

SENATE BILL REPORT

ESSB 5942

As Passed Senate, March 17, 2003

Title: An act relating to licensing requirements for elevator mechanics and contractors.

Brief Description: Concerning licensing requirements for elevator mechanics and contractors.

Sponsors: Senate Committee on Commerce & Trade (originally sponsored by Senators Reardon, Hewitt, Prentice and Honeyford).

Brief History:

Committee Activity: Commerce & Trade: 2/26/03, 3/5/03 [DPS].

Passed Senate: 3/17/03, 49-0.

SENATE COMMITTEE ON COMMERCE & TRADE

Majority Report: That Substitute Senate Bill No. 5942 be substituted therefor, and the substitute bill do pass.

Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

Staff: John Dziedzic (786-7784)

Background: A conveyance is a device used to lift or move passengers or freight, such as an elevator, escalator, dumbwaiter, or moving walk. Persons constructing, installing, relocating or altering a conveyance must be licensed by the Department of Labor and Industries (L&I) under Chapter 70.87 RCW. Constructing, installing, relocating, altering, maintaining or operating a conveyance without a permit or without a license is a misdemeanor.

In 2002, Chapter 70.87 RCW was amended to add licensing requirements for elevator mechanics and elevator contractors. The Director of L&I was also authorized to appoint a five-member elevator safety advisory committee, and to adopt rules that apply to conveyances.

Summary of Bill: A regularly employed worker at a manufacturing, industrial, agricultural or similar facility is not required to obtain an elevator mechanic's license in order to maintain most conveyances at the facility. To qualify for this exception, the worker must have been provided training by the employer that ensures (a) the safety of workers, and (b) adherence to published operating specifications of the conveyance manufacturer. Also, if there is an established journeyman training program in an electrical or mechanical trade at the facility, the worker must have attained such journeyman status. This exception to the licensing requirement does not apply to the maintenance or repair of passenger elevators at the facility to which access by the general public is not restricted.

It is a violation of the Industrial Safety and Health Act for a manufacturing, industrial, agricultural or similar employer to (a) allow maintenance to be performed on a conveyance

by anyone other than a licensed elevator mechanic or an employee authorized by the statute, or (b) not keep proper training and maintenance records.

Exceptions from the licensing requirement are also established for persons who (a) install or maintain material lifts, and (b) maintain conveyances located in owner-occupied private residences.

"Elevator maintenance" is defined.

The membership of the elevator safety advisory committee is specified. The advisory committee is directed to review the regulation of conveyances in private residences, and report its finding to the Legislature by January 1, 2004.

The department must adopt rules, effective on or after July 1, 2004, to implement the licensing provisions of the act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: A bill passed last year established a licensing requirement for people who install and maintain elevators. The bill inadvertently affected many skilled workers in industrial facilities who have years of experience in safely maintaining material lifts, conveyors, and other devices used in industrial operations. These conveyances are typically not accessible by the public. Requiring these workers to obtain licenses does not improve safety, is impractical and will result in increased costs, loss of jobs, and production delays.

Testimony Against: It is unwise and unsafe to allow unlicensed, untrained, and untested workers to maintain or perform repairs on elevators, which are potentially lethal devices. Licensing is the only way to assure continued competency concerning these very complex machines.

Testified: PRO: Senator Aaron Reardon, prime sponsor; Dan Coyne, WA State Council of Farmer Cooperatives; Llewellyn Matthews, NW Pulp and Paper Assn.; Joe Shaw, Port Townsend Paper Corp.; Robert Hemsley, Assn. of Western Pulp and Paper Workers; John DeWitt, Paper, Allied Industrial Chemical and Energy Workers; Craig Voegele, Boise Co.; Cody Benson, Assn. of WA Business; Bob Oury, Pace Material Handling, Inc.; Robert McLaughlin, Tramway Users Group; Bill Gill, Longview Fibre; CON: Charles Val, James Bender, IUEC Local 19; Steve Powell, KONE, Inc.; Rod Kaufman, Building Owners and Managers Assn.; CONCERNS: Ernie LaPalm, Dotty Stanlaske, Dept. of Labor & Industries.

House Amendment(s): Sections of the bill are reorganized and revised to distinguish provisions and exemptions that apply to the licensing of persons who, and businesses that, work on elevators from the provisions and exemptions relating to the permitting of kinds of elevator work.

Technical changes are made to (a) conform certain definitions to industry-specific terminology; (b) clarify that public agencies, as well as certain industrial employers are allowed to employ elevator mechanics; and (c) allow L&I to establish elevator mechanic license categories by rule.

The membership of the elevator safety advisory committee is modified.