

MAR 14 2005
Place On Calendar

HOUSE FILE 738
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HF 576)

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

A BILL FOR

1 An Act concerning elevators, by providing for membership on the
2 elevator safety board, variances for residential elevators in
3 churches, and providing applicability and effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 738

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1 Section 1. Section 89A.11, Code 2005, is amended to read
2 as follows:

3 89A.11 NONCONFORMING FACILITIES.

4 1. The safety board, pursuant to rule, may grant
5 exceptions and variances from the requirements of rules
6 adopted for any facility. Exceptions or variations shall be
7 reasonably related to the age of the facility, and may be
8 conditioned upon a repair or modification of the facility
9 deemed necessary by the safety board to assure reasonable
10 safety. However, an exception or variance shall not be
11 granted except to prevent undue hardship. Such facilities
12 shall be subject to orders issued pursuant to section 89A.10.

13 2. If the safety board grants a variance allowing an
14 elevator designed for residential use to be installed in a
15 church or other house of worship, the variance shall only be
16 granted subject to the following conditions:

17 a. A new installation of an elevator shall be required to
18 pass inspection by a state inspector.

19 b. The elevator shall pass annual inspections by special
20 inspectors and be subject to annual safety tests.

21 c. The state shall not assume liability under chapter 669
22 for any accidents, illnesses, injuries, or other losses that
23 may result from the use, misuse, or installation of a
24 residential elevator in a church or house of worship.

25 d. Freight shall not be transported on the elevator.

26 e. The applicable weight limit and a notice that
27 transportation of freight is prohibited shall be prominently
28 posted on the elevator.

29 Sec. 2. Section 89A.13, subsection 2, Code 2005, is
30 amended to read as follows:

31 2. The safety board is composed of nine members, one of
32 whom shall be the commissioner or the commissioner's designee.
33 The governor shall appoint the remaining eight members of the
34 board, subject to senate confirmation, to staggered four-year
35 terms which shall begin and end as provided in section 69.19.

1 The members shall be as follows: ~~two-representatives~~ one
2 representative from an elevator manufacturing company or its
3 authorized representative; ~~two-representatives~~ one
4 representative from an elevator servicing ~~companies~~ company;
5 one building owner or manager; one representative employed by
6 a local government in this state who is knowledgeable about
7 building codes in this state; one representative of workers
8 actively involved in the installation, maintenance, and repair
9 of elevators; one member of the general public; and ~~one~~ two
10 licensed mechanical ~~engineer~~ engineers.

11 Sec. 3. APPLICABILITY. The section of this Act amending
12 section 89A.13 is applicable to appointments or reappointments
13 made to the elevator safety board on or after the effective
14 date of this Act.

15 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 This bill deals with the elevator safety board concerning
19 membership on the board and the authority of the board to
20 grant variances.

21 Code section 89A.11, concerning variances granted by the
22 elevator safety board, is amended to require certain
23 conditions if a variance is granted to allow a residential
24 elevator in a church. The bill provides that a variance to
25 allow a residential elevator in a church shall only be allowed
26 if the elevator is inspected by a state inspector and subject
27 to annual inspections and safety tests, the state assumes no
28 liability under the state tort claims Act for any use of the
29 elevator, freight shall not be permitted on the elevator, and
30 a notice shall be posted on the elevator indicating the weight
31 limit and freight prohibition.

32 The bill also changes the membership on the elevator safety
33 board. The bill adds one member of the general public and an
34 additional licensed mechanical engineer to the board and
35 reduces to one the number of representatives from an elevator

1 manufacturing company and an elevator servicing company. The
2 bill provides that this change in membership applies to
3 appointments and reappointments made on or after the effective
4 date of the bill.

5 The bill takes effect upon enactment.

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