISDICTION, IF ANY, of a condition not in compliance with this

1 article; or

2 **SECTION 6.** 9-5.5-113, Colorado Revised Statutes, is amended
3 to read:

4 **9-5.5-113. Conveyance - installation and repair - notice of**
5 **construction and initial inspection.** (1) THE OWNER OR LESSEE OF a
6 conveyance shall not ~~be erected, constructed, installed, or altered~~ ERECT,
7 CONSTRUCT, INSTALL, OR ALTER A CONVEYANCE within a building or
8 structure unless it conforms to the rules adopted by the administrator
9 under this article and the work is performed by a certified conveyance
10 contractor.

11 (2) THE OWNER OR LESSEE OF a conveyance shall not ~~be erected,~~
12 ~~constructed, or installed~~ ERECT, CONSTRUCT, OR INSTALL A CONVEYANCE
13 within a building or structure unless a notice, INCLUDING THE
14 CONSTRUCTION PLANS, has been sent to the administrator or approved
15 local jurisdiction AT LEAST THIRTY DAYS PRIOR TO CONSTRUCTION and the
16 administrator or approved local jurisdiction has approved the
17 construction. ~~The notice shall include the construction plans and shall be~~
18 ~~sent at least thirty days before such construction.~~

19 (3) THE OWNER OR LESSEE OF THE PROPERTY WHERE A NEW OR
20 ALTERED CONVEYANCE IS LOCATED SHALL NOT OPERATE OR PERMIT IT TO
21 BE OPERATED UNLESS:

22 (a) THE CONVEYANCE HAS PASSED AN INITIAL INSPECTION
23 CONDUCTED BY THE ADMINISTRATOR, APPROVED LOCAL JURISDICTION, OR
24 THIRD-PARTY INSPECTOR;

25 (b) THE PERSON CONDUCTING THE INSPECTION DETERMINES THAT
26 THE CONVEYANCE IS SAFE AND COMPLIES WITH THE RULES ADOPTED BY
27 THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION; AND

1 (c) THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION HAS
2 ISSUED A CERTIFICATE OF OPERATION FOR THE CONVEYANCE.

3 **SECTION 7.** 9-5.5-114 (1), Colorado Revised Statutes, is
4 amended, and the said 9-5.5-114 is further amended BY THE
5 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

6 **9-5.5-114. Periodic inspections and registrations - rules.**

7 (1) (a) ~~After installation of any new conveyance;~~ The ADMINISTRATOR
8 SHALL PROMULGATE RULES REQUIRING THE owner or lessee of ~~the~~
9 ~~property where the~~ A conveyance is located shall TO PERIODICALLY certify
10 that THE ADMINISTRATOR, AN APPROVED LOCAL JURISDICTION, OR a
11 licensed third-party conveyance inspector has determined that the
12 conveyance is safe and complies with ~~any~~ THE rules adopted by the
13 administrator or approved local jurisdiction. Upon such certification, the
14 administrator or approved local jurisdiction shall issue a certificate of
15 operation for the conveyance.

16 (b) ~~A conveyance shall not be operated unless the property owner~~
17 ~~or lessee obtains a certificate of operation from the administrator or~~
18 ~~approved local jurisdiction.~~

19 (c) ~~A fee in an amount determined by the administrator shall be~~
20 ~~paid for a certificate of operation issued by the administrator. The~~
21 ~~administrator shall set such fee in accordance with section 24-4-104,~~
22 ~~C.R.S., to approximate the actual cost of issuing a certificate of operation.~~

23 (4) THE ADMINISTRATOR SHALL PROMULGATE RULES ALLOWING
24 THE CONTINUED OPERATION OF A PRIVATE RESIDENCE CONVEYANCE THAT
25 WAS INSTALLED PRIOR TO JANUARY 1, 2008, IN A BUILDING THAT IS NOT
26 A SINGLE-FAMILY RESIDENCE.

27 (5) THE OWNER OR LESSEE OF A CONVEYANCE SHALL NOT PERMIT

1 THE CONVEYANCE TO BE OPERATED UNLESS THE OWNER OR LESSEE
2 OBTAINS A CERTIFICATE OF OPERATION FROM THE ADMINISTRATOR OR
3 APPROVED LOCAL JURISDICTION.

4 (6) THE OWNER OR LESSEE SHALL PAY A FEE IN AN AMOUNT
5 DETERMINED BY THE ADMINISTRATOR FOR A CERTIFICATE OF OPERATION
6 ISSUED BY THE ADMINISTRATOR. THE ADMINISTRATOR SHALL SET THE FEE
7 IN ACCORDANCE WITH SECTION 24-4-104, C.R.S., TO APPROXIMATE THE
8 ACTUAL COST OF ISSUING A CERTIFICATE OF OPERATION.

9 **SECTION 8. Act subject to petition - effective date.** This act
10 shall take effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part shall not take effect
16 unless approved by the people at the general election to be held in
17 November 2010 and shall take effect on the date of the official
18 declaration of the vote thereon by the governor.