

SB 308 Hearing Scheduled for ; Wednesday, December 5, 2018

Senate Transportation, Commerce and Workforce Committee

Chairman LaRose, Vice Chair Kunze, Ranking member Schiavone and committee members.

Opposition Testimony to SB 308 "Model Elevator Law"

From: Mike Simko, Access Solutions, Inc., Akron, Ohio.

My name is Mike Simko, President of Access Solutions, Inc. location in Akron Ohio. We are an accessibility lift and home elevator company serving all of northeast Ohio since 1997.

I am compelled to state opposition to proposed SB 308 due to concerns with some of the requirements that are considered restrictive to competition, will cause additional burden for many of the small businesses that have been safely installing accessibility equipment and product lines in Ohio for years, and not in the best interest of consumers from a safety and cost standpoint.

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. The data provided in previous proponent testimony is not indicative of need for more regulation, especially in the area of residential and accessibility equipment.

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.

The only equipment the current bill draft specifically exempts are stairlifts (aka "chairlifts") installed in private residences.

To use an analogy, the proposed bill could be likened requiring a lawn tractor mechanic having to obtain a diesel truck mechanic's license in order to remain in his or her field.

In addition to the current language over reach in terms of equipment and type of business, several items lack clarification. 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).

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?

I also take issue with the section of the current draft that would require a person or entity providing services for private residence equipment to have to provide a list of names and of employees and then have to provide updates to the department as employees are added or leave; 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 and CET programs via NAEC (National Association of Elevator Contractors).

I have engaged in discussions with the proponents on several of these issues in this testimony and am still working to get clarification. Further, I am willing to continue working on potential changes to address the "industry within an industry" concerns I expressed, if this is to move forward. SB 308 should not be rushed, and I am happy to take the time and attention, if necessary, to continue these conversations in the future.

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

Mike Simko
President, Access Solutions, Inc.

