
SENATE BILL 5793

State of Washington 61st Legislature 2009 Regular Session

By Senators Schoesler, Hewitt, Honeyford, and Morton

Read first time 02/02/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to privately operated manlifts; and amending RCW
2 70.87.010 and 70.87.120.

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

4 **Sec. 1.** RCW 70.87.010 and 2003 c 143 s 9 are each amended to read
5 as follows:

6 ~~((For the purposes of this chapter, except where a different~~
7 ~~interpretation is required by the context:)) The definitions in this
8 section apply throughout this chapter unless the context clearly
9 requires otherwise.~~

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) does not
14 have a landing opening into the building at its upper limit of travel,
15 and (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 a conveyance that serves a boat
28 launching structure and a beach or water surface and is used for the
29 carrying or handling of boats in which people ride;

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

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

36 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped
37 with a car (a) that moves in guides in a substantially vertical
38 direction, (b) the floor area of which does not exceed nine square

1 feet, (c) the inside height of which does not exceed four feet, (d) the
2 capacity of which does not exceed five hundred pounds, and (e) that is
3 used exclusively for carrying materials((+)).

4 (7) "Automobile parking elevator" means an elevator: (a) Located
5 in either a stationary or horizontally moving hoistway; (b) used
6 exclusively for parking automobiles where, during the parking process,
7 each automobile is moved either under its own power or by means of a
8 power-driven transfer device onto and off the elevator directly into
9 parking spaces or cubicles in line with the elevator; and (c) in which
10 persons are not normally stationed on any level except the receiving
11 level((+)).

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

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

18 (10) "Department" means the department of labor and
19 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: (a) To
26 perform conveyance work, other than maintenance; or (b) to operate a
27 conveyance((+)).

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

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

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

37 (17) "Material hoist" means a hoist that is not a part of a
38 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~~) individuals with disabilities.

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~~;) individuals with disabilities.

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
26 materials((+)).

27 (23) "Advisory committee" means the elevator advisory committee as
28 described in this chapter((+)).

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

32 (25) "Elevator contractor" means any person, firm, or company that
33 possesses an elevator contractor license in accordance with this
34 chapter and who is engaged in the business of performing conveyance
35 work covered by this chapter((+)).

36 (26) "Elevator mechanic" means any person who possesses an elevator
37 mechanic license in accordance with this chapter and who is engaged in
38 performing conveyance work covered by this chapter((+)).

1 (27) "License" means a written license, duly issued by the
2 department, authorizing a person, firm, or company to carry on the
3 business of performing conveyance work or to perform conveyance work
4 covered by this chapter((†)).

5 (28) "Elevator contractor license" means a license that is issued
6 to an elevator contractor who has met the qualification requirements
7 established in RCW 70.87.240((†)).

8 (29) "Elevator mechanic license" means a license that is issued to
9 a person who has met the qualification requirements established in RCW
10 70.87.240((†)).

11 (30) "Licensee" means the elevator mechanic or elevator
12 contractor((†)).

13 (31) "Conveyance work" means the alteration, construction,
14 dismantling, erection, installation, maintenance, relocation, and
15 wiring of a conveyance((†)).

16 (32) "Alteration" means any change to equipment, including its
17 parts, components, and/or subsystems, other than maintenance, repair,
18 or replacement((†)).

19 (33) "Maintenance" means a process of routine examination,
20 lubrication, cleaning, servicing, and adjustment of parts, components,
21 and/or subsystems for the purpose of ensuring performance in accordance
22 with this chapter. "Maintenance" includes repair and replacement, but
23 not alteration((†)).

24 (34) "Repair" means the reconditioning or renewal of parts,
25 components, and/or subsystems necessary to keep equipment in compliance
26 with this chapter((†)).

27 (35) "Replacement" means the substitution of a device, component,
28 and/or subsystem in its entirety with a unit that is basically the same
29 as the original for the purpose of ensuring performance in accordance
30 with this chapter((†)).

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

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

1 (38) "Privately operated manlift" means a hand-powered
2 counterweighted manlift that is located on a farm that does not accept
3 commercial grain and that is used exclusively by the farm operator and
4 the farm operator's family members.

5 **Sec. 2.** RCW 70.87.120 and 2008 c 181 s 207 are each amended to
6 read as follows:

7 (1) The department shall appoint and employ inspectors, as may be
8 necessary to carry out the provisions of this chapter, under the
9 provisions of the rules adopted by the Washington personnel resources
10 board in accordance with chapter 41.06 RCW.

11 (2)(a) Except as provided in (b) of this subsection, the department
12 shall cause all conveyances to be inspected and tested at least once
13 each year. Inspectors have the right during reasonable hours to enter
14 into and upon any building or premises in the discharge of their
15 official duties, for the purpose of making any inspection or testing
16 any conveyance contained thereon or therein. Inspections and tests
17 shall conform with the rules adopted by the department. The department
18 shall inspect all installations before it issues any initial permit for
19 operation. Permits shall not be issued until the fees required by this
20 chapter have been paid.

21 (b)(i) Private residence conveyances operated exclusively for
22 single-family use and privately operated manlifts shall be inspected
23 and tested only when required under RCW 70.87.100 or as necessary for
24 the purposes of subsection (4) of this section and shall be exempt from
25 RCW 70.87.090 unless an annual inspection and operating permit are
26 requested by the owner.

27 (ii) The department may perform additional inspections of a private
28 residence conveyance or a privately operated manlift at the request of
29 the owner of the conveyance. Fees for these inspections shall be in
30 accordance with the schedule of fees adopted for operating permits
31 pursuant to RCW 70.87.030. An inspection requested under this
32 subsection (2)(b)(ii) shall not be performed until the required fees
33 have been paid.

34 (3) If inspection shows a conveyance to be in an unsafe condition,
35 the department shall issue an inspection report in writing requiring
36 the repairs or alterations to be made to the conveyance that are

1 necessary to render it safe and may also suspend or revoke a permit
2 pursuant to RCW 70.87.125 or order the operation of a conveyance
3 discontinued pursuant to RCW 70.87.145.

4 (a) A penalty may be assessed under RCW 70.87.185 for failure to
5 correct a violation within ninety days after the owner is notified in
6 writing of inspection results.

7 (b) The owner may be assessed a penalty under RCW 70.87.185 for
8 failure to submit official notification in writing to the department
9 that all corrections have been completed.

10 (4) The department may investigate accidents and alleged or
11 apparent violations of this chapter.

12 (5) During a state of emergency declared under RCW 43.06.010(12),
13 the governor may waive or suspend the collection of fees under this
14 section or any portion of this section or under any administrative
15 rule, and issue any orders to facilitate the operation of state or
16 local government or to promote and secure the safety and protection of
17 the civilian population.

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