

SENATE BILL NO. 367

INTRODUCED BY J. TREBAS, M. HOPKINS, C. FRIEDEL, J. ELLSWORTH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PUBLIC SERVICE COMMISSION REGULATION OF BUILDING ELEVATOR SERVICE RATES; AND AMENDING SECTIONS 50-60-709, 50-60-715, AND 69-3-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Regulation of elevator service contractors.** (1) The commission may establish specific rates or fees for the services of elevator service contractors to the public. The rates and fees must be just, reasonable, and nondiscriminatory.

(2) When an elevator service contractor proposes a rate or fee increase or decrease, the commission shall review and determine the rates pursuant to the procedures in this section if:

(a) the affected members of the public successfully petition for commission review as described in subsection (5);

(b) the licensed elevator contractor requests the commission to review and determine the rate or fee; or

(c) after 60 days following notice of the proposed increase or decrease, the consumer counsel petitions the commission to review and determine the rate or fee.

(3) An order of the commission issued under this section establishes the effective rate for the regulated elevator service contractors covered by the order. Rates or fees established by commission order may not be increased for a period of 6 months, except as ordered by the commission.

(4) The commission may investigate at any time and on its own motion the existing rates of elevator service contractors.

(5) Subscribers affected by a proposed rate increase or decrease for services of an elevator service contractor may petition the commission to review and determine the rate or fee. The petition must identify the proposed rate or fee increase or decrease and must be in writing and signed by an affected

1 member of the public.

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3 **Section 2.** Section 50-60-709, MCA, is amended to read:

4 **"50-60-709. Permits.** (1) (a) An elevator contractor may not erect, construct, install, or alter an  
5 elevator, dumbwaiter, escalator, or other equipment subject to the provisions of this part unless the elevator  
6 contractor has obtained a permit from the department and paid the requisite permit fees.

7 (b) Only a licensed elevator contractor may perform the work described in subsection (1)(a).

8 (2) Each permit application must be accompanied by copies of specifications and accurately  
9 scaled and fully dimensioned plans that:

10 (a) show the location of the installation in relation to the plans and elevation of the building;

11 (b) show the location of the machinery room and the equipment to be installed, relocated, or  
12 altered;

13 (c) show all structural supporting members, including foundations;

14 (d) specify all materials to be employed and all loads to be supported or conveyed; and

15 (e) are sufficiently complete to illustrate all details of construction and design.

16 (3) The department may by rule establish criteria for revoking a permit, including but not limited to  
17 materially false statements or misrepresentations made in conjunction with a permit application, an elevator  
18 contractor's failure to perform in accordance with the specifications or plans submitted with the application or  
19 with conditions of the permit, or the elevator contractor's failure to comply with a department stop-work order.

20 (4) A permit issued under this section expires:

21 (a) 6 months from the date of its issuance unless the permit specifies a shorter expiration period;

22 or

23 (b) if an elevator contractor suspends or abandons work covered by a permit for 60 days unless  
24 the permit specifies a shorter expiration period for suspension or abandonment.

25 (5) Rates and fees charged by a licensed elevator contractor for the work described in subsection  
26 (1)(a) are subject to regulation and review by the public service commission pursuant to [section 1]."

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28 **Section 3.** Section 50-60-715, MCA, is amended to read:

1           **"50-60-715. Testing.** (1) The department shall establish by rule requirements for periodic testing of  
 2 elevators, escalators, dumbwaiters, and other equipment subject to the provisions of this part. It is the  
 3 responsibility of the owners or lessees of equipment subject to the provisions of this section to ensure  
 4 compliance with any testing requirements.

5           (2) An owner or lessee shall obtain the services of a licensed elevator contractor for testing and all  
 6 tests must be conducted by a licensed elevator mechanic.

7           (3) Rates and fees charged by a licensed elevator contractor for the work described in this section  
 8 are subject to regulation and review by the public service commission pursuant to [section 1]."

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10           **Section 4.** Section 69-3-101, MCA, is amended to read:

11           **"69-3-101. Meaning of term "public utility".** (1) The term "public utility", within the meaning of this  
 12 chapter, includes every corporation, both public and private, company, individual, association of individuals, and  
 13 their lessees, trustees, or receivers appointed by any court that own, operate, or control any plant or equipment,  
 14 any part of a plant or equipment, or any water right within the state for the production, delivery, or furnishing for  
 15 or to other persons, firms, associations, or corporations, private or municipal:

16           (a) heat;

17           (b) street-railway service;

18           (c) light;

19           (d) power in any form or by any agency;

20           (e) except as provided in chapter 7, water for business, manufacturing, household use, or  
 21 sewerage service, whether within the limits of municipalities or towns or elsewhere;

22           (f) regulated telecommunications service; or

23           (g) elevator service.

24           (2) The term does not include:

25           (a) privately owned and operated water, sewer, or water and sewer systems that do not serve the  
 26 public;

27           (b) county or consolidated city and county water or sewer districts as defined in Title 7, chapter 13,  
 28 parts 22 and 23;

1           (c)       except as provided in chapter 7, municipal sewer or water systems and municipal water supply  
2 systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and  
3 44; or

4           (d)       a person exempted from regulation as a public utility as provided in 69-3-111."

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6           NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an  
7 integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [section 1].

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