
SENATE BILL 5942

State of Washington

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By Senators Reardon, Hewitt, Prentice and Honeyford

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1 AN ACT Relating to licensing requirements for elevator mechanics
2 and contractors; amending RCW 70.87.010, 70.87.180, 70.87.200, and
3 70.87.220; adding a new section to chapter 70.87 RCW; and creating a
4 new section.

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

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

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

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

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

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

18 (4) "Elevator" means a hoisting or lowering machine equipped with

1 a car or platform that moves in guides and serves two or more floors or
2 landings of a building or structure;

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

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

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

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

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

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

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

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

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

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

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

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

37 (m) "Maintained-pressure hydraulic elevator" means a direct-plunger

1 elevator where liquid under pressure is available at all times for
2 transfer into the cylinder;

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

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

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

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

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

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

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

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

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

37 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped
38 with a car (a) that moves in guides in a substantially vertical

1 direction, (b) the floor area of which does not exceed nine square
2 feet, (c) the inside height of which does not exceed four feet, (d) the
3 capacity of which does not exceed five hundred pounds, and (e) that is
4 used exclusively for carrying materials;

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

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

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

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

20 (11) "Director" means the director of the department or his or her
21 representative;

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

25 (13) "Permit" means a permit issued by the department to construct,
26 install, or operate a conveyance;

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

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

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

36 (17) "Material hoist" means a hoist that is not a part of a
37 permanent structure used to raise or lower materials during

1 construction, alteration, or demolition. It is not applicable to the
2 temporary use of permanently installed personnel elevators as material
3 hoists;

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

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

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

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

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

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

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

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

36 (26) "License" means a written license, duly issued by the
37 department, authorizing a person, firm, or company to carry on the

1 business of erecting, constructing, installing, altering, servicing,
2 repairing, or maintaining elevators or related conveyances covered by
3 this chapter;

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

7 (28) "Elevator mechanic license" means a license that is issued to
8 a person who has met the qualification requirements established in RCW
9 70.87.240;

10 (29) "Licensee" means the elevator mechanic or elevator contractor
11 who has been issued a license;

12 (30) "Repair" means the process of rehabilitation or replacement of
13 parts that are basically the same as the original for the purpose of
14 ensuring performance in accordance with this chapter;

15 (31) "Replacement" means the substitution of a device or component
16 in its entirety with a new unit that is basically the same as the
17 original for the purpose of ensuring performance in accordance with
18 this chapter;

19 (32) "Maintenance" means the process of routine examination,
20 lubrication, cleaning, adjustment, and replacement of parts for the
21 purpose of ensuring performance in accordance with this chapter.

22 **Sec. 2.** RCW 70.87.180 and 2002 c 98 s 9 are each amended to read
23 as follows:

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

31 (2) The construction, installation, relocation, or alteration(~~(~~
32 ~~maintenance, or operation)~~) of a conveyance without a license by any
33 person is a misdemeanor. Each day of violation is a separate offense.
34 No prosecution may be maintained where the issuance or renewal of a
35 license has been requested by an applicant but upon which no action has
36 been taken by the department.

1 **Sec. 3.** RCW 70.87.200 and 1983 c 123 s 22 are each amended to read
2 as follows:

3 (1) The provisions of this chapter do not apply where:

4 (a) A conveyance is permanently removed from service or made
5 effectively inoperative; or

6 (b) Lifts, man hoists, or material hoists are erected temporarily
7 for use during construction work only and are of such a design that
8 they must be operated by a workman stationed at the hoisting machine.

9 (2) Except as limited by RCW 70.87.050, municipalities having in
10 effect an elevator code prior to June 13, 1963 may continue to assume
11 jurisdiction over the operation, erection, installation, alteration, or
12 repair of elevators, escalators, dumbwaiters, moving walks, manlifts,
13 and parking elevators and may inspect, issue permits, collect fees, and
14 prescribe minimum requirements for the construction, design, use, and
15 maintenance of conveyances if the requirements are equal to the
16 requirements of this chapter and to all rules pertaining to conveyances
17 adopted and administered by the department. Upon the failure of a
18 municipality having jurisdiction over conveyances to carry out the
19 provisions of this chapter with regard to a conveyance, the department
20 may assume jurisdiction over the conveyance. If a municipality elects
21 not to maintain jurisdiction over certain conveyances located therein,
22 it may enter into a written agreement with the department transferring
23 exclusive jurisdiction of the conveyances to the department. The city
24 may not reassume jurisdiction after it enters into such an agreement
25 with the department.

26 (3) Nothing in this chapter shall be construed to require a person
27 to obtain a license or licensed mechanic in order to do conveyance
28 repair, replacement, or maintenance work at his or her residence, farm,
29 place of business, or other personal property; however, nothing in this
30 chapter is intended to derogate from or dispense with the requirements
31 of any valid conveyance code enacted by the state, county, or political
32 subdivision, except that no code shall require any person to obtain any
33 other license or pay any fee in order to engage in the repair and
34 maintenance of conveyances. The licensing provisions of this chapter
35 do not apply to persons making repairs to and maintaining conveyances
36 on their own property or to regularly employed employees working on the
37 premises of their employer.

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

3 The department may adopt the rules necessary to establish and
4 administer the elevator safety advisory committee. The purpose of the
5 advisory committee is to advise the department on the adoption of rules
6 that apply to conveyances; methods of enforcing and administering this
7 chapter; and matters of concern to the conveyance industry and to the
8 individual installers, owners, and users of conveyances. The advisory
9 committee consists of five persons appointed by the director of the
10 department or his or her designee with the advice of the chief elevator
11 inspector. The appointed committee shall include one representative of
12 labor involved in the installation, maintenance, and repair of
13 elevators within the state; one representative from manufacturers of
14 conveyances within the state; one representative from an elevator
15 servicing company within the state; one representative of owners and
16 users of conveyances within the state; and one registered architect or
17 professional engineer with experience in the elevator industry. The
18 committee members shall serve four years.

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

23 The chief elevator inspector shall be the secretary for the
24 advisory committee.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.87 RCW
26 to read as follows:

27 Equipment not covered by this chapter includes, but is not limited
28 to, the following:

29 (1) Personnel hoists within the scope of American national
30 standards institute A10.4;

31 (2) Material hoists within the scope of American national standards
32 institute A10.5;

33 (3) Manlifts within the scope of American society of mechanical
34 engineers A90.1;

35 (4) Mobile scaffolds, towers, and platforms within the scope of
36 American national standards institute A92;

- 1 (5) Powered platforms and equipment for exterior and interior
2 maintenance within the scope of American national standards institute
3 120.1;
- 4 (6) Conveyors and related equipment within the scope of American
5 society of mechanical engineers B20.1;
- 6 (7) Cranes, derricks, hoists, hooks, jacks, and slings within the
7 scope of American society of mechanical engineers B30;
- 8 (8) Industrial trucks within the scope of American society of
9 mechanical engineers B56;
- 10 (9) Portable equipment, except for portable escalators which are
11 covered by American national standards institute A17.1;
- 12 (10) Tiering or piling machines used to move materials to and from
13 storage located and operating entirely within one story;
- 14 (11) Equipment for feeding or positioning materials at machine
15 tools, printing presses, etc.;
- 16 (12) Skip or furnace hoists;
- 17 (13) Wharf ramps;
- 18 (14) Railroad car lifts or dumpers;
- 19 (15) Line jacks, false cars, shafters, moving platforms, and
20 similar equipment used for installing an elevator by a contractor
21 licensed in this state.

22 NEW SECTION. **Sec. 6.** The department of labor and industries shall
23 not adopt rules to implement chapter 98, Laws of 2002, and to implement
24 this act that take effect prior to one year from the effective date of
25 this act.

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