



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 236

132nd General Assembly
(As Introduced)

Reps. Patton and Cupp, Hambley

BILL SUMMARY

- Repeals the current Elevator Law and replaces it with the Model Elevator Law.
- Creates the Elevator Safety Review Board (ESRB) to carry out the requirements of the Model Elevator Law.
- Expands oversight of ESRB to include conveyances installed in one-, two-, or three-family residential buildings, which are not currently subject to the Elevator Law.
- Requires individuals wishing to provide conveyance services to acquire an elevator mechanic's license.
- Requires entities wishing to provide conveyance services to acquire an elevator contractor's license.
- Removes the explicit authority of insurers and local governments to designate special elevator inspectors.
- Removes the requirement that elevator accidents be reported to the Board of Building Standards.
- Increases the maximum potential fine for violations of the Model Elevator Law, from \$1,000 to \$1,500, and adds a potential jail sentence of up to 30 days.
- Provides for temporary licenses for those situations in which there is a shortage of individuals licensed to provide conveyance services.

CONTENT AND OPERATION

General overview

The bill replaces the current Elevator Law with the Model Elevator Law. As such, the bill creates a new mechanic's license for individuals, as well as a conveyance contractor license for entities providing conveyance services. It also creates the Elevator Safety Review Board within the Board of Building Standards and under the Department of Commerce, for the purpose of carrying out the requirements of the Model Elevator Law.

This analysis provides a brief description of the current Elevator Law and a more thorough review of the provisions of the Model Elevator Law.

Current law overview

Under current law, regulation of elevators is overseen by the Board of Building Standards (BBS) and the Division of Industrial Compliance (DOIC). BBS is required to adopt rules and standards pertaining to the safe and proper installation, service, and repair of elevators.¹

The majority of the current Elevator Law pertains to inspections. Individuals are prohibited from conducting elevator inspections unless they are certified by the DOIC.² Current law only requires elevator inspectors to be licensed—individuals or entities providing other elevator services are not currently required to be certified or licensed.

The bill eliminates the requirement that any person owning or operating any elevator subject to the current Ohio Elevator Law file a written report with the Superintendent of Industrial Compliance within 72 hours after the occurrence of any accident involving the elevator that results in death or bodily injury to any person.³

Model Elevator Law

Regulation of conveyances

Differing from current law, which refers to "elevators," the Model Elevator Law uses the primary term "conveyance." As such, the bill regulates conveyance services. "Conveyance services" are erecting, constructing, installing, altering, servicing,

¹ R.C. 4105.011(A) (repealed).

² R.C. 4105.02 (repealed).

³ R.C. 4105.191 (repealed).



repairing, dismantling, removing, or maintaining a conveyance.⁴ The bill defines a "conveyance" as being any of the following:

- Any hoisting and lowering mechanism equipped with a car or platform that moves between two or more landings, including an elevator, platform lift, or stairway chairlift.
- Power-driven stairways and walkways for carrying persons between landings, including escalators and moving walks, commonly known as people movers.
- Hoisting and lowering mechanisms equipped with a car that serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car, including dumbwaiters and material lifts.
- Automatic guided transit vehicles on guideways with an exclusive right-of-way, including automated people movers.

The bill also specifies that all of the following are *not* conveyances and are therefore not subject to the bill's requirements:

- Material hoists;
- Manlifts (considered an elevator under current law);
- Mobile scaffolds, towers, and platforms;
- Powered platforms and equipment for exterior and interior maintenance;
- Conveyors;
- Cranes, derricks, hoists, hooks, jacks;
- Industrial trucks;
- Portable equipment (but not portable escalators);
- Tiering or piling machines used to move materials to and from storage located and operating entirely within one story;
- Equipment for feeding or positioning materials at machine tools, printing presses, and similar machines;

⁴ R.C. 4105.01(A)(9).



- Skip or furnace hoists;
- Wharf ramps;
- Railroad car lifts or dumpers;
- Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in Ohio.⁵

Under current law, an "elevator" is a hoisting and lowering apparatus equipped with a car, cage, or platform that moves on or between permanent rails or guides and serves two or more fixed landings in a building or structure to which the Ohio Residential and Nonresidential Building Codes apply. "Elevator" includes dumbwaiters other than hand-powered dumbwaiters, escalators, manlifts, moving walks, of the endless belt type, other lifting or lowering apparatus permanently installed on or between rails or guides, and all equipment, machinery, and construction related to any elevator. It does not include construction hoists and other similar temporary lifting or lowering apparatuses, ski lifts, traveling, portable amusement rides or devices that are not affixed to a permanent foundation, or nonportable amusement rides or devices that are affixed to a permanent foundation.⁶

Elevator Safety Review Board

The bill establishes the Elevator Safety Review Board (ESRB) for the purpose of overseeing conveyance services. ESRB is created within the BBS.⁷

ESRB consists of nine members, including the Director, a BBS representative, and the following individuals, appointed by the Governor:

- One representative of a major elevator manufacturing company;
- One representative of an elevator servicing company;
- One representative of the architectural design or elevator consulting profession;
- One representative of the general public;
- One representative of Ohio municipalities;

⁵ R.C. 4105.01(A)(8) and 4105.02.

⁶ R.C. 4105.01 (repealed), by reference to R.C. 3781.06, not in the bill.

⁷ R.C. 4105.04(A).



- One representative of building owners or managers;
- One representative of the building trade, consisting of individuals providing conveyance services.⁸

The bill does not specify by when the Governor must appoint the initial members. The term of those members appointed to the ESRB is three years. Vacancies are to be filled in the same manner as the original appointments. If any appointed board member is absent from three consecutive meetings, the member's seat is to be deemed vacant.⁹

All ESRB members serve without salary, but will be reimbursed for all expenses necessary in the performance of their duties.¹⁰ One ESRB member is to be appointed by the Governor to serve as the chair. A majority constitutes a quorum and the chair will be the deciding vote in the event of a tie vote.¹¹

ESRB is required to meet and organize within ten days after the appointment of its members and at this first meeting elect from its members a secretary to serve for a term as prescribed in ESRB rules. ESRB is to meet not less than once a month and as often as it considers necessary for the consideration of code regulations, appeals, variances, and for the transaction of other business as properly may come before it. Special meetings are to be called as prescribed in rules adopted by ESRB.¹²

The bill authorizes ESRB to consult with and retain engineering authorities and organizations concerning all of the following:

- Standard safety codes;
- Rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of conveyances;
- The qualifications for licensing elevator mechanics, contractors, and inspectors.¹³

⁸ R.C. 4105.04(B).

⁹ R.C. 4105.04(C) and (G).

¹⁰ R.C. 4105.04(D).

¹¹ R.C. 4105.04(E).

¹² R.C. 4105.04(F).

¹³ R.C. 4105.04(H).

The bill authorizes ESRB to recommend to the General Assembly legislation governing conveyances and the licensing of elevator mechanics, contractors, and inspectors.¹⁴

Rules

ESRB must establish rules regulating conveyances in accordance with the Administrative Procedure Law. The rules are to incorporate all of the following:

- The elevators and escalators safety code;
- The existing elevators and escalators safety code;
- The platform lifts and stairway chairlifts safety standards;
- The standards for the qualification of elevator inspectors;
- The automated people mover standards.

ESRB also must adopt in rule the latest edition of any such standard within six months of the standard's effective date. Any modifications to such standards that are made by ESRB are to be justified in writing.¹⁵

The bill authorizes ESRB to grant exceptions and variances from the literal requirements of applicable code and standards, regulations, and local legislation in cases where such variances would not jeopardize the public safety and welfare. If ESRB denies a request for an exception or a variance, and an appeal to the denial is made, a hearing officer is to hear the appeal and decide upon the appeal within 30 days of the filing of the appeal.¹⁶

ESRB may adopt in rule fee schedules for licenses, permits, certificates, and inspections. The fees are to reflect the actual costs and expenses to administer the bill's requirements.¹⁷

Also, ESRB may appoint hearing officers to conduct hearings for violations of the Model Elevator Law.¹⁸

¹⁴ R.C. 4105.04(I).

¹⁵ R.C. 4105.04(J) and (K).

¹⁶ R.C. 4105.04(L).

¹⁷ R.C. 4105.04(N).

¹⁸ R.C. 4105.04(O).



Licensing

The bill provides for three basic license types: mechanic's licenses for the individuals working on conveyances, contractor's licenses for the companies providing conveyance services, and inspector's licenses for the individuals inspecting the conveyances. The bill prohibits a person from providing conveyance services or conducting an inspection of a conveyance within buildings or structures, including private residences, unless that person holds the appropriate license. A violation of these prohibitions results in a fine of not more than \$1,500, a jail term of up to 30 days, or both.¹⁹ Any license issued by ESRB is valid for two years and may be renewed.²⁰ The bill requires that, on approval of a license application, ESRB must issue the license to the applicant.²¹

An application for any of these licenses must contain all of the following:

- If an applicant is an individual or sole proprietor, the applicant's name, residence address, and business address;
- If an applicant is a partnership, each partner's name, residence address, and business address;
- If an applicant is a domestic corporation, the corporation's name and business address and the principal officer's name and residence address of the principal officer;
- If the applicant is a corporation other than a domestic corporation, the name and address of an agent located in Ohio authorized to accept service of process and official notices;
- The number of years the applicant has engaged in the business of conveyance services or conveyance inspections;
- A description of the criminal convictions and guilty pleas of the applicants and each employee, if any, as verified by a criminal records check;
- Any other information as ESRB considers appropriate.

If the applicant is applying for an elevator contractor's license, the application also must include both of the following:

¹⁹ R.C. 4105.03(A) to (C) and 4105.99.

²⁰ R.C. 4105.05(I).

²¹ R.C. 4105.05(H).



- The approximate number of persons, if any, to be employed by the applicant, and if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;
- Satisfactory evidence that the applicant and all employees are, or will be, covered by general liability, personal injury, and property damage insurance in accordance with the bill's requirements of the bill.²²

Mechanic's license

The bill prohibits anyone from providing conveyance services in buildings or structures unless that person is a licensed elevator mechanic (see **COMMENT**). The bill specifies that, with regard to wiring a conveyance, an individual needs no additional license, such as an electrician's license. Additionally, no individual, such as an electrician, may wire a conveyance unless that individual also holds a mechanic's license. Also, even if a person holds a mechanics license, that person may neither provide conveyance services nor wire a conveyance unless that person either holds a contractor's license or works for or is a member of an entity that holds a contractor's license.²³

ESRB may issue an elevator mechanic's license to an applicant only if that applicant has demonstrated one of the following qualifications:

- Not less than three years of work experience in the elevator industry, in construction, maintenance, service, repair, or any combination thereof, as verified by current and previous employers licensed to do business in Ohio;
- Satisfactory completion of a written examination administered by ESRB on the most recent referenced codes and standards;
- A certificate of completion or other evidence of having successfully passed the mechanic examination of a nationally recognized training program for the elevator industry, such as the national elevator industry educational program or its equivalent;
- A certificate of completion of an apprenticeship program for elevator mechanics that has standards substantially equal to those of the Model Elevator Law and is registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a state apprenticeship council;

²² R.C. 4105.05(D).

²³ R.C. 4105.03(A) and (B).



- A valid license from a state having standards substantially equal to those of the Model Elevator Law, upon application and without examination.²⁴

As elevator contractors are not currently required to be licensed, the bill provides a means for those individuals working for unlicensed elevator contractors before the bill's effective date to receive a license. The bill stipulates that proof that an applicant for a mechanic's license has worked as an elevator construction, maintenance, or repair person, consisting of having worked without direct and immediate supervision for an elevator contractor authorized to do business in Ohio for a period of not less than three years immediately before the bill's effective date serves as sufficient qualification for a mechanic's license. Note that an applicant seeking to establish qualifications through such work experience must apply within one year after the bill's effective date.²⁵

Contractor's license

Any business entity wishing to provide conveyance services is required to apply for an elevator contractor's license with ESRB on a form provided by ESRB. ESRB may issue an elevator contractor's license to a business entity only if the applicant has in its employ a licensed elevator mechanic and has proof of compliance with the bill's insurance requirements, described below under "**Insurance.**" ESRB also may issue an elevator contractor's license to an applicant that holds a valid license from a state having standards substantially equal to those of the bill.²⁶

Inspector's license

The bill requires that any person wishing to engage in the business of conveyance inspections must apply for an elevator inspector's license with ESRB on a form provided by ESRB.²⁷ ESRB may issue an inspector's license to an applicant only if that applicant is an ASME QEI-1 qualified elevator inspector.²⁸

License renewals

ESRB may renew a license if the licensee does all of the following:

- Submits an application for license renewal on a form prescribed by ESRB;

²⁴ R.C. 4105.05(E).

²⁵ R.C. 4105.05(E)(2).

²⁶ R.C. 4105.05(G).

²⁷ R.C. 4105.05(C).

²⁸ R.C. 4105.05(F).



- Pays the license renewal fee established by ESRB;
- Submits evidence that the applicant has completed the required continuing education coursework.

For a contractor's license, the applicant also must submit proof that the applicant is in compliance with the insurance requirements.²⁹

Continuing education

The bill requires licensees to engage in continuing education. The continuing education courses must meet all of the following:

- Instruct licensees on new and existing ESRB rules and standards;
- Consist of not less than eight hours of instruction;
- Be attended and completed within one year immediately preceding the scheduled date for the license renewal;
- Be taught by instructors through continuing education providers approved by ESRB.³⁰

All continuing education instructors are exempt from the continuing education requirement, provided that the applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for the license renewal.³¹

Temporary continuing education waiver

A licensee who is unable to complete the required continuing education coursework before the license expires due to a temporary disability may apply for a temporary continuing education waiver from ESRB.

The licensee may apply for a temporary continuing education waiver in a form prescribed by ESRB. The form is to be signed by the applicant and be accompanied by a certified statement from a competent physician attesting to the temporary disability. Any falsification of the application is considered perjury. If ESRB grants the waiver, the licensee's license does not expire but is placed on inactive status.

²⁹ R.C. 4105.051(A).

³⁰ R.C. 4105.051(B).

³¹ R.C. 4105.051(C).



On the termination of the temporary disability, the licensee is to submit to ESRB a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability. ESRB must take the licensee's license off inactive status and issue a waiver sticker, valid for 90 days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks the license authorizes the licensee to perform but the licensee must meet the continuing education requirement during this 90-day period. If the licensee fails to meet the requirement in this time, the license will be deemed to be expired.³²

Continuing education providers

The bill requires approved continuing education providers to keep uniform records, for a period of ten years, of attendance of licensees in ESRB-approved format. The records must be available for inspection by ESRB on request.

Approved training providers are responsible for the security of all attendance records and certificates of completion. Falsifying or knowingly allowing another to falsify attendance records or certificates of completion is grounds for suspension or revocation of ESRB approval.³³

Emergency licenses

In those situations where ESRB determines that an emergency exists due to disaster or work stoppage, and that the number of persons in Ohio holding elevator mechanic's licenses is insufficient to cope with the emergency, ESRB is required to declare this a state of emergency and respond by issuing temporary licenses. During a state of emergency, any person found by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform conveyance services without direct and immediate supervision may perform conveyance services without an elevator mechanic's license.

Such a person is to seek an emergency elevator mechanic's license from ESRB within five business days after commencing work that would otherwise require an elevator mechanic's license. An elevator contractor associated with a person seeking an emergency elevator mechanic's license must furnish proof of competency as ESRB may require.

An emergency elevator mechanic's license is valid for a period of 45 days from the date of issuance. ESRB may restrict the validity of an emergency license to a

³² R.C. 4105.051(D).

³³ R.C. 4105.051(E).



particular conveyance or geographical area as ESRB sees fit. But the license otherwise entitles the licensee to the rights and privileges of an elevator mechanic's license.

ESRB may renew an emergency license for the duration of a state of emergency. The bill prohibits ESRB from charging a fee for any emergency license or emergency license renewal.³⁴

Licensee shortage

The bill provides for a shortage of licensed elevator mechanics. The bill requires an elevator contractor to notify ESRB when there are no licensed elevator mechanics available to provide conveyance services and may request that ESRB issue temporary elevator mechanic's licenses to persons certified by the contractor to have an acceptable combination of documented experience and education to provide conveyance services without direct and immediate supervision.

Any such person is to then immediately seek a temporary elevator mechanic's license from ESRB and pay an application fee as set by ESRB. If ESRB is satisfied with the person's qualifications, ESRB must issue a temporary elevator mechanic's license to the person. A temporary license is valid only for a specified term set by ESRB. The temporary term must be noted on the license. Such a temporary license is only valid while the licensee is employed by the elevator contractor that certified the individual as being qualified. A temporary elevator mechanic's license is renewable in accordance with rules adopted by ESRB.³⁵

Licensee discipline

The bill authorizes ESRB to suspend or revoke a license or subject the licensee to a civil penalty on verification that the licensee has committed one or more of the following:

- Made any false statement as to a material matter in license application;
- Committed fraud, misrepresentation, or bribery in securing a license;
- Failed to notify ESRB and the owner or lessee of a conveyance of any condition not in compliance with the Model Elevator Law or associated rules;

³⁴ R.C. 4105.06.

³⁵ R.C. 4105.061.



- Committed any violation of the Model Elevator Law.³⁶

Any administrative action taken is to be made only after a hearing held by ESRB in accordance with the Ohio Administrative Procedure Act. Notice of such a hearing is to be provided to the licensee in question at least ten days before the hearing at the last known address appearing on the license, served personally or by registered mail. The notice is to state the date, hour, and place of the hearing and set forth a statement of facts constituting the grounds for the charges against the licensee.

If ESRB revokes or suspends a license or subjects the licensee to a civil penalty, the licensee may appeal the determination to a hearing officer appointed by ESRB. The bill requires ESRB to hold a hearing on such an appeal within 30 days of the appeal being made and provide written notice to all interested parties of the hearing within 15 days of the hearing. A final decision on the issue on the appeal is to be issued within 30 days after the hearing.³⁷

Conveyance registration

Within six months after the date of the appointment of the final ESRB member, the owner or lessee of every existing conveyance must register the conveyance with ESRB, giving all of the following information:

- The conveyance type, rated load, and speed;
- The name of the conveyance manufacturer;
- The location of the conveyance and the purpose for which it is used;
- Any additional information ESRB may require.³⁸

The owner of a conveyance for which construction has begun subsequent to six months after the last ESRB member is appointed but has not yet been completed, must, at the time the conveyance is completed and placed in service, register the conveyance with ESRB.³⁹ Currently, all elevators must be registered with DOIC. There does not appear to be a fee associated with registration under the current law or the bill.⁴⁰ The

³⁶ R.C. 4105.07(A).

³⁷ R.C. 4105.07(B) and (C).

³⁸ R.C. 4105.08(A).

³⁹ R.C. 4105.08(B).

⁴⁰ R.C. 4105.09 (repealed).

bill requires DOIC to transmit to ESRB all registrations issued before the bill's effective date.⁴¹

Licensees must ensure that installation, service, and maintenance of a conveyance is performed in accordance with state and local law and with generally accepted standards referenced in those laws or related rules.

When any material alteration is made to a conveyance, the licensees involved are required to ensure that the conveyance adheres to the appropriate conveyance standard for the alteration.⁴²

Start work permits

The bill requires an elevator contractor to obtain a permit issued by ESRB in relation to the construction or alteration of any conveyance within buildings or structures before starting the work.⁴³ This requirement does not apply to those projects already under way before the bill's effective date.⁴⁴

No one other than a licensed elevator contractor may receive such a permit, and a copy of the permit required must be kept at the construction site in question at all times while the work is in progress.⁴⁵

All new conveyance installations are to be performed by a licensed elevator contractor. Subsequent to installation, the licensed elevator contractor is required to certify to ESRB compliance with the applicable requirements of the Model Elevator Law.⁴⁶

The bill requires ESRB to set the permit fee in rule. The fees are nonrefundable.⁴⁷

Each application for a permit is to be accompanied by copies of specifications, accurately scaled and fully dimensioned plans, and all applicable fees. The plans must be sufficiently complete to illustrate all details of construction and design and must show all of the following:

⁴¹ Section 4.

⁴² R.C. 4105.09.

⁴³ R.C. 4105.10(A).

⁴⁴ Section 4.

⁴⁵ R.C. 4105.10(A) to (C).

⁴⁶ R.C. 4105.11(A) and (B).

⁴⁷ R.C. 4105.10(D).



- The location of the conveyance in relation to the plans and elevation of the building;
- The location of the machinery room and the equipment to be installed, relocated, or altered;
- All structural supporting members of the building or structure, including foundations;
- All materials to be employed and all loads to be supported or conveyed.⁴⁸

Permit revocation

ESRB may revoke a permit if it finds any of the following to be true:

- The applicant made a false statement or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.
- The permit was issued in error and should not have been issued in accordance with the law or applicable rules.
- The work detailed under the permit is not being performed in accordance with the application, plans, or specifications submitted with the application.
- The work detailed under the permit is not being performed in accordance with the law, associated rules, or conditions of the permit.
- The elevator contractor to whom the permit was issued fails or refuses to comply with a stop work order.⁴⁹

A start work permit expires if any of the following occurs:

- The work authorized by the permit is not commenced within six months after the date of issuance or is not commenced within a shorter period of time as ESRB may specify at the time the permit is issued.
- The work is stopped for a period of 60 days, or such shorter period of time as ESRB may specify at the time the permit is issued, after the work has been started.

⁴⁸ R.C. 4105.10(E).

⁴⁹ R.C. 4105.10(F).

Note, that ESRB may allow an extension for good cause.⁵⁰

Certificate of operation

Before any conveyance is used, the owner or lessee of the conveyance must obtain a certificate of operation from ESRB. The owner or lessee is required to maintain a certificate of operation at all times the conveyance is in use. A fee, as set forth in rule adopted by ESRB, is to be paid for the certificate of operation.

The licensed elevator contractor installing the conveyance is required to properly complete and submit all information needed for an application for an initial certificate of operations for new installations.⁵¹

The bill requires that certificates of operation be clearly displayed on or in each conveyance, or in the machine room, for the benefit of code enforcement staff.⁵²

Platform lifts and stairway chairlifts

The bill includes requirements for newly installed platform lifts and stairway chairlifts for private residences. The bill requires that the initial certificate of operation fee, as well as any subsequent renewal fees, be waived. The certificate of operation can be issued only after a licensed state inspection firm has inspected and approved the lift.

The bill requires ESRB to inspect all newly installed and existing platform lifts and stairway chairlifts for private residences subsequent to an inspection by a person, firm, or corporation to which a license to inspect conveyances has been issued. ESRB must provide notice to the owner of the private residence with relevant information about conveyance safety requirements, including having the owner contact ESRB to ensure that the conveyance is periodically and timely inspected and made safe before the conveyance permit expires. The inspection is to be done only at the request and consent of the private residence owner. Note that the penalty provisions of the Model Elevator Law do not apply to private residence owners.⁵³

Certificate of operation renewals

With the exception of platform and stairway chairlifts, a certificate of operation must be renewed on an annual basis. A certificate of operation issued for platform and stairway chairlifts for private residences is valid for three years. Current law requires

⁵⁰ R.C. 4105.10(G).

⁵¹ R.C. 4105.11(C).

⁵² R.C. 4105.11(F) and Section 4.

⁵³ R.C. 4105.11(D).



the Superintendent of Industrial Compliance to adopt rules establishing a renewal schedule.

Certificates of operations issued under the former Elevator Law continue to be valid for the duration of the period for which it was issued.⁵⁴

Fees – current law

Under current law, with the exception of a \$3.25 fee charged by BBS for all certificates of operation or renewals of those certificates,⁵⁵ fees for inspections are only charged if the inspection, due to no fault on the part of the inspector, is not completed. In other words, the owner of an elevator or other conveyance only has to pay a fee for an inspection if such an owner schedules an inspection and then causes the inspection to not be completed. The fee for a missed inspection is as follows:

- For an elevator: \$120 plus \$10 for each floor where the elevator stops;
- For an escalator or moving walk: \$300.

Current law allows DOIC to charge a reinspection fee for a missed inspection. The reinspection fee for an elevator is the same as a missed inspection. The reinspection fee for an escalator or moving walk is \$150.

The standard six-month elevator certificate of operation inspection fee is \$220 plus \$12 for each floor where the elevator stops. This fee does not apply to those inspections that are conducted by a special inspector. Such fees are set by the insurer or local government initiating the inspection.

The fee for a 12-month elevator certificate of operation is \$55 plus \$10 for each floor where the elevator stops. The fee for a certificate of operation for an escalator or moving walk is \$300, except where conducted by a special inspector. All other fees are to be set by the Director of Commerce and are to be related to costs.⁵⁶

Insurance requirements

The bill requires elevator contractors and certain elevator inspectors to meet insurance requirements. Elevator contractors, as well as any elevator inspector not employed by ESRB, are required to submit to ESRB proof of insurance coverage greater than or equal to the following amounts:

⁵⁴ R.C. 4105.11(E) and 4105.12 (repealed).

⁵⁵ R.C. 4105.17(I) (repealed).

⁵⁶ R.C. 4105.17 (repealed).



- \$1 million for injury or death of any number of persons in any one occurrence;
- \$500,000 for property damage in any one occurrence.

The bill also requires contractors and non-ESRB inspectors to maintain workers' compensation coverage.⁵⁷ Proof of insurance is to be delivered to ESRB before or at the time a license is issued or renewed. If any required insurance policy is materially altered or canceled, the elevator contractor or elevator inspector covered by the policy must give notice of the change to ESRB at least ten days before the change.⁵⁸

Enforcement

The bill requires ESRB to develop an enforcement program. This program is to ensure compliance with the regulations and requirements prescribed in the Model Elevator Law. This includes all of the following:

- The identification of property locations that are subject to the regulations and requirements;
- Issuing notifications to violating property owners or lessees;
- Conducting random, on-site inspections and tests on existing installations;
- Witnessing periodic inspections and testing to ensure satisfactory performance by licensees;
- Assisting in development of public awareness programs.⁵⁹

Notification of violations

Any person may request an investigation into an alleged violation of the Model Elevator Law by giving notice to ESRB of a potential violation or danger. The notice must be in writing, set forth with reasonable particularity the grounds for the notice, and be signed by the person making the request. Upon the request of any person signing the notice, the person's name is not to appear on any copy of the notice or any record published, released, or made available.⁶⁰

⁵⁷ R.C. 4105.12(A).

⁵⁸ R.C. 4105.12(B) and (C).

⁵⁹ R.C. 4105.13(A).

⁶⁰ R.C. 4105.13(B).

If, upon receipt of a request, ESRB determines that there are reasonable grounds to believe that a violation or danger exists, the bill requires ESRB to investigate whether or not a violation or danger exists. After the investigation, if ESRB determines that there are no reasonable grounds to believe that a violation or danger exists, it must notify the party in writing of that determination.⁶¹

ESRB may issue a stop work order in situations where it identifies conditions that endanger public safety or where conveyance services are being provided in violation of Model Elevator Law or associated rules.⁶²

Annual inspections

The bill specifies that it is the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually by a licensed elevator inspector. Subsequent to any inspection, the elevator inspector must supply the owner or lessee and ESRB with a written inspection report describing any and all code violations. The bill requires ESRB to ensure that the owner or lessee of the conveyance brings the conveyance into compliance with the relevant code. After the date of the published inspection report, an owner or lessee has 30 days to be in full compliance with correcting the violations.⁶³

Current law requires elevator inspections to occur on a regular basis. Elevators must be inspected twice a year. Freight conveyances not designed to carry people must be inspected once a year. And BBS is authorized to adopt rules specifying that elevators with a capacity of 750 pounds or less are to be inspected every year. Additionally, elevators must be inspected at two primary junctions:

- On initial installation;
- Before operation after any alteration or repair.⁶⁴

Along with the state, two other entities initiate elevator inspections: insurance companies insuring the elevators and a local government in which an elevator resides. These inspectors are designated as "special inspectors."⁶⁵

⁶¹ R.C. 4105.13(C).

⁶² R.C. 4105.04(M)

⁶³ R.C. 4105.14(A) and (B).

⁶⁴ R.C. 4105.10 (repealed), 4105.15 (repealed), and 4105.16 (repealed).

⁶⁵ R.C. 4105.04 (repealed).

The bill specifies that it is the responsibility of the owner of all conveyances to have an elevator contractor ensure that the required tests are performed at intervals in compliance with the ASME⁶⁶ A17.1/CSA B44 Appendix N, ASME A18.1 and ASCE 21. All such tests must be performed by a licensed elevator mechanic.⁶⁷

If upon the inspection of any equipment covered by the Model Elevator Law, the equipment is found to be in a dangerous condition or there is an immediate hazard to those riding or using the equipment, or if the design or the method of operation of the equipment, in combination with other equipment used, is considered inherently dangerous in ESRB's opinion, ESRB must notify the owner of the condition and order any alterations or additions as ESRB considers necessary to eliminate the dangerous condition.⁶⁸

If a building is going to be destroyed as a result of a complete demolition, the bill prohibits ESRB from requiring an elevator contractor to remove or dismantle a conveyance that is going to be destroyed as a result of that complete demolition and where no access is permitted to the elevator.⁶⁹

Temporary shutdowns

The bill prescribes how a conveyance is to be shut down for a temporary period. If a conveyance is to be rendered temporarily dormant for any reason, then it must be shut down by complying with all of the following:

- The power supply must be disconnected by removing the relevant fuses and placing a padlock on the main line disconnect switch, holding it in an "off" position.
- The car must be parked and the hoistway doors are to be closed and latched in position.
- A wire seal must be installed by a licensed elevator inspector.

A wire seal and padlock placed on a conveyance as part of a temporary shutdown are not to be removed for any reason without the approval of an elevator inspector. Additionally, a conveyance that has been rendered temporarily dormant is

⁶⁶ "ASME" refers to the American Society of Mechanical Engineers and "ASCE" refers to the American Society of Civil Engineers.

⁶⁷ R.C. 4105.14(C).

⁶⁸ R.C. 4105.14(D).

⁶⁹ R.C. 4105.14(E).



not to be used until it has been put in safe running order. A conveyance subject to a temporary shutdown is still subject to the annual inspection requirement.⁷⁰

Temporary shutdown renewals

A temporary shutdown may be renewed on an annual basis, but cannot exceed a five-year period. An application for renewal of a conveyance's temporarily dormant status is to be accompanied by a report from an elevator inspector describing the conveyance's current condition.⁷¹

Fines for violation

The bill prescribes fines for violations of the Model Elevator Law. Whoever recklessly violates any of the provisions of the Elevator Law will be fined not more than \$1,500, sentenced to a jail term not exceeding 30 days, or both.⁷² Currently, the maximum fine for an initial violation of the Elevator Law is \$200. For each subsequent offense, the maximum fine is \$1,000.⁷³

General Assembly intent

The bill states that the General Assembly's intent in enacting the bill is to provide for the safety of installers, maintainers, and users of elevators and other conveyances, as well as to promote public safety awareness regarding the same. Under the bill, the use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. Elevator personnel performing work covered by the bill must, by documented training, experience, or both, be familiar with the operation and safety functions of the components and equipment. The bill requires training and experience to include recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the bill's requirements. The bill states that it is to be considered the minimum standards for elevator and conveyance personnel.

The bill states that it is not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the bill, provided that there is technical

⁷⁰ R.C. 4105.15(A), (B), (C), and (D).

⁷¹ R.C. 4105.15(E).

⁷² R.C. 4105.99.

⁷³ R.C. 4105.99 (repealed).



documentation to demonstrate the equivalency of the system, method, or device, as prescribed in the appropriate safety standards.⁷⁴

Definitions

The bill defines the following terms:

"Automated people mover" means an installation as defined in the automated people mover standards adopted by the American society of civil engineers, commonly referred to as ASCE 21.

"Belt manlifts safety standards" means the safety standards commonly referred to as ASME 90.1.

"Cableways, cranes, derricks, hoists, hooks, jacks, and slings safety standards" means the safety standards commonly referred to as ASME B30.

"Conveyors, cableways, and related equipment safety code" means the safety code commonly referred to as ASME B20.1.

"Elevator" means a conveyance defined as an elevator in the elevators and escalators safety code and the platform lifts and stairway chairlifts safety standards.

"Elevator contractor" means any business entity that possesses an elevator contractor's license and that is engaged in the business of providing conveyance services.

"Elevator inspector" means any individual who has been issued an elevator inspector's license.

"Elevator mechanic" means any person who has been issued an elevator mechanic's license.

"Elevators and escalators safety code" means the American national standard code commonly referred to as ASME A17.1/CSA B44.

"Existing elevators and escalators safety code" means the American national standard code commonly referred to as ASME A17.3.

"Material hoists safety requirements" means the safety requirements commonly referred to as ANSI A10.5.

⁷⁴ Section 3.



"Performance-based safety code for elevators and escalators" means the American National Standard Code, commonly referred to as ASME A17.7/CSA B44.7.

"Platform lifts and stairway chairlifts safety standards" means the American National Standard Code commonly referred to as ASME A18.1.

"Private residence" means a distinct building or a unit in a multiple dwelling building that is occupied by members of a single-family unit.

"Powered industrial trucks safety standards" means the safety standards commonly referred to as ASME B56.

"Powered platforms for building maintenance standards" means the standards commonly referred to as ANSI 120.1.

"Standards for the qualification of elevator inspectors" means the standards commonly referred to as ASME QEI-1.

"Vehicle-mounted elevating and rotating work platforms standards" means the standards commonly referred to as ANSI A92.⁷⁵

COMMENT

The bill defines elevator mechanic, elevator contractor, and elevator inspector each to be someone who holds a license issued under the bill. The bill also references "licensed elevator mechanics," "licensed elevator contractors," and "licensed elevators inspectors," which appears to be circular to the definitions as the person or entity must be licensed by definition to be considered an elevator mechanic, contractor, or inspector.

HISTORY

ACTION	DATE
Introduced	05-23-17

H0236-1-132.docx/ar

⁷⁵ R.C. 4105.01.

