

SSB 5942 - S AMD 221

By Senators Reardon, Hewitt, Honeyford, Keiser

ADOPTED 03/17/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 70.87.010 and 2002 c 98 s 1 are each amended to read
4 as follows:

5 For the purposes of this chapter, except where a different
6 interpretation is required by the context:

7 (1) "Owner" means any person having title to or control of a
8 conveyance, as guardian, trustee, lessee, or otherwise;

9 (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt
10 manlift, automobile parking elevator, moving walk, and other elevating
11 devices, as defined in this section;

12 (3) "Existing installations" means an installation defined as an
13 "installation, existing" in this chapter or in rules adopted under this
14 chapter;

15 (4) "Elevator" means a hoisting or lowering machine equipped with
16 a car or platform that moves in guides and serves two or more floors or
17 landings of a building or structure;

18 (a) "Passenger elevator" means an elevator (i) on which passengers
19 are permitted to ride and (ii) that may be used to carry freight or
20 materials when the load carried does not exceed the capacity of the
21 elevator;

22 (b) "Freight elevator" means an elevator (i) used primarily for
23 carrying freight and (ii) on which only the operator, the persons
24 necessary for loading and unloading, and other employees approved by
25 the department are permitted to ride;

26 (c) "Sidewalk elevator" means a freight elevator that: (i)
27 Operates between a sidewalk or other area outside the building and
28 floor levels inside the building below the outside area, (ii) has no

1 landing opening into the building at its upper limit of travel, and
2 (iii) is not used to carry automobiles;

3 (d) "Hand elevator" means an elevator utilizing manual energy to
4 move the car;

5 (e) "Inclined elevator" means an elevator that travels at an angle
6 of inclination of seventy degrees or less from the horizontal;

7 (f) "Multideck elevator" means an elevator having two or more
8 compartments located one immediately above the other;

9 (g) "Observation elevator" means an elevator designed to permit
10 exterior viewing by passengers while the car is traveling;

11 (h) "Power elevator" means an elevator utilizing energy other than
12 gravitational or manual to move the car;

13 (i) "Electric elevator" means an elevator where the energy is
14 applied by means of an electric driving machine;

15 (j) "Hydraulic elevator" means an elevator where the energy is
16 applied by means of a liquid under pressure in a cylinder equipped with
17 a plunger or piston;

18 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator
19 having a plunger or cylinder directly attached to the car frame or
20 platform;

21 (l) "Electro-hydraulic elevator" means a direct-plunger elevator
22 where liquid is pumped under pressure directly into the cylinder by a
23 pump driven by an electric motor;

24 (m) "Maintained-pressure hydraulic elevator" means a direct-plunger
25 elevator where liquid under pressure is available at all times for
26 transfer into the cylinder;

27 (n) "Roped hydraulic elevator" means a hydraulic elevator having
28 its plunger or piston connected to the car with wire ropes or
29 indirectly coupled to the car by means of wire ropes and sheaves;

30 (o) "Rack and pinion elevator" means a power elevator, with or
31 without a counterweight, that is supported, raised, and lowered by a
32 motor or motors that drive a pinion or pinions on a stationary rack
33 mounted in the hoistway;

34 (p) "Screw column elevator" means a power elevator having an
35 uncounterweighted car that is supported, raised, and lowered by means
36 of a screw thread;

37 (q) "Rooftop elevator" means a power passenger or freight elevator

1 that operates between a landing at roof level and one landing below and
2 opens onto the exterior roof level of a building through a horizontal
3 opening;

4 (r) "Special purpose personnel elevator" means an elevator that is
5 limited in size, capacity, and speed, and permanently installed in
6 structures such as grain elevators, radio antenna, bridge towers,
7 underground facilities, dams, power plants, and similar structures to
8 provide vertical transportation of authorized personnel and their tools
9 and equipment only;

10 (s) "Workmen's construction elevator" means an elevator that is not
11 part of the permanent structure of a building and is used to raise and
12 lower workers and other persons connected with, or related to, the
13 building project;

14 (t) "Boat launching elevator" means (~~(an elevator, as defined by~~
15 ~~subsections (2) and (4) of this section,~~) a conveyance that serves a
16 boat launching structure and a beach or water surface and is used for
17 the carrying or handling of boats in which people ride;

18 (u) "Limited-use/limited-application elevator" means a power
19 passenger elevator where the use and application is limited by size,
20 capacity, speed, and rise, intended principally to provide vertical
21 transportation for people with physical disabilities;

22 (5) "Escalator" means a power-driven, inclined, continuous stairway
23 used for raising and lowering passengers;

24 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped
25 with a car (a) that moves in guides in a substantially vertical
26 direction, (b) the floor area of which does not exceed nine square
27 feet, (c) the inside height of which does not exceed four feet, (d) the
28 capacity of which does not exceed five hundred pounds, and (e) that is
29 used exclusively for carrying materials;

30 (7) "Automobile parking elevator" means an elevator: (a) Located
31 in either a stationary or horizontally moving hoistway; (b) used
32 exclusively for parking automobiles where, during the parking process,
33 each automobile is moved either under its own power or by means of a
34 power-driven transfer device onto and off the elevator directly into
35 parking spaces or cubicles in line with the elevator; and (c) in which
36 no persons are normally stationed on any level except the receiving
37 level;

- 1 (8) "Moving walk" means a passenger carrying device (a) on which
2 passengers stand or walk and (b) on which the passenger carrying
3 surface remains parallel to its direction of motion;
- 4 (9) "Belt manlift" means a power driven endless belt provided with
5 steps or platforms and a hand hold for the transportation of personnel
6 from floor to floor;
- 7 (10) "Department" means the department of labor and industries;
- 8 (11) "Director" means the director of the department or his or her
9 representative;
- 10 (12) "Inspector" means an elevator inspector of the department or
11 an elevator inspector of a municipality having in effect an elevator
12 ordinance pursuant to RCW 70.87.200;
- 13 (13) "Permit" means a permit issued by the department to erect,
14 construct, install, alter, modernize, relocate, or operate a
15 conveyance;
- 16 (14) "Person" means this state, a political subdivision, any public
17 or private corporation, any firm, or any other entity as well as an
18 individual;
- 19 (15) "One-man capacity manlift" means a single passenger, hand-
20 powered counterweighted device, or electric-powered device, that
21 travels vertically in guides and serves two or more landings;
- 22 (16) "Private residence conveyance" means a conveyance installed in
23 or on the premises of a single-family dwelling and operated for
24 transporting persons or property from one elevation to another;
- 25 (17) "Material hoist" means a hoist that is not a part of a
26 permanent structure used to raise or lower materials during
27 construction, alteration, or demolition. It is not applicable to the
28 temporary use of permanently installed personnel elevators as material
29 hoists;
- 30 (18) "Material lift" means a lift that (a) is permanently
31 installed, (b) is comprised of a car or platform that moves in guides,
32 (c) serves two or more floors or landings, (d) travels in a vertical or
33 inclined position, (e) is an isolated, self-contained lift, (f) is not
34 part of a conveying system, and (g) is installed in a commercial or
35 industrial area not accessible to the general public or intended to be
36 operated by the general public;
- 37 (19) "Casket lift" means a lift that (a) is installed at a

1 mortuary, (b) is designed exclusively for carrying of caskets, (c)
2 moves in guides in a basically vertical direction, and (d) serves two
3 or more floors or landings;

4 (20) "Wheelchair lift" means a lift that travels in a vertical or
5 inclined direction and is designed for use by physically handicapped
6 persons;

7 (21) "Stairway chair lift" means a lift that travels in a basically
8 inclined direction and is designed for use by physically handicapped
9 persons;

10 (22) "Personnel hoist" means a hoist that is not a part of a
11 permanent structure, is installed inside or outside buildings during
12 construction, alteration, or demolition, and used to raise or lower
13 workers and other persons connected with, or related to, the building
14 project. The hoist may also be used for transportation of materials;

15 (23) "Advisory committee" means the elevator advisory committee as
16 described in this chapter;

17 (24) "Elevator helper/apprentice" means a person who works under
18 the general direction of a licensed elevator mechanic. A license is
19 not required to be an elevator helper/apprentice;

20 (25) "Elevator mechanic" means any person who possesses an elevator
21 mechanic license in accordance with this chapter and who is engaged in
22 erecting, constructing, installing, altering, (~~(servicing,~~)
23 repairing, wiring, dismantling, modernizing, relocating, or maintaining
24 (~~(elevators or related)~~) conveyances covered by this chapter;

25 (26) "License" means a written license, duly issued by the
26 department, authorizing a person, firm, or company to carry on the
27 business of erecting, constructing, installing, altering,
28 (~~(servicing,~~) repairing, wiring, dismantling, modernizing, relocating,
29 or maintaining (~~(elevators or related)~~) conveyances covered by this
30 chapter;

31 (27) "Elevator contractor license" means a license that is issued
32 to an elevator contractor who has met the qualification requirements
33 established in RCW 70.87.240;

34 (28) "Elevator mechanic license" means a license that is issued to
35 a person who has met the qualification requirements established in RCW
36 70.87.240;

37 (29) "Licensee" means the elevator mechanic or elevator contractor;

1 (30) "Repair" means a process for the purpose of ensuring
2 performance in accordance with this chapter and not amounting to an
3 alteration, in which a part, device, or component that is basically the
4 same as the original is replaced, or the original is rehabilitated,
5 reconditioned, or renewed and returned into place;

6 (31) "Replacement" or "replace" means a process for the purpose of
7 ensuring performance in accordance with this chapter and not amounting
8 to an alteration, in which a new part, device, or component is
9 substituted for a part, device, or component that is removed in its
10 entirety;

11 (32) "Maintenance" means a scheduled or routine process for the
12 purpose of ensuring performance in accordance with this chapter and not
13 amounting to an alteration, in which parts, devices, or components are
14 examined, serviced, lubricated, cleaned, repaired, replaced, or
15 adjusted;

16 (33) "Alteration" means any process, including but not limited to
17 the replacement or repair of any part, device, or component modifying
18 any safety system, speed control, or travel of the conveyance. An
19 alteration requires testing of the conveyance before it is placed in or
20 returned to service. The department may identify by rule processes or
21 activities that constitute an alteration;

22 (34) "Public agency" means a county, incorporated city or town,
23 municipal corporation, state agency, institution of higher education,
24 political subdivision, or other public agency and includes any
25 department, bureau, office, board, commission, or institution of such
26 entity;

27 (35) "Platform" means a rigid surface that is maintained in a
28 horizontal position at all times when in use, and upon which passengers
29 stand or a load is carried.

30 **Sec. 2.** RCW 70.87.020 and 2002 c 98 s 2 are each amended to read
31 as follows:

32 (1) The purpose of this chapter is to provide for safety of life
33 and limb, to promote safety awareness, and to ensure the safe, design,
34 mechanical and electrical operation, erection, installation,
35 construction, alteration, maintenance, ((inspection, and repair))
36 relocation, wiring, dismantling, or modernization of conveyances, and
37 all such operation, erection, installation, alteration, inspection, and

1 repair subject to the provisions of this chapter shall be reasonably
2 safe to persons and property and in conformity with the provisions of
3 this chapter and the applicable statutes of the state of Washington,
4 and all orders, and rules of the department. The use of unsafe and
5 defective lifting devices imposes a substantial probability of serious
6 and preventable injury to employees and the public exposed to unsafe
7 conditions. The prevention of these injuries and protection of
8 employees and the public from unsafe conditions is in the best interest
9 of the people of this state. (~~Elevator~~) Personnel performing work
10 covered by this chapter must, by documented training or experience or
11 both, be familiar with the operation and safety functions of the
12 components and equipment. Training and experience must include, but
13 not be limited to, recognizing the safety hazards and performing the
14 procedures to which (~~they~~) the personnel performing work covered by
15 this chapter are assigned in conformance with the requirements of (~~the~~
16 ~~{this}~~) this chapter. This chapter establishes the minimum standards
17 for (~~elevator~~) personnel performing work on conveyances.

18 (2) This chapter is not intended to prevent the use of systems,
19 methods, or devices of equivalent or superior quality, strength, fire
20 resistance, code effectiveness, durability, and safety to those
21 required by this chapter, provided that there is technical
22 documentation to demonstrate the equivalency of the system, method, or
23 device, as prescribed in this chapter and the rules adopted under this
24 chapter.

25 (3) In any suit for damages allegedly caused by a failure or
26 malfunction of the conveyance, conformity with the rules of the
27 department is prima facie evidence that the operation, erection,
28 installation, alteration, maintenance, and inspection(~~(, and repair)~~)
29 of the conveyance is reasonably safe to persons and property.

30 **Sec. 3.** RCW 70.87.030 and 2002 c 98 s 3 are each amended to read
31 as follows:

32 The department shall adopt rules governing the mechanical and
33 electrical operation, erection, installation, alterations, inspection,
34 construction, acceptance tests, relocation, modernization, wiring,
35 dismantling, and (~~repair~~) maintenance of conveyances that are
36 necessary and appropriate and shall also adopt minimum standards
37 governing existing installations. In the execution of this rule-making

1 power and before the adoption of rules, the department shall consider
2 the rules for the safe mechanical operation, erection, installation,
3 alteration, inspection, and (~~repair~~) maintenance of conveyances,
4 including the American National Standards Institute Safety Code for
5 Personnel and Material Hoists, the American Society of Mechanical
6 Engineers Safety Code for Elevators, Dumbwaiters, and Escalators, and
7 any amendatory or supplemental provisions thereto. The department by
8 rule shall establish a schedule of fees to pay the costs incurred by
9 the department for the work related to administration and enforcement
10 of this chapter. Nothing in this chapter limits the authority of the
11 department to prescribe or enforce general or special safety orders as
12 provided by law.

13 The department may consult with: Engineering authorities and
14 organizations concerned with standard safety codes; rules and
15 regulations governing the operation, maintenance, servicing,
16 construction, alteration, installation, and/or inspection of
17 (~~elevators, dumbwaiters, and escalators, etcetera~~) conveyances; and
18 the qualifications that are adequate, reasonable, and necessary for the
19 elevator mechanic, contractor, and inspector.

20 **Sec. 4.** RCW 70.87.050 and 2002 c 98 s 4 are each amended to read
21 as follows:

22 The operation, construction, erection, installation, alteration,
23 maintenance, inspection, modernization, wiring, and (~~repair~~)
24 dismantling of any conveyance located in, or used in connection with,
25 any building owned by the state, a county, or a political subdivision,
26 other than those located within and owned by a city having an elevator
27 code, shall be under the jurisdiction of the department.

28 **Sec. 5.** RCW 70.87.060 and 1983 c 123 s 6 are each amended to read
29 as follows:

30 (1) The person erecting, constructing, installing, relocating,
31 modernizing, repairing, wiring, dismantling, or altering a conveyance
32 is responsible for its operation and maintenance until the department
33 has issued an operating permit for the conveyance, except during the
34 period when a limited operating permit in accordance with RCW
35 70.87.090(2) is in effect, and is also responsible for all tests of a

1 new, relocated, or altered conveyance until the department has issued
2 an operating permit for the conveyance.

3 (2) The owner or his or her duly appointed agent shall be
4 responsible for the safe operation and proper maintenance of the
5 conveyance after the department has issued the operating permit and
6 also during the period of effectiveness of any limited operating permit
7 in accordance with RCW 70.87.090(2). The owner shall be responsible
8 for all periodic tests required by the department.

9 **Sec. 6.** RCW 70.87.080 and 1983 c 123 s 8 are each amended to read
10 as follows:

11 (1) An installation or alteration permit shall be obtained from the
12 department before erecting, constructing, installing, relocating,
13 modernizing, wiring, dismantling, or altering a conveyance in any place
14 or structure.

15 (2) The installer of the conveyance shall submit an application for
16 the permit in duplicate, in a form that the department may prescribe.

17 (3) The permit issued by the department shall be kept posted
18 conspicuously at the site of installation.

19 (4) No permit is required for repairs and replacement normally
20 necessary for maintenance and made with parts of equivalent materials,
21 strength, and design.

22 (5) After July 1, 2004, the department may issue an installation or
23 alteration permit only to the holder of a valid elevator contractor's
24 license under this chapter.

25 **Sec. 7.** RCW 70.87.110 and 1983 c 123 s 12 are each amended to read
26 as follows:

27 (1) The requirements of this chapter are intended to apply to all
28 conveyances except as modified or waived by the department. They are
29 intended to be modified or waived whenever any requirements are shown
30 to be impracticable, such as involving expense not justified by the
31 protection secured. However, the department shall not allow the
32 modification or waiver unless equivalent or safer construction is
33 secured in other ways. An exception applies only to the installation
34 covered by the application for waiver.

35 (2) The provisions of RCW 70.87.180(2), 70.87.230, and
36 70.87.240(2), insofar as they relate to the maintenance of a conveyance

1 other than a passenger elevator to which access by the general public
2 is not restricted, do not apply to a conveyance used in a facility in
3 which agricultural products are stored, food products are processed,
4 goods are manufactured, energy is generated, or similar industrial or
5 agricultural processes are performed, if the owner of the conveyance:

6 (a) Provides to all employees required or allowed to perform
7 maintenance on the conveyance adequate training to ensure the safety of
8 employees and adherence to the published operating specifications of
9 the conveyance manufacturer;

10 (b) Allows and restricts maintenance to be performed on the
11 conveyance to only:

12 (i) A licensed elevator contractor or mechanic;

13 (ii) A worker who (A) is regularly employed by the owner; (B) has
14 successfully completed the training required by (a) of this subsection;
15 and (C) has attained journeyman status in an electrical or mechanical
16 trade, only if the employer has or utilizes an established journeyman
17 program to train its electrical or mechanical trade employees and such
18 employees perform conveyor maintenance in the course of their regular
19 employment; or

20 (iii) A person authorized under subsection (3) of this section; and

21 (c) Maintains a (i) maintenance log describing the maintenance work
22 performed on the conveyance and identifying the person who performed
23 the work; and (ii) training log for each employee allowed to perform
24 conveyance maintenance describing the course of study provided,
25 including whether it is general or conveyance specific, and identifying
26 when the employee has successfully completed the training required by
27 (a) of this subsection and when such training was completed.

28 (3) The provisions of RCW 70.87.180(2), 70.87.230, and
29 70.87.240(2), insofar as they relate to the installation or maintenance
30 of a material lift, conveyor, and related equipment that is subject to
31 the standard designation B20.1 as established by the American Society
32 of Mechanical Engineers and not designed or intended to convey one or
33 more workers, do not apply to a person performing such work if:

34 (a) The person is employed by a licensed elevator contractor
35 engaged in the business of installing and maintaining such equipment
36 and has successfully completed a course of training, including any
37 training provided by the manufacturer, to ensure the safety of

1 employees and adherence to the published installation and operating
2 specifications of the conveyance manufacturer; and

3 (b) The employer maintains a (i) log identifying the equipment
4 installed or maintained, describing the work performed, and identifying
5 the person who performed the work; and (ii) training log describing the
6 course of study applicable to each conveyance and identifying each
7 employee who has successfully completed the training required by (a) of
8 this subsection and when such training was completed.

9 (4) The provisions of RCW 70.87.180(2), 70.87.230, and
10 70.87.240(2), insofar as they relate to the maintenance of a conveyance
11 located in a private residence, do not apply to a person performing
12 such maintenance work at the direction of the owner if the owner of the
13 conveyance and the residence resides in the residence where the
14 conveyance is located.

15 (5) It is a violation of RCW 49.17.060 for:

16 (a) An owner to allow a conveyance covered by subsection (2) of
17 this section to be maintained by a person other than as qualified
18 pursuant to subsection (2)(b) of this section; or

19 (b) An owner or employer to fail to maintain records required under
20 subsection (2)(c) or (3)(b) of this section.

21 **Sec. 8.** RCW 70.87.125 and 2002 c 98 s 6 are each amended to read
22 as follows:

23 (1) A license issued under this chapter may be suspended, revoked,
24 or subject to civil penalty by the department upon verification that
25 any one or more of the following reasons exist:

26 (a) Any false statement as to a material matter in the application;

27 (b) Fraud, misrepresentation, or bribery in securing a license;

28 (c) Failure to notify the department and the owner or lessee of
29 ~~((an elevator))~~ a conveyance or related mechanisms of any condition not
30 in compliance with this chapter; and

31 (d) A violation of any provisions of this chapter.

32 (2) The department may suspend or revoke a permit if:

33 (a) The permit was obtained through fraud or by error if, in the
34 absence of error, the department would not have issued the permit;

35 (b) The conveyance for which the permit was issued has not been
36 constructed, installed, maintained, or repaired in accordance with the
37 requirements of this chapter; or

1 (c) The conveyance has become unsafe.

2 (3) The department shall suspend any license issued under this
3 chapter promptly after receiving notice from the department of social
4 and health services that the holder of the license has been certified
5 pursuant to RCW 74.20A.320 as a person who is not in compliance with a
6 support order. If the person has continued to meet all other license
7 requirements during the suspension, reissuance of the certificate of
8 licensure shall be automatic upon the department's receipt of a release
9 issued by the department of social and health services stating that the
10 person is in compliance with the order.

11 (4) The department shall notify in writing the owner, licensee, or
12 person installing the conveyance, of its action and the reason for the
13 action. The department shall send the notice by certified mail to the
14 last known address of the owner or person. The notice shall inform the
15 owner or person that a hearing may be requested pursuant to RCW
16 70.87.170.

17 ((+4)) (5)(a) If the department has suspended or revoked a permit
18 or license because of fraud or error, and a hearing is requested, the
19 suspension or revocation shall be stayed until the hearing is concluded
20 and a decision is issued.

21 (b) If the department has revoked or suspended a license because
22 the ((elevator personnel)) licensee performing the work covered by this
23 chapter is working in a manner that does not effectively prevent
24 injuries or deaths or protect employees and the public from unsafe
25 conditions as is required by this chapter, the suspension or revocation
26 is effective immediately and shall not be stayed by a request for a
27 hearing.

28 (c) If the department has revoked or suspended a permit because the
29 conveyance is unsafe or is not constructed, installed, maintained, or
30 repaired in accordance with this chapter, the suspension or revocation
31 is effective immediately and shall not be stayed by a request for a
32 hearing.

33 ((+5)) (6) The department must remove a suspension or reinstate a
34 revoked license if the licensee pays all the assessed civil penalties
35 and is able to demonstrate to the department that the licensee has met
36 all the qualifications established by this chapter.

37 ((+6)) (7) The department shall remove a suspension or reinstate

1 a revoked permit if a conveyance is repaired or modified to bring it
2 into compliance with this chapter.

3 **Sec. 9.** RCW 70.87.170 and 2002 c 98 s 8 are each amended to read
4 as follows:

5 (1) Any person aggrieved by an order or action of the department
6 denying, suspending, revoking, or refusing to renew a permit or
7 license; assessing a penalty for a violation of this chapter; or
8 ordering the operation of a conveyance to be discontinued, may request
9 a hearing within fifteen days after notice (~~(of)~~) of the department's
10 order or action is received. The date the hearing was requested shall
11 be the date the request for hearing was postmarked. The party
12 requesting the hearing must accompany the request with a certified or
13 cashier's check for two hundred dollars payable to the department. The
14 department shall refund the two hundred dollars if the party requesting
15 the hearing prevails at the hearing; otherwise, the department shall
16 retain the two hundred dollars.

17 If the department does not receive a timely request for hearing,
18 the department's order or action is final and may not be appealed.

19 (2) If the aggrieved party requests a hearing, the department shall
20 ask an administrative law judge to preside over the hearing. The
21 hearing shall be conducted in accordance with chapter 34.05 RCW.

22 **Sec. 10.** RCW 70.87.180 and 2002 c 98 s 9 are each amended to read
23 as follows:

24 (1) The construction, erection, installation, relocation,
25 alteration, (~~(maintenance,)~~) modernization, wiring, dismantling, or
26 operation of a conveyance without a permit by any person owning or
27 having the custody, management, or operation thereof, except as
28 provided in RCW 70.87.080 and 70.87.090, is a misdemeanor. Each day of
29 violation is a separate offense. No prosecution may be maintained
30 where the issuance or renewal of a permit has been requested but upon
31 which no action has been taken by the department.

32 (2) The construction, erection, installation, relocation,
33 alteration, maintenance, (~~(or operation)~~) modernization, wiring, or
34 dismantling of a conveyance without a license by any person except as
35 provided in RCW 70.87.110 is a misdemeanor. Each day of violation is

1 a separate offense. No prosecution may be maintained where the
2 issuance or renewal of a license has been requested by an applicant but
3 upon which no action has been taken by the department.

4 **Sec. 11.** RCW 70.87.220 and 2002 c 98 s 11 are each amended to read
5 as follows:

6 The department may adopt the rules necessary to establish and
7 administer the elevator safety advisory committee. The purpose of the
8 advisory committee is to advise the department on the adoption of rules
9 that apply to conveyances; methods of enforcing and administering this
10 chapter; and matters of concern to the conveyance industry and to the
11 individual installers, owners, and users of conveyances. (~~The~~
12 ~~advisory committee consists of five persons appointed by~~) The director
13 of the department or his or her designee with the advice of the chief
14 elevator inspector shall appoint the advisory committee members as
15 follows: One registered architect or professional engineer with
16 experience in the elevator industry; one employee of a licensed
17 elevator contractor who qualifies for or possesses an elevator mechanic
18 license; one contractor qualifying for or possessing an elevator
19 contractor license; one employer whose agricultural or industrial
20 facilities use conveyances in one or more storage or manufacturing
21 process; one employee who has five or more years' experience repairing
22 or maintaining conveyances for one such agricultural or industrial
23 employer; one manufacturer of conveyances; and one ad hoc member
24 representing a municipality with jurisdiction over conveyances under
25 RCW 70.87.200. The committee members shall serve four years.

26 The committee shall meet on the third Tuesday of February, May,
27 August, and November of each year, and at other times at the discretion
28 of the chief of the elevator section. The committee members shall
29 serve without per diem or travel expenses.

30 The chief elevator inspector shall be the secretary for the
31 advisory committee.

32 **Sec. 12.** RCW 70.87.230 and 2002 c 98 s 10 are each amended to read
33 as follows:

34 Except as provided by RCW 70.87.110, no person shall erect,
35 construct, wire, install, alter, replace, maintain, (~~remove~~)
36 relocate, modernize, or dismantle any conveyance (~~contained within a~~

1 ~~building or structures~~) within the jurisdiction of this state unless
2 he or she has an elevator mechanic license and the person is working:
3 (1) For an owner, as defined in RCW 70.87.010(1) that operates a
4 facility described in RCW 70.87.110(2); (2) for a public agency, as
5 defined in RCW 70.87.010(34); or (3) under the direct supervision of a
6 person, firm, or company who has an elevator (~~contractors~~
7 ~~[contractor])~~ contractor license pursuant to this chapter.

8 A person, firm, public agency, or company is not required to have
9 an elevator (~~contractors~~ ~~[contractor]~~) contractor license for
10 removing or dismantling conveyances that are destroyed as a result of
11 a complete demolition of a secured building or structure or where the
12 building is demolished back to the basic support structure whereby no
13 access is permitted therein to endanger the safety and welfare of a
14 person.

15 **Sec. 13.** RCW 70.87.240 and 2002 c 98 s 12 are each amended to read
16 as follows:

17 (1) Any person, firm, or company wishing to engage in the business
18 of erecting, constructing, installing, altering, servicing, replacing,
19 repairing, relocating, wiring, dismantling, modernizing, or maintaining
20 ~~((elevators, dumbwaiters, escalators, or moving sidewalks))~~ conveyances
21 within the jurisdiction of the department must make application for
22 ~~((a))~~ an elevator contractor license with the department on a form
23 provided by the department and be a registered general or specialty
24 contractor under chapter 18.27 RCW.

25 (2) Except as provided by RCW 70.87.110, any person wishing to
26 ~~((engage in installing, altering, repairing, or servicing elevators,~~
27 ~~dumbwaiters, escalators, or moving sidewalks))~~ erect, construct,
28 install, alter, repair, maintain, relocate, modernize, wire, or
29 dismantle conveyances within the jurisdiction of the department must
30 make application for ~~((a))~~ an elevator mechanic license with the
31 department on a form provided by the department.

32 (3) No elevator contractor license may be granted to any person or
33 firm who has not proven to possess the following qualifications:

34 (a) Five years' work experience in the elevator industry in
35 construction, maintenance, and service or repair, as verified by
36 current and previous elevator contractor ~~((licenses))~~ licensed to do
37 business; or

1 (b) Satisfactory completion of a written examination administered
2 by the department on this chapter and the rules adopted under this
3 chapter.

4 (4) No elevator mechanic license may be granted to any person who
5 has not proven to possess the following qualifications:

6 (a) An acceptable combination of documented experience and
7 education credits: Not less than three years' work experience in the
8 elevator industry, in construction, or maintenance and service or
9 repair, as verified by current and previous public agency employers and
10 employers licensed to do business in this state; and

11 (b) Satisfactory completion of a written examination administered
12 by the department on this chapter and the rules adopted under this
13 chapter.

14 (5) Any person who furnishes the department with acceptable proof
15 that he or she has worked for at least three consecutive years as an
16 elevator constructor, or as a conveyance maintenance or repair person
17 shall upon making application for a license and paying the license fee
18 is entitled to receive a license without an examination. The person
19 must have:

20 (a) Worked without direct and immediate supervision for (~~an~~
21 ~~elevator~~) (i) a general or specialty contractor ((licensed to do
22 ~~business)) registered under chapter 18.27 RCW and engaged primarily in
23 the business of installing conveyances in this state; (ii) a public
24 agency; or (iii) a conveyance owner. This employment may not be less
25 than each and all of the three years immediately ((before June 13,
26 ~~2002)) preceding July 1, 2004. The person must make application within
27 ((one year of June 13, 2002)) ninety days after July 1, 2004, or the
28 effective date of rules adopted under this chapter establishing license
29 requirements;~~~~

30 (b) Obtained a certificate of completion and successfully passed
31 the mechanic examination of a nationally recognized training program
32 for the elevator industry such as the national elevator industry
33 educational program or its equivalent; or

34 (c) Obtained a certificate of completion of an apprenticeship
35 program for an elevator mechanic, having standards substantially equal
36 to those of this chapter, and registered with the Washington state
37 apprenticeship and training council.

1 (6) A license must be issued to an individual holding a valid
2 license from a state having entered into a reciprocal agreement with
3 the department and having standards substantially equal to those of
4 this chapter, upon application and without examination.

5 (7) The department shall adopt rules that become effective on or
6 after July 1, 2004, to implement this section and RCW 70.87.250.

7 **Sec. 14.** RCW 70.87.250 and 2002 c 98 s 13 are each amended to read
8 as follows:

9 (1) Upon approval of an application, the department may issue a
10 license that is ((~~biannually~~ [~~biennially~~])) biennially renewable. The
11 fee for the license and for any renewal shall be set by the department
12 in rule.

13 (2) The department may issue temporary elevator mechanic licenses.
14 These temporary elevator mechanic licenses will be issued to those
15 certified as qualified and competent by licensed elevator contractors.
16 The company shall furnish proof of competency as the department may
17 require. Each license must recite that it is valid for a period of
18 thirty days from the date of issuance and for such particular
19 ((~~elevators~~)) conveyances or geographical areas as the department may
20 designate, and otherwise entitles the licensee to the rights and
21 privileges of an elevator mechanic license issued in this chapter. A
22 temporary elevator mechanic license ((~~must~~)) may be renewed by the
23 department and a fee as established in rule must be charged for any
24 temporary elevator mechanic license or renewal.

25 (3) The renewal of all licenses granted under this section is
26 conditioned upon the submission of a certificate of completion of a
27 course designed to ensure the continuing education of licensees on new
28 and existing rules of the department. The course must consist of not
29 less than eight hours of instruction that must be attended and
30 completed within one year immediately preceding any license renewal.

31 (4) The courses must be taught by instructors through continuing
32 education providers that may include, but are not limited to,
33 association seminars and labor training programs. The department must
34 approve the continuing education providers. All instructors must be
35 approved by the department and are exempt from the requirements of
36 subsection (3) of this section with regard to his or her application

1 for license renewal, provided that such applicant was qualified as an
2 instructor at any time during the one year immediately preceding the
3 scheduled date for such renewal.

4 (5) A licensee who is unable to complete the continuing education
5 course required under this section before the expiration of his or her
6 license due to a temporary disability may apply for a waiver from the
7 department. This will be on a form provided by the department and
8 signed under the pains and penalties of perjury and accompanied by a
9 certified statement from a competent physician attesting to the
10 temporary disability. Upon the termination of the temporary
11 disability, the licensee must submit to the department a certified
12 statement from the same physician, if practicable, attesting to the
13 termination of the temporary disability. At which time a waiver
14 sticker, valid for ninety days, must be issued to the licensee and
15 affixed to his or her license.

16 (6) Approved training providers must keep uniform records, for a
17 period of ten years, of attendance of licensees, and these records must
18 be available for inspection by the department at its request. Approved
19 training providers are responsible for the security of all attendance
20 records and certificates of completion. However, falsifying or
21 knowingly allowing another to falsify attendance records or
22 certificates of completion constitutes grounds for suspension or
23 revocation of the approval required under this section.

24 **Sec. 15.** RCW 70.87.260 and 2002 c 98 s 14 are each amended to read
25 as follows:

26 This chapter cannot be construed to relieve or lessen the
27 responsibility or liability of any person, firm, or corporation owning,
28 operating, controlling, maintaining, erecting, constructing,
29 installing, altering, inspecting, testing, (~~or repairing~~) wiring, or
30 dismantling any (~~elevator~~) conveyance or other related mechanisms
31 covered by this chapter for damages to person or property caused by any
32 defect therein, nor does the state assume any such liability or
33 responsibility therefore or any liability to any person for whatever
34 reason whatsoever by the adoption of this chapter or any acts or
35 omissions arising hereunder.

1 NEW SECTION. **Sec. 16.** The elevator safety advisory committee
2 shall review chapter 70.87 RCW as it pertains to conveyances located in
3 private residences and shall report its findings and recommendations to
4 the legislature by January 1, 2004.

5 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately."

SSB 5942 - S AMD 221

By Senators Reardon, Hewitt, Honeyford, Keiser

ADOPTED 03/17/2003

9 On page 1, line 2 of the title, after "contractors;" strike the
10 remainder of the title and insert "amending RCW 70.87.010, 70.87.020,
11 70.87.030, 70.87.050, 70.87.060, 70.87.080, 70.87.110, 70.87.125,
12 70.87.170, 70.87.180, 70.87.220, 70.87.230, 70.87.240, 70.87.250, and
13 70.87.260; creating a new section; prescribing penalties; and declaring
14 an emergency."

--- END ---