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HOUSE BILL 1408

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State of Washington

65th Legislature

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By Representatives Manweller and Gregerson; by request of Department of Labor & Industries

Read first time 01/19/17. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to class B elevator work permits; amending RCW  
2 70.87.100; and reenacting and amending RCW 70.87.010.

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

4 **Sec. 1.** RCW 70.87.010 and 2012 c 54 s 2 are each reenacted and  
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Advisory committee" means the elevator advisory committee as  
9 described in this chapter.

10 (2) "Alteration" means any change to equipment, including its  
11 parts, components, and/or subsystems, other than maintenance, repair,  
12 or replacement.

13 (3) "Automobile parking elevator" means an elevator: (a) Located  
14 in either a stationary or horizontally moving hoistway; (b) used  
15 exclusively for parking automobiles where, during the parking  
16 process, each automobile is moved either under its own power or by  
17 means of a power-driven transfer device onto and off the elevator  
18 directly into parking spaces or cubicles in line with the elevator;  
19 and (c) in which persons are not normally stationed on any level  
20 except the receiving level.

1 (4) "Belt manlift" means a power driven endless belt provided  
2 with steps or platforms and a hand hold for the transportation of  
3 personnel from floor to floor.

4 (5) "Casket lift" means a lift that (a) is installed at a  
5 mortuary, (b) is designed exclusively for carrying of caskets, (c)  
6 moves in guides in a basically vertical direction, and (d) serves two  
7 or more floors or landings.

8 (6) "Class B elevator work" means:

9 (a) Minor alterations to conveyances that do not change the  
10 design or diminish the performance of the listed component or  
11 equipment; or

12 (b) Installations of private residential stairway chair lifts, as  
13 defined by rule of the department.

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

17 ((+7)) (8) "Conveyance work" means the alteration, construction,  
18 dismantling, erection, installation, maintenance, relocation, and  
19 wiring of a conveyance.

20 ((+8)) (9) "Department" means the department of labor and  
21 industries.

22 ((+9)) (10) "Director" means the director of the department or  
23 his or her representative.

24 ((+10)) (11) "Dumbwaiter" means a hoisting and lowering  
25 mechanism equipped with a car (a) that moves in guides in a  
26 substantially vertical direction, (b) the floor area of which does  
27 not exceed nine square feet, (c) the inside height of which does not  
28 exceed four feet, (d) the capacity of which does not exceed five  
29 hundred pounds, and (e) that is used exclusively for carrying  
30 materials.

31 ((+11)) (12) "Elevator" means a hoisting or lowering machine  
32 equipped with a car or platform that moves in guides and serves two  
33 or more floors or landings of a building or structure;

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

38 (b) "Freight elevator" means an elevator (i) used primarily for  
39 carrying freight and (ii) on which only the operator, the persons

1 necessary for loading and unloading, and other employees approved by  
2 the department are permitted to ride;

3 (c) "Sidewalk elevator" means a freight elevator that: (i)  
4 Operates between a sidewalk or other area outside the building and  
5 floor levels inside the building below the outside area, (ii) does  
6 not have a landing opening into the building at its upper limit of  
7 travel, and (iii) is not used to carry automobiles;

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

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

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

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

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

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

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

23 (k) "Direct-plunger hydraulic elevator" means a hydraulic  
24 elevator having a plunger or cylinder directly attached to the car  
25 frame or platform;

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

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

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

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

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

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

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

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

18 (t) "Boat launching elevator" means a conveyance that serves a  
19 boat launching structure and a beach or water surface and is used for  
20 the carrying or handling of boats in which people ride;

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

25 ~~((12))~~ (13) "Elevator contractor" means any person, firm, or  
26 company that possesses an elevator contractor license in accordance  
27 with this chapter and who is engaged in the business of performing  
28 conveyance work covered by this chapter.

29 ~~((13))~~ (14) "Elevator contractor license" means a license that  
30 is issued to an elevator contractor who has met the qualification  
31 requirements established in RCW 70.87.240.

32 ~~((14))~~ (15) "Elevator helper/apprentice" means a person who  
33 works under the general direction of a licensed elevator mechanic. A  
34 license is not required to be an elevator helper/apprentice.

35 ~~((15))~~ (16) "Elevator mechanic" means any person who possesses  
36 an elevator mechanic license in accordance with this chapter and who  
37 is engaged in performing conveyance work covered by this chapter.

38 ~~((16))~~ (17) "Elevator mechanic license" means a license that is  
39 issued to a person who has met the qualification requirements  
40 established in RCW 70.87.240.

1        ~~((17))~~ (18) "Employee" means any person employed by an elevator  
2 contractor.

3        ~~((18))~~ (19) "Escalator" means a power-driven, inclined,  
4 continuous stairway used for raising and lowering passengers.

5        ~~((19))~~ (20) "Existing installations" means an installation  
6 defined as an "installation, existing" in this chapter or in rules  
7 adopted under this chapter.

8        ~~((20))~~ (21) "Inspector" means an elevator inspector of the  
9 department or an elevator inspector of a municipality having in  
10 effect an elevator ordinance pursuant to RCW 70.87.200.

11       ~~((21))~~ (22) "License" means a written license, duly issued by  
12 the department, authorizing a person, firm, or company to carry on  
13 the business of performing conveyance work or to perform conveyance  
14 work covered by this chapter.

15       ~~((22))~~ (23) "Licensee" means the elevator mechanic or elevator  
16 contractor.

17       ~~((23))~~ (24) "Maintenance" means a process of routine  
18 examination, lubrication, cleaning, servicing, and adjustment of  
19 parts, components, and/or subsystems for the purpose of ensuring  
20 performance in accordance with this chapter. "Maintenance" includes  
21 repair and replacement, but not alteration.

22       ~~((24))~~ (25) "Material hoist" means a hoist that is not a part  
23 of a permanent structure used to raise or lower materials during  
24 construction, alteration, or demolition. It is not applicable to the  
25 temporary use of permanently installed personnel elevators as  
26 material hoists.

27       ~~((25))~~ (26) "Material lift" means a lift that (a) is  
28 permanently installed, (b) is comprised of a car or platform that  
29 moves in guides, (c) serves two or more floors or landings, (d)  
30 travels in a vertical or inclined position, (e) is an isolated, self-  
31 contained lift, (f) is not part of a conveying system, and (g) is  
32 installed in a commercial or industrial area not accessible to the  
33 general public or intended to be operated by the general public.

34       ~~((26))~~ (27) "Moving walk" means a passenger-carrying device (a)  
35 on which passengers stand or walk and (b) on which the passenger-  
36 carrying surface remains parallel to its direction of motion.

37       ~~((27))~~ (28) "One-man capacity manlift" means a single  
38 passenger, hand-powered counterweighted device, or electric-powered  
39 device, that travels vertically in guides and serves two or more  
40 landings.

1        ~~((+28+))~~ (29) "Owner" means any person having title to or control  
2 of a conveyance, as guardian, trustee, lessee, or otherwise.

3        ~~((+29+))~~ (30) "Permit" means a permit issued by the department:  
4 (a) To perform conveyance work, other than maintenance; or (b) to  
5 operate a conveyance.

6        ~~((+30+))~~ (31) "Person" means this state, a political subdivision,  
7 any public or private corporation, any firm, or any other entity as  
8 well as an individual.

9        ~~((+31+))~~ (32) "Personnel hoist" means a hoist that is not a part  
10 of a permanent structure, is installed inside or outside buildings  
11 during construction, alteration, or demolition, and used to raise or  
12 lower workers and other persons connected with, or related to, the  
13 building project. The hoist may also be used for transportation of  
14 materials.

15        ~~((+32+))~~ (33) "Platform" means a rigid surface that is maintained  
16 in a horizontal position at all times when in use, and upon which  
17 passengers stand or a load is carried.

18        ~~((+33+))~~ (34) "Private residence conveyance" means a conveyance  
19 installed in or on the premises of a single-family dwelling and  
20 operated for transporting persons or property from one elevation to  
21 another.

22        ~~((+34+))~~ (35) "Public agency" means a county, incorporated city  
23 or town, municipal corporation, state agency, institution of higher  
24 education, political subdivision, or other public agency and includes  
25 any department, bureau, office, board, commission or institution of  
26 such public entities.

27        ~~((+35+))~~ (36) "Repair" means the reconditioning or renewal of  
28 parts, components, and/or subsystems necessary to keep equipment in  
29 compliance with this chapter.

30        ~~((+36+))~~ (37) "Replacement" means the substitution of a device,  
31 component, and/or subsystem in its entirety with a unit that is  
32 basically the same as the original for the purpose of ensuring  
33 performance in accordance with this chapter.

34        ~~((+37+))~~ (38) "Single-occupancy farm conveyance" means a hand-  
35 powered counterweighted single-occupancy conveyance that travels  
36 vertically in a grain elevator and is located on a farm that does not  
37 accept commercial grain.

38        ~~((+38+))~~ (39) "Stairway chair lift" means a lift that travels in  
39 a basically inclined direction and is designed for use by individuals  
40 with disabilities.

1       (~~(39)~~) (40) "Wheelchair lift" means a lift that travels in a  
2 vertical or inclined direction and is designed for use by individuals  
3 with disabilities.

4       (~~(40)~~) (41) "Whistleblower" means any employee who in good  
5 faith reports practices or opposes practices that may violate the  
6 provisions of this chapter or the rules promulgated hereunder, or of  
7 the safety, installation, repair, or maintenance policies of his or  
8 her employer. The term also means (a) an employee who is believed to  
9 have reported such practices but who, in fact, has not reported such  
10 practices or (b) an employee who has assisted in the reporting of  
11 practices or has provided testimony or information in connection with  
12 the reporting of practices.

13       (~~(41)~~) (42) "Workplace reprisal or retaliatory action" includes  
14 actions such as discharge or in any manner discrimination against any  
15 employee who has reported or filed any complaint or instituted or  
16 caused to be instituted any proceeding under or related to this  
17 chapter, or has testified or is about to testify in any such  
18 proceeding or because of the exercise by such employee on behalf of  
19 himself or herself or others of any right or responsibility afforded  
20 by this chapter.

21       **Sec. 2.** RCW 70.87.100 and 2003 c 143 s 15 are each amended to  
22 read as follows:

23       (1) All conveyance installations, relocations, or alterations  
24 must be performed by an elevator contractor employing an elevator  
25 mechanic.

26       (2) The elevator contractor employing an elevator mechanic  
27 performing such conveyance work shall notify the department before  
28 completion of the work, and shall subject the new, moved, or altered  
29 portions of the conveyance to the acceptance tests.

30       (3) All new, altered, or relocated conveyances for which a permit  
31 has been issued, shall be inspected for compliance with the  
32 requirements of this chapter by an authorized representative of the  
33 department. The authorized representative shall also witness the test  
34 specified.

35       (4) The department may issue class B elevator work permits for  
36 the performance of class B elevator work without the requirement of a  
37 witness inspection of the equipment before it is placed into  
38 operation.

1       (a) Class B permitted alterations or private residential stairway  
2 chair lift installations must be performed by a licensed elevator  
3 contractor using a licensed elevator mechanic.

4       (b) To be eligible to purchase class B permits, a licensed  
5 elevator contractor must demonstrate competency in consistently  
6 performing code compliant work, as specified by rule of the  
7 department.

8       (c) The department shall inspect class B work on a random basis,  
9 as specified by rule of the department.

10       (d) The department may by rule establish fees for class B  
11 permits.

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