
SUBSTITUTE SENATE BILL 5942

State of Washington

58th Legislature

2003 Regular Session

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

READ FIRST TIME 03/05/03.

1 AN ACT Relating to licensing requirements for elevator mechanics
2 and contractors; amending RCW 70.87.010, 70.87.020, 70.87.030,
3 70.87.050, 70.87.060, 70.87.080, 70.87.110, 70.87.125, 70.87.170,
4 70.87.180, 70.87.220, 70.87.230, 70.87.240, 70.87.250, and 70.87.260;
5 prescribing penalties; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 70.87.010 and 2002 c 98 s 1 are each amended to read
8 as follows:

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

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

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

16 (3) "Existing installations" means an installation defined as an
17 "installation, existing" in this chapter or in rules adopted under this
18 chapter;

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

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

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

12 (c) "Sidewalk elevator" means a freight elevator that: (i)
13 Operates between a sidewalk or other area outside the building and
14 floor levels inside the building below the outside area, (ii) has no
15 landing opening into the building at its upper limit of travel, and
16 (iii) is not used to carry automobiles;

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

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

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

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

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

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

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

32 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator
33 having a plunger or cylinder directly attached to the car frame or
34 platform;

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

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

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

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

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

14 (q) "Rooftop elevator" means a power passenger or freight elevator
15 that operates between a landing at roof level and one landing below and
16 opens onto the exterior roof level of a building through a horizontal
17 opening;

18 (r) "Special purpose personnel elevator" means an elevator that is
19 limited in size, capacity, and speed, and permanently installed in
20 structures such as grain elevators, radio antenna, bridge towers,
21 underground facilities, dams, power plants, and similar structures to
22 provide vertical transportation of authorized personnel and their tools
23 and equipment only;

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

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

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

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

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

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

15 (8) "Moving walk" means a passenger carrying device (a) on which
16 passengers stand or walk and (b) on which the passenger carrying
17 surface remains parallel to its direction of motion;

18 (9) "Belt manlift" means a power driven endless belt provided with
19 steps or platforms and a hand hold for the transportation of personnel
20 from floor to floor;

21 (10) "Department" means the department of labor and industries;

22 (11) "Director" means the director of the department or his or her
23 representative;

24 (12) "Inspector" means an elevator inspector of the department or
25 an elevator inspector of a municipality having in effect an elevator
26 ordinance pursuant to RCW 70.87.200;

27 (13) "Permit" means a permit issued by the department to erect,
28 construct, install, alter, modernize, relocate, or operate a
29 conveyance;

30 (14) "Person" means this state, a political subdivision, any public
31 or private corporation, any firm, or any other entity as well as an
32 individual;

33 (15) "One-man capacity manlift" means a single passenger, hand-
34 powered counterweighted device, or electric-powered device, that
35 travels vertically in guides and serves two or more landings;

36 (16) "Private residence conveyance" means a conveyance installed in
37 or on the premises of a single-family dwelling and operated for
38 transporting persons or property from one elevation to another;

1 (17) "Material hoist" means a hoist that is not a part of a
2 permanent structure used to raise or lower materials during
3 construction, alteration, or demolition. It is not applicable to the
4 temporary use of permanently installed personnel elevators as material
5 hoists;

6 (18) "Material lift" means a lift that (a) is permanently
7 installed, (b) is comprised of a car or platform that moves in guides,
8 (c) serves two or more floors or landings, (d) travels in a vertical or
9 inclined position, (e) is an isolated, self-contained lift, (f) is not
10 part of a conveying system, and (g) is installed in a commercial or
11 industrial area not accessible to the general public or intended to be
12 operated by the general public;

13 (19) "Casket lift" means a lift that (a) is installed at a
14 mortuary, (b) is designed exclusively for carrying of caskets, (c)
15 moves in guides in a basically vertical direction, and (d) serves two
16 or more floors or landings;

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

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

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

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

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

33 (25) "Elevator mechanic" means any person who possesses an elevator
34 mechanic license in accordance with this chapter and who is engaged in
35 erecting, constructing, installing, altering, (~~servicing~~ [servicing],)
36 repairing, wiring, dismantling, modernizing, relocating, or maintaining
37 elevators or related conveyances covered by this chapter;

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

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

10 (28) "Elevator mechanic license" means a license that is issued to
11 a person who has met the qualification requirements established in RCW
12 70.87.240;

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

14 (30) "Repair" means a process for the purpose of ensuring
15 performance in accordance with this chapter and not amounting to an
16 alteration, in which a part, device, or component that is basically the
17 same as the original is rehabilitated and returned into place;

18 (31) "Replacement" means a process for the purpose of ensuring
19 performance in accordance with this chapter and not amounting to an
20 alteration, in which a new part, device, or component is substituted
21 for a part, device, or component that is removed in its entirety;

22 (32) "Maintenance" means a scheduled or routine process for the
23 purpose of ensuring performance in accordance with this chapter and not
24 amounting to an alteration, in which parts, devices, or components are
25 examined, serviced, lubricated, cleaned, or adjusted;

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

32 (34) "Public agency" means a county, incorporated city or town,
33 municipal corporation, state agency, institution of higher education,
34 political subdivision, or other public agency and includes any
35 department, bureau, office, board, commission, or institution of such
36 entity.

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

3 (1) The purpose of this chapter is to provide for safety of life
4 and limb, to promote safety awareness, and to ensure the safe, design,
5 mechanical and electrical operation, erection, installation,
6 construction, alteration, maintenance, (~~(inspection, and)~~) relocation,
7 wiring, dismantling, modernization, or repair of conveyances, and all
8 such operation, erection, installation, alteration, inspection, and
9 repair subject to the provisions of this chapter shall be reasonably
10 safe to persons and property and in conformity with the provisions of
11 this chapter and the applicable statutes of the state of Washington,
12 and all orders, and rules of the department. The use of unsafe and
13 defective lifting devices imposes a substantial probability of serious
14 and preventable injury to employees and the public exposed to unsafe
15 conditions. The prevention of these injuries and protection of
16 employees and the public from unsafe conditions is in the best interest
17 of the people of this state. (~~(Elevator)~~) Personnel performing work
18 covered by this chapter must, by documented training or experience or
19 both, be familiar with the operation and safety functions of the
20 components and equipment. Training and experience must include, but
21 not be limited to, recognizing the safety hazards and performing the
22 procedures to which (~~(they)~~) the personnel performing work covered by
23 this chapter are assigned in conformance with the requirements of (~~(the~~
24 ~~{this})~~) this chapter. This chapter establishes the minimum standards
25 for (~~(elevator)~~) personnel performing work on conveyances.

26 (2) This chapter is not intended to prevent the use of systems,
27 methods, or devices of equivalent or superior quality, strength, fire
28 resistance, code effectiveness, durability, and safety to those
29 required by this chapter, provided that there is technical
30 documentation to demonstrate the equivalency of the system, method, or
31 device, as prescribed in this chapter and the rules adopted under this
32 chapter.

33 (3) In any suit for damages allegedly caused by a failure or
34 malfunction of the conveyance, conformity with the rules of the
35 department is prima facie evidence that the operation, erection,
36 installation, alteration, maintenance, inspection, and repair of the
37 conveyance is reasonably safe to persons and property.

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

3 The department shall adopt rules that become effective on or after
4 July 1, 2004, governing the mechanical and electrical operation,
5 erection, installation, alterations, inspection, construction,
6 acceptance tests, relocation, modernization, wiring, dismantling, and
7 repair of conveyances that are necessary and appropriate and shall also
8 adopt minimum standards governing existing installations. In the
9 execution of this rule-making power and before the adoption of rules,
10 the department shall consider the rules for the safe mechanical
11 operation, erection, installation, alteration, inspection, and repair
12 of conveyances, including the American National Standards Institute
13 Safety Code for Personnel and Material Hoists, the American Society of
14 Mechanical Engineers Safety Code for Elevators, Dumbwaiters, and
15 Escalators, and any amendatory or supplemental provisions thereto. The
16 department by rule shall establish a schedule of fees to pay the costs
17 incurred by the department for the work related to administration and
18 enforcement of this chapter. Nothing in this chapter limits the
19 authority of the department to prescribe or enforce general or special
20 safety orders as provided by law.

21 The department may consult with: Engineering authorities and
22 organizations concerned with standard safety codes; rules and
23 regulations governing the operation, maintenance, servicing,
24 construction, alteration, installation, and/or inspection of
25 (~~elevators, dumbwaiters, and escalators, etcetera~~) conveyances; and
26 the qualifications that are adequate, reasonable, and necessary for the
27 elevator mechanic, contractor, and inspector.

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

30 The operation, construction, erection, installation, alteration,
31 maintenance, inspection, modernization, wiring, dismantling, and repair
32 of any conveyance located in, or used in connection with, any building
33 owned by the state, a county, or a political subdivision, other than
34 those located within and owned by a city having an elevator code, shall
35 be under the jurisdiction of the department.

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

3 (1) The person erecting, constructing, installing, relocating,
4 modernizing, repairing, wiring, dismantling, or altering a conveyance
5 is responsible for its operation and maintenance until the department
6 has issued an operating permit for the conveyance, except during the
7 period when a limited operating permit in accordance with RCW
8 70.87.090(2) is in effect, and is also responsible for all tests of a
9 new, relocated, or altered conveyance until the department has issued
10 an operating permit for the conveyance.

11 (2) The owner or his or her duly appointed agent shall be
12 responsible for the safe operation and proper maintenance of the
13 conveyance after the department has issued the operating permit and
14 also during the period of effectiveness of any limited operating permit
15 in accordance with RCW 70.87.090(2). The owner shall be responsible
16 for all periodic tests required by the department.

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

19 (1) An installation or alteration permit shall be obtained from the
20 department before erecting, constructing, installing, relocating,
21 modernizing, wiring, dismantling, or altering a conveyance in any place
22 or structure other than a private residence.

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

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

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

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

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

35 (1) The requirements of this chapter are intended to apply to all
36 conveyances except as modified or waived by the department. They are

1 intended to be modified or waived whenever any requirements are shown
2 to be impracticable, such as involving expense not justified by the
3 protection secured. However, the department shall not allow the
4 modification or waiver unless equivalent or safer construction is
5 secured in other ways. An exception applies only to the installation
6 covered by the application for waiver.

7 (2) The provisions of RCW 70.87.180, 70.87.230, and 70.87.240 (1)
8 and (2), insofar as they relate to the maintenance of a conveyance
9 other than a passenger elevator that is normally accessible to the
10 general public, including the repair or replacement of parts, devices,
11 or components thereof, do not apply to a conveyance used in a facility
12 operating a manufacturing process, utility, agricultural products
13 storage or food processing activity, or similar industrial or
14 agricultural facility if the owner of the conveyance:

15 (a) Provides to all employees required or allowed to perform
16 maintenance on the conveyance adequate training to ensure the safety of
17 employees and adherence to the published operating specifications of
18 the conveyance manufacturer;

19 (b) Allows and restricts maintenance to be performed on the
20 conveyance to only:

21 (i) A licensed elevator mechanic;

22 (ii) A worker who (A) is regularly employed by the owner; (B) has
23 attained journeyman status in the appropriate trade if the employer has
24 an established journeyman training program; and (C) has successfully
25 completed the training required by (a) of this subsection; or

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

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

34 (3) The provisions of RCW 70.87.180, 70.87.230, and 70.87.240 (1)
35 and (2), insofar as they relate to the maintenance of a material lift,
36 conveyor, and related equipment that is subject to the standard
37 designation B20.1 as established by the American society of mechanical

1 engineers and not designed or intended to convey one or more workers,
2 do not apply to a person performing such maintenance if:

3 (a) The person is employed by an entity engaged in the business of
4 maintaining such equipment and has successfully completed a course of
5 training to ensure the safety of employees and adherence to the
6 published operating specifications of the conveyance manufacturer; and

7 (b) The employer maintains a (i) maintenance log identifying the
8 equipment maintained, describing the maintenance work performed, and
9 identifying the person who performed the work; and (ii) training log
10 describing the course of study applicable to each conveyance and
11 identifying each employee who has successfully completed the training
12 required by (a) of this subsection and when such training was
13 completed.

14 (4) It is a violation of RCW 49.17.060 for:

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

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

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

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

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

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

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

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

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

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

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

37 (c) The conveyance has become unsafe.

1 (3) The department shall notify in writing the owner, licensee, or
2 person installing the conveyance, of its action and the reason for the
3 action. The department shall send the notice by certified mail to the
4 last known address of the owner or person. The notice shall inform the
5 owner or person that a hearing may be requested pursuant to RCW
6 70.87.170.

7 (4)(a) If the department has suspended or revoked a permit or
8 license because of fraud or error, and a hearing is requested, the
9 suspension or revocation shall be stayed until the hearing is concluded
10 and a decision is issued.

11 (b) If the department has revoked or suspended a license because
12 the ((~~elevator personnel~~)) licensee performing the work covered by this
13 chapter is working in a manner that does not effectively prevent
14 injuries or deaths or protect employees and the public from unsafe
15 conditions as is required by this chapter, the suspension or revocation
16 is effective immediately and shall not be stayed by a request for a
17 hearing.

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

23 (5) The department must remove a suspension or reinstate a revoked
24 license if the licensee pays all the assessed civil penalties and is
25 able to demonstrate to the department that the licensee has met all the
26 qualifications established by this chapter.

27 (6) The department shall remove a suspension or reinstate a revoked
28 permit if a conveyance is repaired or modified to bring it into
29 compliance with this chapter.

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

32 (1) Any person aggrieved by an order or action of the department
33 denying, suspending, revoking, or refusing to renew a permit or
34 license; assessing a penalty for a violation of this chapter; or
35 ordering the operation of a conveyance to be discontinued, may request
36 a hearing within fifteen days after notice ((~~to~~)) of the department's
37 order or action is received. The date the hearing was requested shall

1 be the date the request for hearing was postmarked. The party
2 requesting the hearing must accompany the request with a certified or
3 cashier's check for two hundred dollars payable to the department. The
4 department shall refund the two hundred dollars if the party requesting
5 the hearing prevails at the hearing; otherwise, the department shall
6 retain the two hundred dollars.

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

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

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

14 (1) The construction, erection, installation, relocation,
15 alteration, maintenance, repair, modernization, wiring, dismantling, or
16 operation of a conveyance without a permit by any person owning or
17 having the custody, management, or operation thereof, except as
18 provided in RCW 70.87.080 (~~and~~), 70.87.090, and 70.87.110, is a
19 misdemeanor. Each day of violation is a separate offense. No
20 prosecution may be maintained where the issuance or renewal of a permit
21 has been requested but upon which no action has been taken by the
22 department.

23 (2) The construction, erection, installation, relocation,
24 alteration, maintenance, repair, modernization, wiring, dismantling, or
25 operation of a conveyance without a license by any person except as
26 provided in RCW 70.87.110 is a misdemeanor. Each day of violation is
27 a separate offense. No prosecution may be maintained where the
28 issuance or renewal of a license has been requested by an applicant but
29 upon which no action has been taken by the department.

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

32 The department may adopt the rules necessary to establish and
33 administer the elevator safety advisory committee. The purpose of the
34 advisory committee is to advise the department on the adoption of rules
35 that apply to conveyances; methods of enforcing and administering this
36 chapter; and matters of concern to the conveyance industry and to the

1 individual installers, owners, and users of conveyances. ((The
2 advisory committee consists of five persons appointed by)) The director
3 of the department or his or her designee with the advice of the chief
4 elevator inspector shall appoint the advisory committee members as
5 follows: One registered architect or professional engineer with
6 experience in the elevator industry; one employee of a licensed
7 elevator contractor who qualifies for or possesses an elevator mechanic
8 license; one contractor qualifying for or possessing an elevator
9 contractor license; one employer whose agricultural or industrial
10 facilities use conveyances in one or more storage or manufacturing
11 process; one employee who has five or more years' experience repairing
12 or maintaining conveyances for one such agricultural or industrial
13 employer; one manufacturer of conveyances; and one ad hoc member
14 representing a municipality with jurisdiction over conveyances under
15 RCW 70.87.200. The committee members shall serve four years.

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

20 The chief elevator inspector shall be the secretary for the
21 advisory committee.

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

24 Except as provided by RCW 70.87.110, no person shall erect,
25 construct, wire, install, alter, replace, maintain, ((remove))
26 relocate, repair, modernize, or dismantle any conveyance ((contained
27 within a building or structures)) within the jurisdiction of this state
28 unless he or she has an elevator mechanic license and the person is
29 working under the direct supervision of a person, firm, or company who
30 has an elevator ((contractors [contractor])) contractor license
31 pursuant to this chapter. A person, firm, or company is not required
32 to have an elevator ((contractors [contractor])) contractor license for
33 removing or dismantling conveyances that are destroyed as a result of
34 a complete demolition of a secured building or structure or where the
35 building is demolished back to the basic support structure whereby no
36 access is permitted therein to endanger the safety and welfare of a
37 person.

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

3 (1) Except as provided by RCW 70.87.110, any person, firm, or
4 company wishing to engage in the business of erecting, constructing,
5 installing, altering, servicing, replacing, repairing, relocating,
6 wiring, dismantling, modernizing, or maintaining ((elevators,
7 dumbwaiters, escalators, or moving sidewalks)) conveyances within the
8 jurisdiction of the department must make application for ((a)) an
9 elevator contractor license with the department on a form provided by
10 the department and be a registered general or specialty contractor
11 under chapter 18.27 RCW.

12 (2) Except as provided by RCW 70.87.110, any person wishing to
13 ((engage in installing, altering, repairing, or servicing elevators,
14 dumbwaiters, escalators, or moving sidewalks)) erect, construct,
15 install, alter, repair, maintain, relocate, modernize, wire, or
16 dismantle conveyances within the jurisdiction of the department must
17 make application for ((a)) an elevator mechanic license with the
18 department on a form provided by the department.

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

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

25 (b) Satisfactory completion of a written examination administered
26 by the department on this chapter and the rules adopted under this
27 chapter.

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

30 (a) An acceptable combination of documented experience and
31 education credits: Not less than three years' work experience in the
32 elevator industry, in construction, or maintenance and service or
33 repair, as verified by current and previous employers licensed to do
34 business in this state; and

35 (b) Satisfactory completion of a written examination administered
36 by the department on this chapter and the rules adopted under this
37 chapter.

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

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

17 (b) Obtained a certificate of completion and successfully passed
18 the mechanic examination of a nationally recognized training program
19 for the elevator industry such as the national elevator industry
20 educational program or its equivalent; or

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

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

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

31 (1) Upon approval of an application, the department may issue a
32 license that is ((biannually [biennially])) biennially renewable. The
33 fee for the license and for any renewal shall be set by the department
34 in rule.

35 (2) The department may issue temporary elevator mechanic licenses.
36 These temporary elevator mechanic licenses will be issued to those
37 certified as qualified and competent by licensed elevator contractors.

1 The company shall furnish proof of competency as the department may
2 require. Each license must recite that it is valid for a period of
3 thirty days from the date of issuance and for such particular
4 (~~elevators~~) conveyances or geographical areas as the department may
5 designate, and otherwise entitles the licensee to the rights and
6 privileges of an elevator mechanic license issued in this chapter. A
7 temporary elevator mechanic license (~~must~~) may be renewed by the
8 department and a fee as established in rule must be charged for any
9 temporary elevator mechanic license or renewal.

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

16 (4) The courses must be taught by instructors through continuing
17 education providers that may include, but are not limited to,
18 association seminars and labor training programs. The department must
19 approve the continuing education providers. All instructors must be
20 approved by the department and are exempt from the requirements of
21 subsection (3) of this section with regard to his or her application
22 for license renewal, provided that such applicant was qualified as an
23 instructor at any time during the one year immediately preceding the
24 scheduled date for such renewal.

25 (5) A licensee who is unable to complete the continuing education
26 course required under this section before the expiration of his or her
27 license due to a temporary disability may apply for a waiver from the
28 department. This will be on a form provided by the department and
29 signed under the pains and penalties of perjury and accompanied by a
30 certified statement from a competent physician attesting to the
31 temporary disability. Upon the termination of the temporary
32 disability, the licensee must submit to the department a certified
33 statement from the same physician, if practicable, attesting to the
34 termination of the temporary disability. At which time a waiver
35 sticker, valid for ninety days, must be issued to the licensee and
36 affixed to his or her license.

37 (6) Approved training providers must keep uniform records, for a
38 period of ten years, of attendance of licensees, and these records must

1 be available for inspection by the department at its request. Approved
2 training providers are responsible for the security of all attendance
3 records and certificates of completion. However, falsifying or
4 knowingly allowing another to falsify attendance records or
5 certificates of completion constitutes grounds for suspension or
6 revocation of the approval required under this section.

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

9 This chapter cannot be construed to relieve or lessen the
10 responsibility or liability of any person, firm, or corporation owning,
11 operating, controlling, maintaining, erecting, constructing,
12 installing, altering, inspecting, testing, wiring, dismantling, or
13 repairing any ((~~elevator~~)) conveyance or other related mechanisms
14 covered by this chapter for damages to person or property caused by any
15 defect therein, nor does the state assume any such liability or
16 responsibility therefore or any liability to any person for whatever
17 reason whatsoever by the adoption of this chapter or any acts or
18 omissions arising hereunder.

19 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately.

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