

## HOUSE BILL No. 2618

By Committee on Commerce, Labor and Economic Development

2-11

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1 AN ACT concerning public safety; relating to elevators, escalators,  
2 platform lifts, stairway chairlifts, dumbwaiters, moving walks,  
3 automated people movers and other conveyances.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. Sections 1 through 25, and amendments thereto, shall be  
7 known and may be cited as the elevator safety act.

8 Sec. 2. As used in this act:

9 (a) "Act" means the elevator safety act.

10 (b) "Administrators" shall mean the secretary of labor, the secretary  
11 of administration and an officer designated by the elevator safety review  
12 board.

13 (c) "ANSI" means the American national standards institute.

14 (d) "ASCE 21" means the American society of civil engineers'  
15 automated people mover standards.

16 (e) "ASME A17.1" means the American society of mechanical  
17 engineers' safety code for elevators and escalators.

18 (f) "ASME A17.3" means the American society of mechanical  
19 engineers' safety code for existing elevators and escalators.

20 (g) "ASME A18.1" means the American society of mechanical  
21 engineers' safety standard for platform lifts and stairway chairlifts.

22 (h) "ASME QE1" means the American society of mechanical  
23 engineers' standard for the qualification of elevator inspectors.

24 (i) "Automated people mover" means an installation defined as an  
25 "automated people mover" in the ASCE 21.

26 (j) "Board" means the elevator safety review board.

27 (k) "Certificate of operation" means a document issued by the  
28 director of licenses that indicates that the conveyance has had the required  
29 safety inspection and tests and fees have been paid as set by the board.

30 (l) "Code" means the standard established by the board by rules and  
31 regulations based upon the safety code for elevators, ASME A17.1; the  
32 safety code for existing elevators and escalators, ASME A17.3; the safety  
33 standards for platform lifts and stairway chairlifts, ASME A18.1; the  
34 standard for the qualification of elevator inspectors, ASME QE1-1; and the  
35 automated people mover standards, ASCE 21.

36 (m) "Conveyance" means any elevator, dumbwaiter, escalator,

1 moving sidewalk, platform lifts, stairway chairlifts and automated people  
2 movers.

3 (n) "Dormant elevator, dumbwaiter or escalator" means an  
4 installation placed out of service as specified in the ASME A17.1 and  
5 ASME A18.1.

6 (o) "Elevator" means an installation defined as an "elevator" in  
7 ASME A17.1.

8 (p) "Elevator apprentice" and "elevator helper" mean a person who  
9 works under the direct supervision of a licensed elevator mechanic.

10 (q) "Elevator contractor" means any sole proprietor, firm or  
11 corporation who possesses an elevator contractor's license in accordance  
12 with the provisions of sections 10 and 11, and amendments thereto, and  
13 who is engaged in the business of erecting, constructing, installing,  
14 altering, servicing, repairing or maintaining elevators or related  
15 conveyances covered by this act.

16 (r) "Elevator contractor's license" means a license which is issued to  
17 an elevator contractor who has been authorized by the board to possess  
18 this type of license. It entitles the holder thereof to engage in the business  
19 of erecting, constructing, installing, altering, servicing, testing, repairing or  
20 maintaining elevators or related conveyances covered by this act.

21 (s) "Escalator" means an installation defined as an "escalator" in the  
22 ASME A17.1.

23 (t) "Existing installation" means an installation as defined as an  
24 "installation, existing" in ASME A17.1.

25 (u) "Elevator mechanic's license" means a license, which is issued to  
26 a person who has proven such person's qualifications and ability and has  
27 been authorized by the board to work on conveyance equipment. It entitles  
28 the holder to install, construct, alter, service, repair, test, maintain and  
29 perform electrical work on elevators and related conveyances covered by  
30 this act.

31 (v) "Inspector's license" means a license which is issued to an ASME  
32 QEI certified elevator inspector who has proven such elevator inspector's  
33 qualifications and ability and has been authorized by the board to possess  
34 this type of license. The inspector's license entitles the holder to engage in  
35 the business of inspecting elevators or related conveyances covered by this  
36 act.

37 (w) "Licensee" means a licensed elevator contractor, elevator  
38 inspector and elevator mechanic.

39 (x) "Limited elevator contractor's license" means a license issued by  
40 the director of licenses authorizing a sole proprietor, firm or corporation  
41 who employs individuals to carry on a business of erecting, constructing,  
42 installing, altering, servicing, repairing or maintaining platform lifts and  
43 stairway chairlifts within any building or structure, including, but not

1 limited to, private residences.

2 (y) "Material alteration" means "alteration" as defined in the code.

3 (z) "Moving walk" means an installation defined as a "moving walk"  
4 in the ASME A17.1.

5 (aa) "Private residence" means a separate dwelling or a separate  
6 apartment or condominium in a multiple dwelling which is occupied by  
7 members of a single-family unit.

8 (bb) "Repair" means "repair" as defined in the referenced standards in  
9 existence on the effective date of this act upon which the code is based.

10 (cc) "Temporary dormant elevator, dumbwaiter or escalator" means  
11 an installation whose power supply has been disconnected by removing  
12 fuses and placing a padlock on the mainline disconnect switch in the "off"  
13 position.

14 All other building transportation terms shall be defined by the ASME  
15 A17.1 and ASME A18.1.

16 Sec. 3. (a) This act covers the design, construction, operation,  
17 inspection, testing, maintenance, alteration and repair of the following  
18 equipment, its associated parts and its hoistway:

19 (1) Hoisting and lowering mechanisms equipped with a car or  
20 platform, which move between two or more landings. This equipment  
21 includes, but is not limited to, the following:

22 (A) Elevators; and

23 (B) platforms lifts and stairway chair lifts;

24 (2) power driven stairways and walkways for carrying persons  
25 between landings. This equipment includes, but is not limited to, the  
26 following:

27 (A) Escalators; and

28 (B) moving walks;

29 (3) hoisting and lowering mechanisms equipped with a car, which  
30 serves two or more landings and is restricted to the carrying of material by  
31 its limited size or limited access to the car. This equipment includes, but is  
32 not limited to, the following:

33 (A) Dumbwaiters; and

34 (B) material lifts and dumbwaiters with automatic transfer devices.

35 (b) This act covers the design, construction, operation, inspection,  
36 maintenance, alteration and repair of automated guided transit vehicles on  
37 guideways with an exclusive right-of-way. This equipment includes, but is  
38 not limited to, automated people movers.

39 Sec. 4. Equipment not covered by this act includes, but is not limited  
40 to, the following:

41 (a) Material hoists within the scope of ANSI standard A10.5 as in  
42 existence on the effective date of this act.

43 (b) Manlifts within the scope of ASME A90.1 as in existence on the

1 effective date of this act.

2 (c) Mobile scaffolds, towers and platforms within the scope of ANSI  
3 A92 as in existence on the effective date of this act.

4 (d) Powered platforms and equipment for exterior and interior  
5 maintenance within the scope of ANSI 120.1 as in existence on the  
6 effective date of this act.

7 (e) Conveyors and related equipment within the scope of ASME  
8 B20.1 as in existence on the effective date of this act.

9 (f) Cranes, derricks, hoists, hooks, jacks and slings within the scope  
10 of ASME B30 as in existence on the effective date of this act.

11 (g) Industrial trucks within the scope of ASME B56 as in existence  
12 on the effective date of this act.

13 (h) Portable equipment, except for portable escalators which are  
14 covered by ANSI A17.1 as in existence on the effective date of this act.

15 (i) Tiering or piling machines used to move materials to and from  
16 storage located and operating entirely within one story.

17 (j) Equipment for feeding or positioning materials including, but not  
18 limited to, machine tools and printing presses.

19 (k) Skip or furnace hoists.

20 (l) Wharf ramps.

21 (m) Railroad car lifts or dumpers.

22 (n) Line jacks, false cars, shafters, moving platforms and similar  
23 equipment used for installing an elevator by a contractor licensed in this  
24 state.

25 Sec. 5. (a) Elevator personnel performing work covered by the code  
26 shall be documented as having training or experience, or both, be familiar  
27 with the operation and safety functions of the components and equipment.  
28 Training and experience shall include, but not be limited to, recognizing  
29 the safety hazards and performing the procedures to which they are  
30 assigned in conformance with the requirements of the code. This act shall  
31 establish the minimum standards for elevator personnel.

32 (b) The provisions of this act are not intended to prevent the use of  
33 systems, methods or devices of equivalent or superior quality, strength, fire  
34 resistance, code effectiveness, durability and safety to those required by  
35 the code, provided that there is technical documentation to demonstrate the  
36 equivalency of the system, method or device, as prescribed in ASME  
37 A17.1, ASME A18.1 or ASCE 21 as prescribed in the code.

38 Sec. 6. (a) No person shall erect, construct, alter, replace, maintain,  
39 remove or dismantle any conveyance contained within buildings or other  
40 structures unless an elevator mechanic's license has been issued as  
41 described herein and such person is working under the direct supervision  
42 of a sole proprietor, firm or corporation who is an elevator contractor  
43 pursuant to this act. No person shall wire any conveyance, from the

1 mainline feeder terminals on the controller, unless an elevator mechanic's  
2 license has been issued as defined in section 2, and amendments thereto,  
3 and is working under the direct supervision of a sole proprietor, firm or  
4 corporation who is an elevator contractor pursuant to this act. No other  
5 license shall be required for this work. A licensed elevator contractor is not  
6 required for removing or dismantling conveyances, which are destroyed as  
7 a result of a complete demolition of a secured building or structure or  
8 where the hoistway or wellway is demolished back to the basic support  
9 structure whereby no access is permitted therein to endanger the safety and  
10 welfare of a person.

11 (b) No person shall inspect any conveyance within buildings or  
12 structures, including, but not limited to, private residences, unless an  
13 inspector's license has been issued as defined in section 2, and  
14 amendments thereto.

15 Sec. 7. (a) There is hereby created the elevator safety review board  
16 consisting of nine members, one of whom shall be the secretary of labor or  
17 such secretary's designee and one of whom shall be the secretary of  
18 administration or such secretary's designee. The governor shall appoint the  
19 remaining seven members of the board as follows: One representative  
20 from a major elevator manufacturing company or its authorized  
21 representative; one representative from an elevator servicing company;  
22 one representative of the architectural design or elevator consulting  
23 profession; one representative of the general public; one representative of  
24 a municipality in this state; one representative of a building owner or  
25 manager; and one representative of labor involved in the installation,  
26 maintenance and repair of elevators.

27 (b) The members constituting such board shall serve for terms of  
28 three years, excluding the secretary of labor or such secretary's designee  
29 and the secretary of administration or such secretary's designee who shall  
30 serve continuously. The members of the board shall serve without  
31 compensation. The board members shall receive statutory amounts as  
32 provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.  
33 The governor shall appoint one of the members to serve as chairperson.  
34 The chairperson shall be the deciding vote in the event of a tie vote.

35 (c) The board shall meet and organize within 10 days after the  
36 appointment of its members and at such meeting shall elect one secretary  
37 of the board to serve during the term to be fixed by the rules and  
38 regulations to be adopted by the board. The board shall meet regularly  
39 once in each month at a time and place to be fixed by it and at such times  
40 as it is deemed necessary for the consideration of code, rules and  
41 regulations, appeals, variances and for the transaction of such other  
42 business as properly may come before it. Special meetings shall be called  
43 as provided in the rules and regulations. Any appointed board member

1 absent from three consecutive meetings shall be dismissed.

2 (d) Any vacancy on the board shall be filled in like manner as the  
3 original appointment.

4 Sec. 8. (a) The board shall be authorized to consult with engineering  
5 authorities and organizations concerned with standard safety codes; rules  
6 and regulations governing the operation, maintenance, servicing,  
7 construction, alteration, installation or inspection of elevators,  
8 dumbwaiters, escalators and other conveyances, or both, and the  
9 qualifications which are adequate, reasonable and necessary for an  
10 elevator mechanic, contractor and inspector.

11 (b) The board shall be authorized to recommend amendments of  
12 applicable legislation, when appropriate, to legislators.

13 (c) The board shall adopt rules and regulations to administer and  
14 implement the provisions of this act including, but not limited to, the  
15 equipment regulated by this act. Such rules and regulations shall include  
16 the following documents: The safety code for elevators and escalators,  
17 ASME A17.1; the safety code for existing elevators and escalators, ASME  
18 A17.3; the safety standards for platform lifts and stairway chairlifts,  
19 ASME A18.1; standard for the qualification of elevator inspectors, ASME  
20 QEI-1; and automated people mover standards, ASCE 21 as in existence  
21 on the effective date of this act. The board may by rule and regulation  
22 adopt later versions of such documents within six months of their effective  
23 date.

24 (d) The board shall have the authority to grant exceptions and  
25 variances from the literal requirements of applicable code and standards,  
26 rules and regulations and local legislation in cases where such variances  
27 would not jeopardize the public safety and welfare. The board shall have  
28 the authority to hear appeals, hold hearings and decide upon such appeals  
29 within 60 days of the appeal.

30 (e) The board shall appoint a director of licenses. The director of  
31 licenses may approve or deny a license upon failure to meet or to continue  
32 to meet the applicant or licensee's qualifications for licensure.

33 (f) The board shall establish fee schedules for licenses, permits,  
34 certificates and inspections. The fees shall reflect the board's actual costs  
35 and expenses to operate and to conduct its duties as described in this act.

36 Sec. 9. There is hereby created the elevator safety review board fee  
37 fund. The board shall remit all moneys received by or for it from fees,  
38 charges or penalties to the state treasurer in accordance with the provisions  
39 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
40 remittance, the state treasurer shall deposit the entire amount in the state  
41 treasury to the credit of the elevator safety review board fee fund. All  
42 expenditures from the elevator safety review board fee fund shall be made  
43 in accordance with appropriation acts upon warrants of the director of

1 accounts and reports issued pursuant to vouchers approved by the  
2 chairperson of the elevator safety review board or by a person or persons  
3 designated by the chairperson.

4 Sec. 10. (a) (1) *Elevator contractor*: Any sole proprietor, firm or  
5 corporation wishing to engage in the business of elevator, dumbwaiter,  
6 escalator, moving sidewalk installation, alteration, service, replacement or  
7 maintenance shall make application for a license with the director of  
8 licenses on a form provided by the director.

9 (2) *Elevator mechanic*. Any person, wishing to engage in installing,  
10 altering, repairing or servicing elevator, dumbwaiter, escalator, moving  
11 sidewalk installation, alteration, service, replacement or maintenance shall  
12 make application for a license with the director of licenses on a form  
13 provided by the director.

14 (3) *Inspector*: Any person, wishing to engage in the business of  
15 elevator, dumbwaiter, escalator, moving walks, platform or stairway  
16 chairlifts inspections shall, upon proof of ASME QEI certification, make  
17 application for a license with the director of licenses on a form to be  
18 provided by the director.

19 (b) The applications shall contain the following information:

20 (1) If a person or sole proprietor, the name, residence and business  
21 address of the applicant.

22 (2) If a partnership, the name, residence and business address of each  
23 partner.

24 (3) If a domestic corporation, the name and business address of the  
25 corporation and the name and residence address of the principal officer of  
26 such corporation; if a foreign corporation, the name and address of an  
27 agent located locally who shall be authorized to accept service of process  
28 and official notices.

29 (4) The number of years the applicant has engaged in the business of  
30 installing, inspecting or maintaining or servicing elevators or platform  
31 lifts, or both.

32 (5) The approximate number of persons, if any, to be employed by the  
33 elevator contractor applicant, and if applicable, satisfactory evidence that  
34 the employees are or will be covered by worker's compensation insurance.

35 (6) Satisfactory evidence that the applicant is or will be covered by  
36 general liability, personal injury and property damage insurance.

37 (7) Criminal record of convictions, if any, as verified by the Kansas  
38 bureau of investigation. The applicant shall bear the cost of obtaining such  
39 verified criminal record.

40 (8) Such other information as the director of licenses may require.

41 (c) *Qualifications for an elevator mechanic's license*. (1) No license  
42 shall be granted to any person who has not demonstrated their  
43 qualifications and abilities to the satisfaction of the administrators.

1 Applicants for a mechanic's license must demonstrate; an acceptable  
2 combination of documented experience and education credits: Not less  
3 than three years work experience in the elevator industry, in construction,  
4 maintenance or service or repair or any combination thereof, as verified by  
5 current and previous employers licensed to do business in this state; and  
6 satisfactory completion of a written examination administered by the  
7 elevator safety review board on the code.

8 (2) Any person who furnishes the commissioner with acceptable  
9 proof that they have worked as an elevator constructor, maintenance or  
10 repair person upon making application for a license and paying the  
11 applicable license fee shall be entitled to receive a license without an  
12 examination. They shall have worked without direct and immediate  
13 supervision for an elevator contractor licensed to do business in this state.  
14 This employment shall not be less than three years immediately prior to  
15 the effective date of this act. The person must make application within one  
16 year of the effective date of this act.

17 (3) The applicant shall provide proof of a certificate of completion  
18 and successfully passing the mechanic examination of a nationally  
19 recognized training program for the elevator industry such as the national  
20 elevator industry educational program or its equivalent or a certificate of  
21 completion of an apprenticeship program for elevator mechanic, having  
22 standards substantially equal to those of this act and registered with the  
23 bureau of apprenticeship and training, United States department of labor or  
24 a state apprenticeship council.

25 (4) A license shall be issued to an individual holding a valid license  
26 from a state having standards substantially equal to those of the code upon  
27 application and without examination.

28 (d) *Qualifications for an elevator inspector's license.* No inspector's  
29 license shall be granted to any person, unless they demonstrate to the  
30 satisfaction of the administrators, that they meet the code qualifications for  
31 elevator inspectors.

32 (e) *Qualifications for an elevator contractor's license.* No license  
33 shall be granted to any sole proprietor, firm or corporation that has not  
34 demonstrated the requisite qualifications and abilities under the code to the  
35 satisfaction of the administrators. Duly authorized applicants for an  
36 elevator contractor's license must demonstrate that they have in their  
37 employ licensed elevator mechanics who perform the work described in  
38 section 6, and amendments thereto, and have proof of compliance with the  
39 insurance requirements set forth in section 19, and amendments thereto.

40 (f) A license may be issued to a sole proprietor, firm or corporation  
41 holding a valid license from a state having standards substantially equal to  
42 those of this act, upon application.

43 (g) An elevator apprentice or elevator helper is not required to be



1 licensed.

2 Sec. 11. (a) Upon approval of an application by the administrators,  
3 the director of licenses may issue a license. Such license shall be  
4 renewable biennially, the fee for such license for any renewal thereafter  
5 shall be set by the board.

6 (b) Whenever an emergency exists in the state due to disaster, act of  
7 God or work stoppage and the number of persons in the state holding  
8 licenses granted by the board is insufficient to cope with the emergency,  
9 elevator contractors shall respond as necessary to assure the safety of the  
10 public. Any person certified by a licensed elevator contractor to have an  
11 acceptable combination of documented experience and education to  
12 perform elevator work without direct and immediate supervision shall seek  
13 an emergency elevator mechanic's license from the director of licenses  
14 within five business days after commencing work requiring a license. The  
15 administrators shall issue emergency elevator mechanic's licenses. The  
16 elevator contractor shall furnish proof of competency as the administrators  
17 may require. Each such license shall recite that it is valid for a period of 60  
18 days from the date thereof and for such particular elevators or  
19 geographical areas as the administrators may designate and otherwise shall  
20 entitle the licensee to the rights and privileges of an elevator mechanic's  
21 license issued in this act. The administrators shall renew an emergency  
22 elevator mechanic's license during the existence of an emergency. No fee  
23 shall be charged for any emergency elevator mechanic's license or  
24 renewal.

25 (c) An elevator contractor shall notify the board when there are no  
26 licensed personnel available to perform elevator work. The elevator  
27 contractor may request that the director issue temporary elevator  
28 mechanic's licenses to persons certified by the licensed elevator contractor  
29 to have an acceptable combination of documented experience and  
30 education to perform elevator work without direct and immediate  
31 supervision. Any person certified by an elevator contractor to have an  
32 acceptable combination of documented experience and education to  
33 perform elevator work without direct and immediate supervision shall  
34 immediately seek a temporary elevator mechanic's license from the  
35 director of licenses and shall pay such fee, as the board shall determine.  
36 Each such license shall recite that it is valid for a period of 60 days from  
37 the date of issuance and while the licensee is employed by the licensed  
38 elevator contractor that certified the individual as qualified. Such license  
39 shall be renewable as long as the shortage of license holders shall  
40 continue.

41 (d) The renewal of all licenses granted under the provisions of this  
42 section shall be conditioned upon the submission of a certificate of  
43 completion of a course designed to ensure the continuing education of

1 licensees on new and existing provisions of the regulations of the board.  
2 Such course shall consist of not less than eight hours of instruction that  
3 shall be attended and completed within one year immediately preceding  
4 any such license renewal.

5 (e) The courses shall be taught by instructors through continuing  
6 education providers that may include, but shall not be limited to,  
7 association seminars and labor training programs. The board shall approve  
8 the continuing education providers. All instructors shall be approved by  
9 the board and exempt from the requirements of this section with regard to  
10 their application for license renewal provided that such applicant was  
11 qualified as an instructor at any time during the one year period  
12 immediately preceding the scheduled date for such renewal.

13 (f) A licensee who is unable to complete the continuing education  
14 course required under this section prior to the expiration of their license  
15 due to a temporary disability may apply for a waiver from the board. The  
16 application for waiver shall be on a form provided by such board which  
17 shall be signed under the pains and penalties of perjury and accompanied  
18 by a certified statement from a competent physician attesting to such  
19 temporary disability. Upon the board's approval of a waiver, a waiver  
20 sticker, valid for 90 days, shall be issued to such licensee and affixed to the  
21 license. Such waiver may be renewed upon application as for the original  
22 waiver application. Upon the termination of such temporary disability,  
23 such licensee shall submit to the board a certified statement from the same  
24 physician, if practicable, attesting to the termination of such temporary  
25 disability.

26 (g) Approved training providers shall keep uniform records, for a  
27 period of 10 years, of the attendance of licensees following a format  
28 approved by the board. Such record shall be available for inspection by the  
29 board at its request. Approved training providers shall be responsible for  
30 the security of all attendance records and certificates of completion.  
31 Falsifying or knowingly allowing another to falsify such attendance  
32 records or certificates of completion shall constitute grounds for  
33 suspension or revocation of the approval required under this section to be a  
34 training provider.

35 Sec. 12. A license issued pursuant to this act may be suspended,  
36 revoked or subjected to civil penalty by the board upon verification that  
37 any one or more of the following reasons exist:

- 38 (a) Any false statement as to a material matter in the application.  
39 (b) Fraud, misrepresentation or bribery in securing a license.  
40 (c) Failure to notify the director of licenses and the owner or lessee of  
41 an elevator or related mechanisms of any condition not in compliance with  
42 this act.  
43 (d) Violation of any provision of the act.

1       Sec. 13. (a) No license shall be suspended, revoked or subjected to  
2 civil penalty until after a hearing before the board upon notice to the  
3 licensee of at least 10 days at the last known address appearing on the  
4 license, served personally or by registered mail. The notice shall state the  
5 date, hour and place of hearing and set forth a statement of facts  
6 constituting the grounds for the charges against the licensee. After the  
7 hearing, the board may suspend or revoke the license or dismiss the  
8 proceeding.

9       (b) All administrative proceedings by the board regarding exceptions  
10 and variances granted or affecting any license under this act shall be  
11 conducted in accordance with the provisions of the Kansas administrative  
12 procedure act.

13       Sec. 14. (a) A person, sole proprietor, firm or corporation whose  
14 license is revoked, suspended or subjected to civil penalty may appeal  
15 from such determination to the board, which shall within 30 days, hold a  
16 hearing, of which at least 15 days written notice shall be given to all  
17 interested parties. The board shall, within 30 days after such hearing, issue  
18 a decision.

19       (b) Judicial review and civil enforcement of a decision of the board  
20 shall be in accordance with the Kansas judicial review act.

21       Sec. 15. Within six months after the date of the appointment of the  
22 board, the owner or lessee of every existing conveyance shall register with  
23 the director of licenses each elevator, dumbwaiter, platform lift and  
24 escalator or device described in section 3, and amendments thereto, owned  
25 and operated by them, giving the type, rated load and speed, name of  
26 manufacturer, its location and the purpose for which it is used and such  
27 additional information as the director of licenses may require. Elevators,  
28 dumbwaiters, platform lifts, chairlifts, escalators and moving walks or  
29 other conveyances upon which construction has begun subsequent to the  
30 date of the creation of the board shall be registered at the time they are  
31 completed and placed in service.

32       Sec. 16. It shall be the responsibility of individuals, firms or  
33 corporations licensed as described in this act to ensure that installation or  
34 service and maintenance, or both, of elevators and devices described in  
35 section 3, and amendments thereto, is performed in compliance with the  
36 provisions contained in the state safety and fire prevention act, K.S.A. 31-  
37 132 et seq., and amendments thereto.

38       Sec. 17. (a) No conveyance covered by this act shall be erected,  
39 constructed, installed or altered within buildings or structures unless a  
40 permit has been obtained from the director of licenses before the work is  
41 commenced. Where any material alteration, as defined in section 2, and  
42 amendments thereto, is made, the device shall conform to applicable  
43 requirements of the code. No permit required hereunder shall be issued

1 except to a sole proprietor, firm or corporation holding a current elevator  
2 contractor's license duly issued pursuant to this act. A copy of such permit  
3 shall be kept at the construction site at all times while the work is in  
4 progress.

5 (b) The permit fee shall be as set by the board pursuant to rules and  
6 regulations. Permit fees collected are non-refundable.

7 (c) Permit requirements are as follows:

8 (1) Each application for a permit shall be accompanied by copies of  
9 specifications and accurately scaled and fully dimensioned plans showing  
10 the location of the installation in relation to the plans and elevation of the  
11 building; the location of the machinery room and the equipment to be  
12 installed, relocated or altered; and all structural supporting members,  
13 including foundations, and shall specify all materials to be employed and  
14 all loads to be supported or conveyed. Such plans and specifications shall  
15 be sufficiently complete to illustrate all details of construction and design.

16 (2) The applicable fee shall accompany each permit application.

17 (d) Permits may be revoked for the following reason:

18 (1) Where any false statement or misrepresentation exists as to the  
19 material facts in the application, plans or specifications on which the  
20 permit was based.

21 (2) Where the permit was issued in error and should not have been  
22 issued in accordance with the act.

23 (3) Where the work detailed under the permit is not being performed  
24 in accordance with the provisions of the application, plans or  
25 specifications, code or conditions of the permit.

26 (4) Where the elevator contractor to whom the permit was issued fails  
27 or refuses to comply with a stop work order.

28 (e) Permits shall expire:

29 (1) If the work authorized by such permit is not commenced within  
30 six months after the date of issuance, or within a shorter period of time as  
31 the director or the director's duly authorized designee in such director or  
32 designee's discretion may specify at the time the permit is issued.

33 (2) If the work is suspended or abandoned for a period of 60 days, or  
34 such shorter period of time as the director or the director's duly authorized  
35 designee in such director or designee's discretion may specify at the time  
36 the permit is issued, after the work has been started. For good cause, the  
37 director or the director's designee may allow an extension of the foregoing  
38 period at such director or designee's discretion.

39 Sec. 18. (a) All new conveyance installations shall be performed by a  
40 sole proprietor, firm or corporation to which a license to install or service  
41 conveyances has been issued. Subsequent to installation, such licensed  
42 sole proprietor, firm or corporation must certify compliance with the  
43 applicable sections of the code. Prior to any conveyance being used, the

1 property owner or lessee must obtain a certificate of operation from the  
2 director of licenses. A fee as set by the board shall be paid for such  
3 certificate of operation. It shall be the responsibility of the licensed  
4 elevator contractor to complete and submit the first time registration for  
5 any new installation.

6 (b) The certificate of operation fee for all new and existing platform  
7 lifts and stairway chairlifts for private residences and any renewal  
8 certificate fees shall be waived. The director of public works for the  
9 county in which the residence exists, or such director's designee shall  
10 inspect, upon the request of a private residence owner, and in accordance  
11 with the code, all newly installed and existing platform lifts and stairway  
12 chairlifts for private residences subsequent to an inspection by a person,  
13 firm or corporation to which a license to inspect a conveyance has been  
14 issued. If the residence exists in a county with no department of public  
15 works, the director of licenses or such director's designee shall inspect,  
16 upon the request of a private residence owner and in accordance with the  
17 code, all newly installed and existing platform lifts and stairway chairlifts  
18 for a private residence subsequent to an inspection by a person, firm or  
19 corporation to which a license to inspect a conveyance has been issued.  
20 The board shall provide the owner of the private residence where the  
21 conveyance is located with relevant information about conveyance safety  
22 requirements, including, but not limited to, having the owner contact the  
23 board in order to ensure that the conveyance is periodically and timely  
24 inspected and made safe before the permit for the conveyance expires. The  
25 inspection shall only be done at the request and consent of the private  
26 residence owner. The penalty provisions of this act shall not apply to  
27 private residence owners.

28 (c) The certificate of operation referenced in subsections (a) and (b)  
29 are renewable annually except for certificates issued for platform lifts and  
30 stairway chairlifts for private residences, which shall be valid for a period  
31 of three years. Certificates of operation must be clearly displayed on or in  
32 each conveyance or in the machine room for use for the benefit of code  
33 enforcement staff.

34 Sec. 19. (a) Elevator contractors shall submit proof to the director of  
35 licenses of a current insurance policy issued by an insurance company  
36 authorized to do business in the state, providing general liability coverage  
37 of at least \$1,000,000 for injury or death of any number of persons in any  
38 one occurrence, with the coverage of at least \$500,000 for property  
39 damage in any one occurrence and statutory workers compensation  
40 insurance coverage.

41 (b) Elevator inspectors, not employed by the board or a county's  
42 public works department, shall submit to the director of licenses proof of a  
43 current insurance policy, issued by an insurance company authorized to do

1 business in the state, providing general liability coverage of at least  
2 \$1,000,000 for injury or death of any number of persons in any one  
3 occurrence, with the coverage of at least \$500,000 for property damage in  
4 any one occurrence and statutory workers compensation insurance  
5 coverage.

6 (c) Proof of such policies shall be delivered to the director of licenses  
7 before or at the time of the issuance of a license. In the event of any  
8 material alteration of or cancellation of any policy at least 10 days notice  
9 shall be given to the director of licenses.

10 Sec. 20. (a) It shall be the duty of the board to develop an  
11 enforcement program, which will ensure compliance with the rules and  
12 regulations and requirements referenced in this act. Such enforcement  
13 program shall include, but will not be limited to, rules and regulations for  
14 identification of property locations which are subject to such rules and  
15 regulations and requirements; issuing notifications to violating property  
16 owners or operators, performing random on-site inspections and tests on  
17 existing installations; witnessing periodic inspections and testing in order  
18 to ensure satisfactory performance by licensed persons, sole proprietors,  
19 firms or corporations; and assisting in development of public awareness  
20 programs.

21 (b) Any person may make a request for an investigation into an  
22 alleged violation of this act by giving notice to the director of licenses of  
23 such violation or danger. Such notice shall be in writing, setting forth in  
24 reasonable particularity the grounds for the notice and be signed by the  
25 person making the request. Upon the request of any person signing a  
26 notice, such person's name shall not appear on any copy of such notice or  
27 any record published, released or made available.

28 (c) If upon receipt of such notification the director of licenses  
29 determines that there are reasonable grounds to believe that such violation  
30 or danger exists, the director shall cause to be made an investigation in  
31 accordance with the provisions of this act, as soon as practicable, to  
32 determine if such violation or danger exists. If the director determines that  
33 there are no reasonable grounds to believe that a violation or danger exists,  
34 the director shall notify the party in writing of such determination.

35 Sec. 21. This act shall not be construed to relieve or lessen the  
36 responsibility or liability of any person, firm or corporation owning,  
37 operating, controlling, maintaining, erecting, constructing, installing,  
38 altering, inspecting, testing or repairing any elevator or other related  
39 mechanisms covered by this act for damages to a person or property  
40 caused by any defect therein, nor does the state assume any such liability  
41 or responsibility or any liability to any person for whatever reason by the  
42 adoption of this act or any acts or omissions arising hereunder.

43 Sec. 22. Any owner or lessee who violates any provision of this act,

1 upon conviction, shall be fined an amount not to exceed \$1,500 or be  
2 imprisoned for a period not exceeding 30 days, or both.

3 Sec. 23. The provisions of this act are not retroactive unless otherwise  
4 stated and equipment shall be required to comply with the applicable code  
5 at the date of its installation or within the period determined by the board  
6 for compliance. If upon the inspection of any device covered by this act,  
7 the equipment is found to be in a dangerous condition or there is an  
8 immediate hazard to those riding or using such equipment or if the design  
9 or the method of operation in combination with devices used is considered  
10 inherently dangerous in the opinion of the director, the director shall notify  
11 the owner of such condition and shall order such alterations or additions as  
12 may be deemed necessary to eliminate the dangerous condition.

13 Sec. 24. (a) Except for private residence owners, it shall be the  
14 responsibility of the owner of any new or existing conveyance located in  
15 any building or structure to have the conveyance inspected annually by a  
16 licensed elevator inspector. Subsequent to such inspection, the licensed  
17 elevator inspector shall supply the property owner or lessee and the  
18 director with a written inspection report describing any and all code  
19 violations. It shall be the responsibility of the director to enforce  
20 compliance. Property owners shall have 30 days from the date of the  
21 published inspection report to be in full compliance by correcting such  
22 violations.

23 (b) It shall be the responsibility of the owner of all conveyances to  
24 have an elevator contractor insure that the required tests are performed at  
25 intervals in compliance with the code.

26 (c) All tests shall be performed by a licensed elevator mechanic.

27 Sec. 25. Whenever a provision in this act is found to be inconsistent  
28 with any provision of the applicable state law, code or rules and  
29 regulations, the state law shall prevail. This act unless specifically stated  
30 otherwise, is not intended to establish more stringent or more restrictive  
31 standards than standards set forth in the applicable state law.

32 Sec. 26. This act shall take effect and be in force from and after its  
33 publication in the statute book.

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