

House Bill 994

By: Representatives Wilson of the 80<sup>th</sup>, Cannon of the 58<sup>th</sup>, Allen of the 40<sup>th</sup>, Jackson of the 64<sup>th</sup>, and Douglas of the 78<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 6 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia  
2 Annotated, relating to elevators, dumbwaiters, escalators, manlifts, and moving walks, so as  
3 to increase the civil penalty for failure to inspect elevators and related mechanisms within  
4 deadline and include all include inspections by nonprivate inspectors in the deadline and civil  
5 penalty; to provide for additional civil penalties for repeat violations; to require the Safety  
6 Fire Commissioner to notify the owner or lessee in writing and keep records of when said  
7 civil penalties are waived; to provide for related matters; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 6 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating  
12 to elevators, dumbwaiters, escalators, manlifts, and moving walks, is amended by revising  
13 Code Section 8-2-104, relating to employment of inspectors, inspection fees, and inspection  
14 rules and regulations, as follows:

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15 "8-2-104.

16 (a) The Commissioner shall be authorized to employ inspectors to carry out the provisions  
17 of this part. The Commissioner shall also be authorized to certify other qualified persons  
18 to carry out the provisions of this part, including technically competent individuals of any  
19 company licensed to insure and insuring elevators in this state and technically competent  
20 individuals of a regularly established elevator inspection service. The Commissioner shall  
21 prescribe the qualifications, authority, functions, and duties of such inspectors.

22 (b)(1)(A) The Commissioner shall by rules and regulations prescribe various inspection  
23 fees and operating permit fees necessary to enable the state and local enforcement  
24 authorities to carry out the provisions of this part.

25 (B) The owners and users of elevators, dumbwaiters, escalators, manlifts, and moving  
26 walks which are inspected by certified inspectors in private business or with private  
27 corporations shall be exempt from the payment to the state or local enforcement  
28 authorities of the inspection fees provided in subparagraph (A) of this paragraph.

29 (2)(A) Elevators, dumbwaiters, escalators, manlifts, and moving walks subject to  
30 operating permit inspections ~~by private inspectors~~ shall be inspected within 60 calendar  
31 days following the required reinspection date.

32 (B) If no inspection occurs within the 60 calendar day period provided in  
33 subparagraph (A) of this paragraph, the Commissioner shall schedule an inspection for  
34 a date as soon as practicable and notify the owner or lessee. Inspections not performed  
35 within ~~this said~~ 60 calendar day period shall result in a civil penalty of ~~\$500.00~~  
36 \$2,500.00 for each elevator, dumbwaiter, escalator, manlift, or moving walk not  
37 inspected.

38 (C) If an inspection is not allowed to occur on the date scheduled by the Commissioner  
39 due to fault of the owner or lessee or any agent thereof, an additional fine of \$2,500.00  
40 for each elevator, dumbwaiter, escalator, manlift, or moving walk not inspected shall

41 be levied and the Commissioner shall set a new date for the reinspection to occur as  
42 soon as practicable.

43 (D) If an inspection provided in this subparagraph or subparagraph (C) of this  
44 paragraph is not allowed to occur on the date scheduled by the Commissioner due to  
45 fault of the owner or lessee or any agent thereof, an additional fine of \$5,000.00 for  
46 each elevator, dumbwaiter, escalator, manlift, or moving walk not inspected shall be  
47 levied and the Commissioner shall set a new date for the reinspection to occur as soon  
48 as practicable.

49 (3) Inspection fees due on elevators, dumbwaiters, escalators, manlifts, and moving  
50 walks subject to inspection by the chief or deputy inspectors or operating permit fees due  
51 from inspections performed by private inspectors shall be paid within 60 calendar days  
52 of completion of such inspections. Inspection fees or operating fees unpaid within 60  
53 calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a  
54 month. Interest shall continue to accrue until all amounts due, including interest, are  
55 received by the Commissioner.

56 (4) The Commissioner may waive the collection of the penalties and interest assessed in  
57 paragraphs (2) and (3) of this subsection when it is reasonably determined that the delays  
58 in inspection or payment were unavoidable or due to the action or inaction of the office.  
59 Upon the waiver of any such penalty or interest, the Commissioner shall notify the owner  
60 or lessee in writing and maintain a record of all such penalties or interest assessed in  
61 paragraphs (2) and (3) of this subsection that have been waived.

62 (c) The American National Standard Safety Code for elevators, dumbwaiters, escalators,  
63 and moving walks ANSI A17.1-1984 and the Safety Standards for Manlifts  
64 ANSI A90.1-1976 are adopted as rules and regulations of the office for the purposes of this  
65 part until otherwise amended by rules and regulations of the Commissioner.

66 (d) In addition to the rules and regulations adopted pursuant to subsections (b) and (c) of  
67 this Code section, the Commissioner shall be authorized to adopt such rules and regulations  
68 as may be reasonably necessary to carry out the provisions of this part.

69 (e) The Commissioner shall also have the power in any particular case to grant exceptions  
70 and variations from the literal requirements of the rules and regulations adopted pursuant  
71 to subsection (c) of this Code section. Such exceptions and variations shall be granted only  
72 in any particular case where it is clearly evident that they are necessary to prevent undue  
73 hardship or where the existing conditions prevent compliance with the literal requirements  
74 of the rules and regulations. In no case shall any exception or variation be granted unless,  
75 in the opinion of the Commissioner, reasonable safety will be secured thereby."

76

**SECTION 2.**

77 All laws and parts of laws in conflict with this Act are repealed.