

House Bill 289 Hearing; November 20, 2019

Chairwoman Manning, Vice Chair Dean, Ranking Member Lepore-Hagen and members of the House Commerce and Labor Committee.

Thank you for the opportunity to provide testimony in opposition to proposed House Bill 289.

My name is Mike Simko, owner and president of Access Solutions, Inc., an accessibility lift and residential elevator company located in Akron. We provide, install and service stairlifts, vertical platform lifts, (residential and commercial) and residential elevators throughout northeast Ohio and have been doing so reliably and safely for over twenty two years.

I oppose the proposed legislation as currently written.

One of the first questions I (and I assume the committee) ask when evaluating proposed legislation and regulation is: "What problem does it solve?"

The bill is being touted as a public safety issue. What has not been discussed is that there currently is regulation in effect regarding safety of elevators and lifts in the state of Ohio. The current and enforced regulations are based on National Safety Standards for Elevators and Escalators publication ASME A17.1 as well as National Safety Standard for Vertical Platform Lifts, Stairlifts and Incline Platform Lifts (ASME A18.1).

The State of Ohio Division of Elevators (Department of Commerce) has jurisdiction for plan review, permitting and initial as well as regular annual and / or semi-annual inspections ensuring compliance with the safety code.

To that end, I would argue against there being a current public safety problem.

Second; It is well known in our industry that in addition to typical commercial elevators, there is what we refer to as "an industry within the industry" that involves accessibility equipment such as vertical platform lifts, stairway lifts and incline platform lifts' all of which fall under the purview of A18.1 (National Safety Code for Vertical Platform Lifts, Stairlifts and Incline Platform Lifts) which is also under the jurisdiction of the state elevator division when installed in a public building.

This equipment is a completely "different animal" from commercial elevators. The current language of SB 308 would "absorb" and require any person or entity installing or servicing equipment covered under A18.1 to also obtain a commercial elevator mechanic's license. This is quite an over reach in terms of credentialing requirements, and would also create an additional burden in terms of expenses and staffing resources for the many small businesses in the state engaged in this field. (The vast majority of these business engaged in professional, safe practices and in good standing I might add).

The staff installing accessibility equipment are typically trained and certified by the manufacturer. Additionally, all accessibility equipment legitimately sold in the United States is manufactured in compliance with ASME A18.1, AEMA (Accessibility Equipment Manufacturer's Association) and are also UL listed. This methodology has proven effective, underscored by the excellent safety record within the industry.

Several items also lack clarification. For example; It is not clear as to who is doing the required acceptance inspections for private residence elevators (is it the state elevator division or will municipalities hire private qualified inspectors? If so, would the "QEI" be someone from a competitor? (conflict of interest).

One of the requirements listed for an entity (company) to obtain a contractor's license is verification of at least three years' experience as verified by a current or previous employer licensed in this state: this is impossible since no such license exists.

Clarification is also needed regarding platform lifts: Current language appears to indicate a commercial mechanic's license would be required to install and / or service a lift in a private residence, yet residential elevators are exempt? In short, the current language needs revised.

One of the sections also stipulates that an entity applying for a contractor's license would have to submit a list of how many employees will be hired; this seems an invasive and unnecessary stipulation.

Overall it appears that the proposed language is influenced by and supports a particular business model. It would very likely create overly burdensome requirements on small businesses that larger organizations do not face to the same degree.

In conclusion, I submit that if additional regulation be deemed necessary as a public safety issue, that at the very least a tiered approach be considered: whereas elevator mechanic licensing be considered for the commercial elevator industry and that the accessibility industry (i.e. items covered under A18.1 and residential elevators) be considered at a different tier utilizing the recognized CAT program via NAEC (National Association of Elevator Contractors).

I appreciate the opportunity to convey my concerns regarding this matter .

Mike Simko
President, Access Solutions, Inc