

FEB 6 2003

COMMERCE, REGULATION & LABOR

HOUSE FILE
BY DIX

144

(COMPANION TO LSB 1730SS
BY BRUNKHORST)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act governing the regulation of elevators and other
2 conveyances and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 144

1 Section 1. NEW SECTION. 89A.101 SHORT TITLE.

2 This chapter may be cited as the "Iowa State Elevator
3 Code".

4 Sec. 2. NEW SECTION. 89A.102 EQUIPMENT COVERED BY THIS
5 CHAPTER.

6 1. This chapter covers the design, construction,
7 operation, inspection, testing, maintenance, alteration, and
8 repair of the following equipment, its associated parts, and
9 its hoistways, except as excluded by section 89A.103:

10 a. Hoisting and lowering mechanisms equipped with a car or
11 platform, which move between two or more landings. This
12 equipment includes, but is not limited to, elevators and
13 platform lifts and stairway chairlifts.

14 b. Power-driven stairways and walkways for carrying
15 persons between landings. This equipment includes, but is not
16 limited to, escalators and moving walks.

17 c. Hoisting and lowering mechanisms equipped with a car,
18 which serve two or more landings and are restricted to the
19 carrying of material by limited size or limited access to the
20 car. This equipment includes, but is not limited to,
21 dumbwaiters and material lifts and dumbwaiters with automatic
22 transfer devices.

23 2. This chapter covers the design, construction,
24 operation, inspection, testing, maintenance, alteration, and
25 repair of automatic guided transit vehicles on guideways with
26 an exclusive right-of-way. This equipment includes, but is
27 not limited to, automated people movers.

28 Sec. 3. NEW SECTION. 89A.103 EQUIPMENT NOT COVERED BY
29 THIS CHAPTER.

30 Equipment not covered by this chapter includes, but is not
31 limited to, the following:

32 1. Personnel hoists within the scope of ANSI standard
33 A10.4.

34 2. Material hoists within the scope of ANSI standard
35 A10.5.

- 1 3. Manlifts within the scope of ASME standard A90.1.
- 2 4. Mobile scaffolds, towers, and platforms within the
- 3 scope of ANSI standard A92.
- 4 5. Powered platforms and equipment for exterior and
- 5 interior maintenance within the scope of ANSI standard 120.1.
- 6 6. Conveyors and related equipment within the scope of
- 7 ASME standard B20.1.
- 8 7. Cranes, derricks, hoists, hooks, jacks, and slings
- 9 within the scope of ASME standard B30.
- 10 8. Industrial trucks within the scope of ASME standard
- 11 B56.
- 12 9. Portable equipment, except for portable escalators
- 13 within the scope of ANSI standard A17.1.
- 14 10. Tiering or piling machines used to move materials to
- 15 and from storage located and operating entirely within one
- 16 story.
- 17 11. Equipment for feeding or positioning materials at
- 18 machine tools and printing presses.
- 19 12. Skip or furnace hoists.
- 20 13. Wharf ramps.
- 21 14. Railroad car lifts or dumpers.
- 22 15. Line jacks, false cars, shafters, moving platforms,
- 23 and similar equipment used for installing an elevator by a
- 24 contractor licensed in this state.
- 25 Sec. 4. NEW SECTION. 89A.104 PURPOSE -- ELEVATOR SAFETY.
- 26 1. The purpose of this chapter is to provide for the
- 27 safety of employees and the public and to promote public
- 28 safety awareness concerning the use of lifting devices.
- 29 Elevator personnel performing work covered by this chapter
- 30 shall possess documented training or experience or both, and
- 31 be familiar with the operation and safety functions of the
- 32 components and equipment. Such training and experience shall
- 33 include, but not be limited to, recognizing the safety hazards
- 34 and performing the procedures to which they are assigned in
- 35 conformance with the requirements of this chapter. This

1 chapter establishes the minimum standards for elevator
2 personnel.

3 2. The provisions of this chapter are not intended to
4 prevent the use of systems, methods, or devices of equivalent
5 or superior quality, strength, fire resistance, code
6 effectiveness, durability, and safety to those required by
7 this chapter, provided that there is technical documentation
8 to demonstrate the equivalency of the system, method, or
9 device, as prescribed in ASME standard A17.1, ASME standard
10 A18.1, or ASCE standard 21.

11 Sec. 5. NEW SECTION. 89A.105 DEFINITIONS.

12 1. "ANSI" means the American national standards institute.

13 2. "ASCE" means the American society of civil engineers.

14 3. "ASME" means the American society of mechanical
15 engineers.

16 4. "Automated people mover" means an installation defined
17 as an automated people mover in ASCE standard 21.

18 5. "Board" means the elevator safety review board as
19 created in this chapter.

20 6. "Certificate of operation" means a document issued by
21 the commissioner that indicates that the conveyance has had
22 the required safety inspections and tests and fees have been
23 paid as set forth in this chapter.

24 7. "Certificate of operation -- temporary" means a
25 document issued by the commissioner which permits the
26 temporary use of a noncompliant conveyance by the general
27 public for a limited time of thirty days or less while minor
28 repairs to the conveyance are being completed.

29 8. "Commissioner" means the labor commissioner, appointed
30 pursuant to section 91.2, or the labor commissioner's
31 designee.

32 9. "Conveyance" means an elevator, dumbwaiter, escalator,
33 moving sidewalk, platform lifts, stairway chairlifts, and
34 automated people movers.

35 10. "Dormant elevator, dumbwaiter, or escalator" means an

1 installation placed out of service as specified in ASME
2 standard A17.1 and ASME standard A18.1.

3 11. "Elevator" means an installation defined as an
4 elevator in ASME standard A17.1.

5 12. "Elevator contractor" means a person who possesses an
6 elevator contractor's license in accordance with the
7 provisions of sections 89A.110 and 89A.111 and who is engaged
8 in the business of erecting, constructing, installing,
9 altering, servicing, repairing, replacing, maintaining,
10 removing, or dismantling elevators or related conveyances
11 covered by this chapter.

12 13. "Elevator helper or apprentice" means a person who
13 performs work under the general direction of a licensed
14 elevator mechanic and is not required to be licensed.

15 14. "Elevator inspector" means a person who possesses an
16 elevator inspector's license in accordance with the provisions
17 of sections 89A.110 and 89A.111 and who engages in the
18 business of inspecting elevators or related conveyances
19 covered by this chapter.

20 15. "Elevator mechanic" means a person who possesses an
21 elevator mechanic license in accordance with the provisions of
22 sections 89A.110 and 89A.111 and who is engaged in erecting,
23 constructing, installing, altering, servicing, repairing,
24 replacing, or maintaining elevators or related conveyances
25 covered by this chapter.

26 16. "Escalator" means an installation defined as an
27 escalator in ASME standard A17.1.

28 17. "Existing installation" means an installation defined
29 as an existing installation in ASME standard A17.1.

30 18. "License" means a written license, duly issued by the
31 commissioner, authorizing a person to carry on the business of
32 erecting, constructing, installing, altering, servicing,
33 repairing, or maintaining, or performing inspections of
34 elevators or related conveyances covered by this chapter.

35 19. "Material alteration" means an alteration as defined

1 in the applicable standards.

2 20. "Moving walk or sidewalk" means an installation
3 defined as a moving walk in ASME standard A17.1.

4 21. "Person" means an individual, corporation, limited
5 liability company, government or governmental subdivision or
6 agency, business trust, estate, trust, partnership or
7 association, or any other legal entity.

8 22. "Private residence" means a separate dwelling or a
9 separate apartment in a multiple dwelling, which is occupied
10 by members of a single-family unit.

11 23. "Repair" means a repair as defined in the applicable
12 standards and that does not require a permit.

13 24. "Temporarily dormant elevator, dumbwaiter, or
14 escalator" means an installation whose power supply has been
15 disconnected by removing fuses and placing a padlock on the
16 mainline disconnect switch in the off position with the car
17 parked and the hoistway doors in the closed and latched
18 position. A wire seal shall be installed on the mainline
19 disconnect switch by a licensed elevator inspector. This
20 installation shall not be used again until it has been put in
21 safe running order and is in condition for use. Annual
22 inspections shall continue for the duration of the temporarily
23 dormant status by a licensed elevator inspector. "Temporarily
24 dormant" status shall be renewable on an annual basis, and
25 shall not exceed a five-year period. The inspector shall file
26 a report with the commissioner describing the current
27 conditions. The wire seal and padlock shall not be removed
28 for any purpose without permission from the elevator
29 inspector.

30 All other building transportation terms as defined in the
31 latest edition of ASME standard A17.1 and ASME standard A18.1
32 are adopted by reference.

33 Sec. 6. NEW SECTION. 89A.106 LICENSE REQUIRED.

34 1. A person shall not erect, construct, install, alter,
35 service, repair, replace, maintain, remove, or dismantle any

1 conveyance contained within buildings or structures in this
2 state unless the person is a licensed elevator mechanic and is
3 working under the direct supervision of a licensed elevator
4 contractor pursuant to this chapter. A person shall not wire
5 any conveyance from the mainline feeder terminals on the
6 controller, in this state unless the person is a licensed
7 elevator mechanic and is working under the direct supervision
8 of a licensed elevator contractor pursuant to this chapter.
9 No other license shall be required for this work. A licensed
10 elevator contractor is not required to remove or dismantle
11 conveyances, which are destroyed as a result of the complete
12 demolition of a secured building or structure or where the
13 hoistway or wellway is demolished back to the basic support
14 structure where no access is permitted to endanger the safety
15 and welfare of a person.

16 2. A person shall not inspect any conveyance within
17 buildings or structures, including but not limited to private
18 residences, unless that person is a licensed elevator
19 inspector.

20 Sec. 7. NEW SECTION. 89A.107 ELEVATOR SAFETY REVIEW
21 BOARD.

22 1. An elevator safety review board is created, consisting
23 of nine members, one of whom shall be the commissioner of
24 labor or the commissioner's designee, and one of whom shall be
25 the director of the department of inspections and appeals or
26 the director's designee. The governor shall appoint the
27 remaining seven members of the board, subject to senate
28 confirmation as follows: one representative from a major
29 elevator manufacturing company or its authorized
30 representative; one representative from an elevator servicing
31 company; one representative from the architectural design or
32 elevator consulting profession; one representative from the
33 general public; one representative from a municipality in the
34 state; one representative from a building owner or manager;
35 and one representative of labor involved in the installation,

1 maintenance, and repair of elevators.

2 2. The members constituting the board shall serve for
3 terms of three years, excluding the director of the department
4 of inspections and appeals or the director's designee, and the
5 commissioner of labor or the commissioner's designee, who
6 shall serve continuously. The members shall serve without
7 salary. Each board member shall be reimbursed for actual and
8 necessary travel and expenses incurred in performance of their
9 duties. The governor shall appoint one of the members to
10 serve as chair and the chair shall be the deciding vote in the
11 event of a tie vote.

12 Sec. 8. NEW SECTION. 89A.108 MEETINGS OF THE BOARD.

13 The board shall meet and organize within ten days after the
14 appointment of its members and at such meeting shall elect one
15 member to be secretary of the board to serve during the term
16 to be fixed by the rules to be adopted by the board. The
17 board shall meet regularly once each month at a time and place
18 to be fixed by the board and at such times as the board deems
19 necessary for the consideration of code regulations, appeals,
20 variances, and for the transaction of such other business as
21 may properly come before the board. Special meetings shall be
22 called as provided in the rules.

23 Sec. 9. NEW SECTION. 89A.109 POWERS OF THE BOARD.

24 1. The board may consult engineering authorities and
25 organizations concerned with standard safety codes, rules, and
26 regulations governing the operation, maintenance, servicing,
27 construction, alteration, installation, and inspection of
28 elevators, dumbwaiters, escalators, moving sidewalks, platform
29 lifts and stairway chairlifts, and automated people movers,
30 and the qualifications which are adequate, reasonable, and
31 necessary for licensed elevator mechanics, contractors, and
32 inspectors. The board may recommend the amendments of
33 applicable legislation, when appropriate, to the general
34 assembly.

35 2. The board shall adopt rules pursuant to chapter 17A

1 governing the regulation of equipment pursuant to this
2 chapter. The rules shall include the safety code for
3 elevators and escalators, ASME standard A17.1; the safety code
4 for existing elevators and escalators, ASME standard A17.3;
5 the safety standards for platform lifts and stairway
6 chairlifts, ASME standard A18.1; the standards for the
7 qualification of elevator inspectors, ASME standards QEI-1;
8 and standards for automated people movers, ASCE standard 21.
9 The board shall adopt by rule the latest editions of the
10 applicable standards within six months of the effective date
11 of the standards. Any modifications to the standards, that
12 the board deems necessary, shall be justified in writing by
13 the board.

14 3. The board may grant exceptions and variances from the
15 literal requirements of applicable code and standards,
16 regulations, or local legislation in cases where such
17 variances would not jeopardize the safety and welfare of the
18 public. The board may hear appeals, hold hearings, and issue
19 decisions in accordance with the requirements of chapter 17A.

20 4. The board shall establish fee schedules for licenses,
21 permits, certificates, and inspections. The fees shall
22 reflect the actual costs and expenses necessary to operate the
23 board and to perform the duties of the commissioner as
24 described in this chapter.

25 Sec. 10. NEW SECTION. 89A.110 APPLICATION FOR ELEVATOR
26 CONTRACTOR'S, MECHANIC'S, OR INSPECTOR'S LICENSE.

27 1. ELEVATOR CONTRACTOR. A person who wishes to engage in
28 the business of erecting, constructing, installing, altering,
29 servicing, repairing, replacing, maintaining, removing, or
30 dismantling elevators or related conveyances covered by this
31 chapter within this state shall apply to the commissioner for
32 an elevator contractor's license on a form provided by the
33 commissioner.

34 2. ELEVATOR MECHANIC. A person who wishes to engage in
35 erecting, constructing, installing, altering, servicing,

1 repairing, replacing, maintaining, removing, or dismantling
2 elevators or related conveyances covered by this chapter
3 within this state shall apply to the commissioner for an
4 elevator mechanic's license on a form provided by the
5 commissioner.

6 3. ELEVATOR INSPECTOR. A person who wishes to engage in
7 the business of inspecting elevators or related conveyances
8 covered by this chapter within this state, upon proof of ASME
9 QEI certification, shall apply to the commissioner for an
10 elevator inspector's license on a form provided by the
11 commissioner.

12 4. CONTENT OF APPLICATION. The applications shall contain
13 the following information:

14 a. If the applicant is a sole proprietor, the name,
15 residence address, and business address of the applicant.

16 b. If the applicant is a partnership, the name, residence
17 address, and business address of each partner.

18 c. If the applicant is a domestic corporation, the name
19 and business address of the corporation, and the name and
20 residence address of the principal officer of the corporation.
21 If a corporation is not a domestic corporation, the name and
22 address of an agent located within this state who is
23 authorized to accept service of process or official notice.

24 d. The number of years the applicant has engaged in the
25 business of erecting, constructing, installing, altering,
26 repairing, servicing, replacing, inspecting, maintaining,
27 removing, or dismantling elevators or related conveyances
28 covered by this chapter.

29 e. The approximate number of individuals, if any, to be
30 employed by the elevator contractor applicant, and if
31 applicable, satisfactory evidence that the employees are or
32 will be covered by workers' compensation insurance.

33 f. Satisfactory evidence that the applicant is or will be
34 covered by general liability, personal injury, and property
35 damage insurance.

1 g. Criminal convictions, if any, of the applicant as
2 verified by the division of criminal investigation of the
3 department of public safety.

4 h. Such other information as the commissioner may require.

5 Sec. 11. NEW SECTION. 89A.111 QUALIFICATIONS OF ELEVATOR
6 MECHANIC.

7 1. An elevator mechanic's license shall be granted to an
8 applicant who demonstrates either of the following:

9 a. An acceptable combination of documented experience and
10 education credits including:

11 (1) Not less than three years' work experience in the
12 elevator industry, in construction, maintenance, and service
13 and repair, as verified by current and previous employers
14 licensed to do business in this state.

15 (2) Satisfactory completion of a written examination
16 administered by the board on the most recent applicable codes
17 and standards. An applicant who furnishes the commissioner
18 with acceptable proof that the applicant has worked as an
19 elevator constructor, or has performed maintenance or repair
20 work, shall, upon making application for a license and paying
21 the license fee, be entitled to receive a license without an
22 examination. The applicant must have worked without direct
23 and immediate supervision for an elevator contractor licensed
24 to do business in this state not less than three years
25 immediately prior to the date of the license application and
26 must make application for a license within one year of such
27 employment.

28 b. A certificate of completion and successful passage of
29 the mechanic examination of a nationally recognized training
30 program for the elevator industry such as the national
31 elevator industry educational program or its equivalent; or a
32 certificate of completion of an apprenticeship program for
33 elevator mechanic, having standards substantially equal to
34 those of this chapter, and registered with the bureau of
35 apprenticeship and training, the United States department of

1 labor or a state apprenticeship council.

2 2. A license shall be issued to an applicant holding a
3 valid elevator mechanic's license from a state having
4 standards substantially equal to those contained in this
5 chapter, upon application and without examination.

6 Sec. 12. NEW SECTION. 89A.112 QUALIFICATIONS OF ELEVATOR
7 INSPECTOR.

8 An elevator inspector's license shall be granted to an
9 applicant who demonstrates, to the satisfaction of the
10 commissioner or officer designated by the board, that the
11 applicant meets the current ASME QEI-1 standards for the
12 qualifications of elevator inspectors.

13 Sec. 13. NEW SECTION. 89A.113 QUALIFICATIONS OF ELEVATOR
14 CONTRACTOR.

15 An elevator contractor's license shall be granted to a
16 person that demonstrates one of the following:

17 1. Employment of licensed elevator mechanics to perform
18 the work described in section 89A.106, subsection 1, and proof
19 of compliance with the insurance requirements set forth in
20 section 89A.122.

21 2. A valid license from a state having standards
22 substantially equal to those of this chapter.

23 Sec. 14. NEW SECTION. 89A.114 ISSUANCE AND RENEWAL OF
24 LICENSES -- FEES.

25 1. Upon approval of an application by the commissioner,
26 the commissioner shall issue a license which is renewable
27 biannually. The fee for such license and for a renewal of
28 that license shall be set by the board.

29 2. a. A license shall be renewed under the provisions of
30 this section upon submission by the licensee of a certificate
31 of completion of a continuing education course concerning new
32 and existing provisions of the regulations of the board. Such
33 course shall consist of not less than eight hours of
34 instruction and the course must be attended and completed
35 within one year immediately preceding any license renewal.

1 b. A continuing education course shall be taught by
2 instructors through continuing education providers approved by
3 the board, including, but not limited to, association
4 seminars, and labor training programs. All instructors shall
5 be approved by the board and shall be exempt from the license
6 renewal requirements of paragraph "a" provided that the
7 applicant was qualified as an instructor at any time during
8 the one year immediately preceding the scheduled date for such
9 renewal.

10 c. A licensee who is unable to complete the continuing
11 education course required under this subsection prior to the
12 expiration of the licensee's license due to a temporary
13 disability may apply for a waiver from the board on a form
14 provided by the board which shall be signed, notarized, and
15 accompanied by a certified statement from a competent
16 physician attesting to temporary disability of the licensee.
17 Upon termination of the temporary disability, the licensee
18 shall submit to the board a certified statement from the same
19 physician, if practicable, attesting to the termination of the
20 temporary disability. The board shall then issue a waiver
21 sticker, valid for ninety days from the date of termination of
22 temporary disability which the licensee shall affix to the
23 licensee's license.

24 d. Approved training providers shall keep uniform records
25 of the licensee's attendance at continuing education courses
26 required by this section for a period of ten years from the
27 date of attendance in a format approved by the board and such
28 records shall be available for inspection by the board at its
29 request. Approved training providers shall be responsible for
30 the security of all attendance records and certificates of
31 completion, provided, however, that falsifying or knowingly
32 allowing another to falsify such attendance records or
33 certificates of completion shall constitute grounds for
34 suspension or revocation of the approval required under this
35 section.

1 Sec. 15. NEW SECTION. 89A.115 EMERGENCY AND TEMPORARY
2 ELEVATOR MECHANIC'S LICENSES.

3 1. If an emergency exists in this state due to disaster,
4 act of God, or work stoppage, such that the number of persons
5 in the state holding licenses granted by the board is
6 insufficient to cope with the emergency, a licensed elevator
7 contractor shall respond as necessary to ensure the safety of
8 the public by employing persons certified by the licensed
9 elevator contractor to have an acceptable combination of
10 documented experience and education to perform elevator work
11 without direct and immediate supervision. A person so
12 employed shall seek an emergency elevator mechanic's license
13 from the commissioner within five business days after
14 commencing work requiring an elevator mechanic's license. The
15 commissioner shall issue emergency elevator mechanic's
16 licenses upon receipt of such proof of competency as the
17 commissioner may require. Each emergency elevator mechanic's
18 license shall state that it is valid for a period of thirty
19 days from the date of issuance and for such particular
20 elevators or geographical areas as the commissioner designates
21 and that the licensee is entitled to the rights and privileges
22 of an elevator mechanic's license issued pursuant to this
23 chapter. The commissioner may renew an emergency elevator
24 mechanic's license as necessary during the existence of an
25 emergency. A fee shall not be charged for an emergency
26 elevator mechanic's license or a renewal of that license.

27 2. An elevator contractor shall notify the commissioner
28 when no licensed elevator mechanics are available to perform
29 elevator work. An elevator contractor may request that the
30 commissioner issue temporary elevator mechanic's licenses to
31 persons certified by the elevator contractor to have an
32 acceptable combination of documented experience and education
33 to perform elevator work without direct and immediate
34 supervision. A person certified by an elevator contractor to
35 have such an acceptable combination of documented experience

1 and education shall immediately seek a temporary elevator
2 mechanic's license from the commissioner and shall pay such
3 fees, as the board shall determine. Each temporary elevator
4 mechanic's license shall state that it is valid for a period
5 of thirty days from the date of issuance if the licensee
6 remains employed by the elevator contractor that certified the
7 person as qualified. A temporary elevator mechanic's license
8 is renewable so long as the elevator contractor certifies that
9 a shortage of license holders continues.

10 Sec. 16. NEW SECTION. 89A.116 CIVIL PENALTIES,
11 SUSPENSION, AND REVOCATION OF LICENSES.

12 A license issued pursuant to this chapter may be suspended,
13 revoked, or subject to civil penalty by the commissioner if
14 the commissioner determines that any of the following have
15 occurred:

16 1. A licensee made a false statement of material fact in
17 the license application.

18 2. A license was obtained by fraud, misrepresentation, or
19 bribery.

20 3. A licensee fails to notify the commissioner and the
21 owner or lessee of an elevator or related conveyance of any
22 condition not in compliance with this chapter.

23 4. A licensee violates any provisions of this chapter.

24 Sec. 17. NEW SECTION. 89A.117 HEARINGS ON CHARGES,
25 DECISIONS, AND APPEALS.

26 1. A license shall not be suspended, revoked, or subject
27 to civil penalty until after a hearing before the commissioner
28 upon at least ten days' notice to the licensee at the last
29 known address appearing on the license, served personally, or
30 by certified mail. The notice shall state the date, hour, and
31 place of hearing, and set forth a statement of facts
32 constituting the grounds for the charges against the licensee.
33 After the hearing, the commissioner shall suspend or revoke
34 the license or dismiss the proceeding.

35 2. A person whose license is revoked, suspended, or

1 subject to civil penalty may appeal from such determination to
2 the board which shall within thirty days thereafter hold a
3 hearing, of which at least fifteen days' written notice shall
4 be given to all interested parties. The board shall, within
5 thirty days after such hearing, issue a decision.

6 Sec. 18. NEW SECTION. 89A.118 REGISTRATION OF EXISTING
7 ELEVATORS, PLATFORM LIFTS, DUMBWAITERS, ESCALATORS, MOVING
8 WALKS, AND ANY OTHER CONVEYANCES.

9 Within six months after the date of the appointment of the
10 board, the owner or lessee of every existing conveyance shall
11 register with the commissioner each such elevator, dumbwaiter,
12 platform lift, escalator or device, or other conveyance,
13 subject to regulation by this chapter, owned and operated by
14 them, giving the type, rated load and speed, name of
15 manufacturer, its location, and the purpose for which it is
16 used and such additional information as the commissioner may
17 require. Elevators, dumbwaiters, platform lifts, escalators,
18 and moving walks or other conveyances upon which construction
19 has begun subsequent to the date of the creation of the board
20 shall be registered at the time they are completed and placed
21 in service.

22 Sec. 19. NEW SECTION. 89A.119 COMPLIANCE WITH STATE FIRE
23 PREVENTION AND BUILDING CODE.

24 Persons licensed under this chapter shall ensure that the
25 installation, service, and maintenance of elevators and other
26 conveyances subject to regulation by this chapter are
27 performed in compliance with the provisions contained in
28 applicable fire prevention and building codes, and with
29 generally accepted standards referenced in such codes.

30 Sec. 20. NEW SECTION. 89A.120 PERMITS.

31 1. An elevator or other conveyance, covered by this
32 chapter shall not be erected, constructed, installed, or
33 altered within buildings or structures in this state unless a
34 permit has been obtained from the commissioner before the work
35 is commenced. If a material alteration, as defined herein, is

1 made, the device shall conform to applicable requirements in
2 ASME standard A17.1; ASME standard A18.1, or ASCE standard 21
3 for the alteration. A permit required under this section
4 shall not be issued except to a person holding a current
5 elevator contractor's license, duly issued pursuant to this
6 chapter. A copy of such permit shall be kept at the
7 construction site at all times while the work is in progress.

8 2. The permit fee shall be as set by the board. Permit
9 fees collected are nonrefundable.

10 3. Each application for a permit shall be accompanied by
11 copies of specifications, accurately scaled and fully
12 dimensioned plans showing the location of the installation in
13 relation to the plans and elevation of the building, the
14 location of the machinery room and the equipment to be
15 installed, relocated, or altered, and all structural
16 supporting members, including foundations, and shall specify
17 all materials to be employed and all loads to be supported or
18 conveyed. Such plans and specifications shall be sufficiently
19 complete to illustrate all details of construction and design.
20 The applicable fees shall accompany each permit application.

21 4. Permits may be revoked for any of the following
22 reasons:

23 a. A permit applicant made false statements or
24 misrepresentations of material facts in the application,
25 plans, or specifications on which the permit was based.

26 b. The permit was issued in error and should not have been
27 issued in accordance with applicable standards and this
28 chapter.

29 c. The work detailed under the permit is not being
30 performed in accordance with the provisions of the
31 application, plans, or specifications or with the applicable
32 standards or conditions of the permit.

33 d. The elevator contractor to whom the permit was issued
34 fails or refuses to comply with an order.

35 5. Permits shall expire if either of the following occurs:

1 a. The work authorized by such permit is not commenced
2 within six months after the date of issuance, or within a
3 shorter period of time as the commissioner in the
4 commissioner's discretion may specify at the time the permit
5 is issued. For good cause, the commissioner at the
6 commissioner's discretion may allow an extension of the six-
7 month period.

8 b. The work is suspended or abandoned after the work has
9 started for a period of sixty days, or such shorter period of
10 time as the commissioner in the commissioner's discretion may
11 specify at the time the permit is issued. For good cause, the
12 commissioner at the commissioner's discretion may allow an
13 extension of the sixty-day period.

14 Sec. 21. NEW SECTION. 89A.121 NEW INSTALLATIONS --
15 ANNUAL INSPECTIONS AND REGISTRATIONS.

16 1. All new installations of conveyances shall be performed
17 by a person to whom a license to install or service
18 conveyances has been issued. Subsequent to installation, the
19 licensed person must certify compliance with the applicable
20 requirements of this chapter. Prior to any conveyance being
21 used, the property owner or lessee must obtain a certificate
22 of operation from the commissioner. A fee as determined by
23 the board shall be paid for the certificate of operation. It
24 is the responsibility of the licensed elevator contractor to
25 complete and submit an application for registration of new
26 installations. A certificate of operation for newly installed
27 platform lifts and stairway chairlifts for private residences
28 shall be issued subsequent to an inspection by a licensed
29 third-party inspection firm.

30 2. A certificate of operation fee for all new and existing
31 platform and stairway chairlifts and a certificate of
32 operation renewal fee shall be waived for private residences.
33 The commissioner or the commissioner's designee shall inspect,
34 in accordance with the requirements set forth in this chapter,
35 all newly installed and existing platform lifts and stairway

1 chairlifts for private residences subsequent to an inspection
2 by a person to whom a license to inspect conveyances has been
3 issued. The commissioner shall provide notice to the owner of
4 the private residence where the conveyance is located that
5 contains relevant information about conveyance safety
6 requirements, including, but not limited to, having the owner
7 contact the commissioner in order to ensure that the
8 conveyance is periodically and timely inspected and made safe
9 before the permit for the conveyance expires. The inspection
10 shall only be done at the request and consent of the private
11 residence owner. All penalty provisions of this chapter shall
12 not apply to private residence owners.

13 3. Certificates of operation shall be renewed annually
14 except for certificates issued for platform and stairway
15 chairlifts for private residences, which shall be valid for a
16 period of three years. Certificates of operation must be
17 clearly displayed on or in each conveyance or in the machine
18 room of the conveyance.

19 Sec. 22. NEW SECTION. 89A.122 INSURANCE REQUIREMENTS.

20 1. Elevator contractors shall submit to the commissioner
21 an insurance policy, a certified copy of the insurance policy
22 or an appropriate certificate of insurance, issued by an
23 insurance company authorized to do business in the state,
24 which provides general liability coverage of at least one
25 million dollars for injury or death of any number of persons
26 in any one occurrence, general liability coverage of at least
27 five hundred thousand dollars for property damage in any one
28 occurrence, and workers' compensation insurance coverage as
29 required by state law.

30 2. Elevator inspectors, not employed by the state, shall
31 submit to the commissioner an insurance policy, a certified
32 copy of the insurance policy or an appropriate certificate of
33 insurance, issued by an insurance company authorized to do
34 business in the state, which provides general liability
35 coverage of at least one million dollars for injury or death

1 of any number of persons in any one occurrence, general
2 liability coverage of at least five hundred thousand dollars
3 for property damage in any one occurrence, and workers'
4 compensation insurance coverage as required by state law.

5 3. Such policies, certified copies of insurance policies,
6 or appropriate certificates of insurance, approved as to form
7 and sufficiency by the commissioner, shall be delivered to the
8 commissioner before or at the time of the issuance of a
9 license. In the event of any material alteration or
10 cancellation of any policy, at least ten days' notice of the
11 cancellation shall be given to the commissioner.

12 Sec. 23. NEW SECTION. 89A.123 ENFORCEMENT.

13 1. The board shall develop an enforcement program which
14 will ensure compliance with the requirements of this chapter.
15 This enforcement program shall include but not be limited to:

16 a. Making regulations for identification of property
17 locations which are subject to the requirements of this
18 chapter.

19 b. Issuing notification to violating property owners or
20 operators.

21 c. Conducting random on-site inspections and tests on
22 existing installations.

23 d. Witnessing periodic inspections and testing in order to
24 ensure satisfactory performance by licensed persons.

25 e. Assisting in development of public awareness programs.

26 2. A person may make a request for an investigation into
27 an alleged violation of this chapter by giving notice to the
28 commissioner of such alleged violation. Such request shall be
29 in writing, shall set forth with reasonable particularity the
30 grounds for the request, and shall be signed by the person
31 making the request. Upon the request of the person signing
32 the request, that person's name shall not appear on any copy
33 of such request or on any other record published, released, or
34 made available to the public.

35 3. If upon receipt of a request for investigation, the

1 commissioner determines that reasonable grounds exist to
2 believe that such violation has occurred, the commissioner
3 shall make an investigation in accordance with the provisions
4 of this chapter as soon as is practicable to determine if such
5 violation has occurred. If the commissioner determines that
6 there are no reasonable grounds to believe that a violation
7 has occurred, the commissioner shall notify the party who made
8 the request, in writing, of such determination.

9 Sec. 24. NEW SECTION. 89A.124 LIABILITY.

10 This chapter shall not be construed to relieve or reduce
11 the responsibility or liability of a person owning, operating,
12 controlling, maintaining, erecting, constructing, installing,
13 altering, inspecting, testing, or repairing any elevator or
14 other related conveyance covered by this chapter for damages
15 to persons or property caused by any defect of an elevator or
16 other conveyance. The state does not assume liability or
17 responsibility for damages to persons or property by the
18 adoption of this chapter or any acts or omissions arising
19 under this chapter.

20 Sec. 25. NEW SECTION. 89A.125 CIVIL AND CRIMINAL
21 PENALTIES FOR OFFENSES.

22 An owner or lessee who violates any of the provisions of
23 this chapter commits a simple misdemeanor.

24 Sec. 26. NEW SECTION. 89A.126 PROVISIONS NOT
25 RETROACTIVE.

26 The provisions of this chapter are not retroactive unless
27 otherwise stated and equipment shall be required to comply
28 with the applicable code at the date of its installation or
29 within the period determined by the board for compliance with
30 ASME standard A17.3, whichever is more stringent. If upon
31 inspection, equipment covered by this chapter is found to be
32 in dangerous condition or there is an immediate hazard to
33 those riding or using such equipment, or if the design or the
34 method of operation in combination with equipment used is
35 considered inherently dangerous, in the opinion of the

1 commissioner, the commissioner shall notify the owner of the
2 dangerous condition and shall order alterations or additions
3 as the commissioner deems necessary to eliminate the dangerous
4 condition.

5 Sec. 27. NEW SECTION. 89A.127 INSPECTION AND TESTING.

6 1. The owner of all new and existing conveyances located
7 in a building or structure shall have the conveyance inspected
8 annually pursuant to ASME standard A17.1, category one, by an
9 elevator inspector. Subsequent to inspection, the elevator
10 inspector shall supply the property owner or lessee, and the
11 commissioner with a written inspection report describing any
12 code violations. The commissioner shall ensure code
13 compliance by the owner of the property. Property owners
14 shall have thirty days from the date of the published
15 inspection report to be in full compliance with the code.

16 2. The owner of all conveyances shall have an elevator
17 contractor, as described in this chapter, ensure that the
18 required tests are performed at intervals in compliance with
19 ASME standard A17.1, ASME standard A18.1, and ASCE standard
20 21.

21 3. All tests shall be performed by an elevator mechanic.

22 Sec. 28. NEW SECTION. 89A.128 STATE LAW, CODE, OR
23 REGULATION.

24 If a provision in this chapter is found to be inconsistent
25 with any other provision of applicable state law, the state
26 law shall prevail. This chapter, unless specifically stated
27 otherwise, is not intended to establish more stringent or more
28 restrictive standards than standards set forth in any other
29 applicable state law.

30 Sec. 29. Section 10A.601, subsections 1 and 7, Code 2003,
31 are amended to read as follows:

32 1. A full-time employment appeal board is created within
33 the department of inspections and appeals to hear and decide
34 contested cases under chapters 19A, 80, 88, 89A, 91C, 96, and
35 97B.

1 7. An application for rehearing before the appeal board
2 shall be filed pursuant to section 17A.16, unless otherwise
3 provided in chapter 19A, 80, 88, 89A, 91C, 96, or 97B. A
4 petition for judicial review of a decision of the appeal board
5 shall be filed pursuant to section 17A.19. The appeal board
6 may be represented in any such judicial review by an attorney
7 who is a regular salaried employee of the appeal board or who
8 has been designated by the appeal board for that purpose, or
9 at the appeal board's request, by the attorney general.

10 Notwithstanding the petitioner's residency requirement in
11 section 17A.19, subsection 2, a petition for judicial review
12 may be filed in the district court of the county in which the
13 petitioner was last employed or resides, provided that if the
14 petitioner does not reside in this state, the action shall be
15 brought in the district court of Polk county, Iowa, and any
16 other party to the proceeding before the appeal board shall be
17 named in the petition. Notwithstanding the thirty-day
18 requirement in section 17A.19, subsection 6, the appeal board
19 shall, within sixty days after filing of the petition for
20 judicial review or within a longer period of time allowed by
21 the court, transmit to the reviewing court the original or a
22 certified copy of the entire records of a contested case. The
23 appeal board may also certify to the court, questions of law
24 involved in any decision by the appeal board. Petitions for
25 judicial review and the questions so certified shall be given
26 precedence over all other civil cases except cases arising
27 under the workers' compensation law of this state. No bond
28 shall be required for entering an appeal from any final order,
29 judgment, or decree of the district court to the supreme
30 court.

31 Sec. 30. Chapter 89A, Code 2003, is repealed.

32 Sec. 31. Section 331.304, subsection 4, Code 2003, is
33 amended by striking the subsection.

34 Sec. 32. Section 602.8102, subsection 25, Code 2003, is
35 amended by striking the subsection.

EXPLANATION

1

2 This bill enacts a new Code chapter 89A relating to the
3 design, construction, operation, inspection, testing,
4 maintenance, alteration, and repair of elevators and other
5 related conveyances, including but not limited to platform
6 lifts, stairway chairlifts, escalators and moving walks,
7 dumbwaiters and material lifts, and automated people movers.
8 Current Code chapter 89A is repealed.

9

The bill defines elevators and other conveyances with
10 reference to standards promulgated by the American national
11 standards institute (ANSI), the American society of mechanical
12 engineers (ASME), and the American society of civil engineers
13 (ASCE).

14 The bill requires persons who are employed as elevator
15 contractors, elevator inspectors, and elevator mechanics to be
16 licensed by the labor commissioner in accordance with the
17 provisions of the new Code chapter. The bill sets forth
18 qualifications for licensure and the procedure for application
19 for an elevator contractor's, inspector's, or mechanic's
20 license, including a combination of documented experience and
21 education.

22 The bill creates an elevator safety review board consisting
23 of nine members, including the commissioner of labor and the
24 director of the department of inspections and appeals or their
25 designees and seven other members appointed by the governor,
26 representing an elevator manufacturing company, an elevator
27 servicing company, an architectural designer or elevator
28 consulting professional, the general public, a municipality, a
29 building owner or manager, and a representative of labor
30 involved with elevators.

31 The bill provides that the elevator board meet monthly to
32 consider codes, regulations, appeals, variances, and proposed
33 legislation and to adopt rules governing regulation of
34 equipment pursuant to new Code chapter 89A, including safety
35 codes and standards.

1 The bill provides that a licensed elevator contractor can
2 hire nonlicensed elevator mechanics if an emergency exists in
3 the state due to disaster, act of God, or work stoppage, or if
4 there is a shortage of licensed elevator mechanics available
5 to perform elevator work. Nonlicensed elevator mechanics must
6 be certified by the licensed elevator contractor to have an
7 acceptable combination of documented experience and education
8 to perform elevator work without direct supervision. Such
9 nonlicensed elevator mechanics may seek an emergency or
10 temporary elevator mechanic's license from the commissioner
11 that is renewable so long as the emergency or shortage of
12 licensed elevator mechanics continues.

13 The bill provides for civil penalties, and the suspension
14 and revocation of licenses by the commissioner of labor if a
15 licensee obtains a license by a false statement of material
16 fact, by fraud, misrepresentation, or bribery or fails to
17 notify the commissioner and the owner of a conveyance or a
18 condition not in compliance with the bill or that otherwise
19 violates any provision of the bill. A license cannot be
20 suspended, revoked, or subject to civil penalty until after
21 notice and hearing before the commissioner of labor.

22 The bill requires that within six months after the date of
23 appointment of the elevator safety review board, the owner or
24 lessee of every existing elevator or other conveyance subject
25 to regulation by this bill shall be registered with the
26 commissioner of labor. Installation, service, and maintenance
27 of elevators and other conveyances subject to regulation by
28 this bill must be performed in compliance with applicable fire
29 and building codes.

30 The bill requires that an elevator or other conveyance
31 regulated by the bill shall not be erected, constructed,
32 installed, or altered unless a permit is first obtained from
33 the commissioner of labor before the work is commenced, upon
34 an application as set forth in the bill, including detailed
35 plans and specifications of the work to be performed.

1 The bill requires inspection of all new installations
2 before use and before a certificate of operation can be
3 issued. The certificate of operation fee is waived for
4 private residences and the inspection of private residences by
5 the commissioner shall be performed after an inspection by a
6 licensed third-party inspection firm. Subsequent inspections
7 of private residences by the commissioner shall only be done
8 at the request of the private residence owner. Certificates
9 of operation must be renewed annually except for platform and
10 stairway chairlifts in private residences, which are valid for
11 a period of three years.

12 The bill requires elevator contractors and elevator
13 inspectors not employed by the state to submit an insurance
14 policy, a certified copy of an insurance policy, or an
15 appropriate certificate of insurance to the commissioner of
16 labor that provides general liability coverage of at least
17 \$1,000,000 for personal injury, \$500,000 for property damage,
18 and workers' compensation coverage as required by state law.

19 The bill provides that the elevator safety review board
20 shall develop an enforcement program to ensure compliance with
21 the requirements of the bill. The bill also provides that a
22 person may request that the commissioner investigate alleged
23 violations of the bill and that if reasonable grounds exist to
24 believe that a violation exists, the commissioner shall
25 conduct an investigation. If the commissioner determines that
26 there are no reasonable grounds to believe that a violation
27 exists, the commissioner shall notify the requesting party of
28 that fact.

29 The bill provides that the Code chapter shall not be
30 construed to relieve or reduce the existing responsibility or
31 liability of a person that performs work on elevators or other
32 conveyances subject to regulation by the bill.

33 The bill provides that a violation of the provisions of the
34 bill is a simple misdemeanor. A simple misdemeanor is
35 punishable by confinement for no more than 30 days or a fine

1 of at least \$50 but not more than \$500, or by both.

2 The bill provides that its provisions are not retroactive
3 unless otherwise stated, and equipment is required to comply
4 with the applicable code in effect at the date of its
5 installation or within the period determined by the board for
6 compliance with ASME standard A17.3, whichever is more
7 stringent, except that if a device regulated by this chapter
8 is found to be in a dangerous condition or poses an immediate
9 hazard to those riding or using such equipment, the
10 commissioner shall notify the owner and order alterations or
11 additions as the commissioner deems necessary to eliminate the
12 dangerous condition.

13 The bill also requires the owner of all new and existing
14 elevators and other conveyances subject to regulation by the
15 bill to have those conveyances inspected annually. The
16 elevator inspector is directed to supply the property owner or
17 lessee and the commissioner with a written inspection report
18 describing any code violations and the commissioner shall
19 ensure that the violations are brought into compliance with
20 the bill.

21 The bill provides that if another state law is inconsistent
22 with the provisions of the bill, the other state law prevails.

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