

House Study Bill 742

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
WORKFORCE DEVELOPMENT
BILL)

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

A BILL FOR

1 An Act relating to laws administered by the labor commissioner
2 regarding the state elevator code and boiler and pressure
3 vessel safety.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5402DP 81
6 kh/gg/14

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1 1 Section 1. Section 89.3, subsection 3, Code 2005, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 89.3, subsection 4, Code 2005, is amended
1 4 to read as follows:
1 5 4. The owner or user of any equipment covered in this
1 6 chapter, or persons in charge of same, shall not allow or
1 7 permit a greater pressure in any unit than is stated in the
1 8 certificate of inspection issued by the commissioner under
1 9 section 89.7, subsection 3.

1 10 Sec. 3. Section 89.4, subsection 1, paragraph e, Code
1 11 Supplement 2005, is amended to read as follows:
1 12 e. ~~Heating boilers~~ Boilers in single-family residences.
1 13 Sec. 4. Section 89.7, subsections 2, 3, and 4, Code 2005,
1 14 are amended to read as follows:
1 15 2. The insurance company shall file a ~~certificate notice~~
1 16 ~~of inspection insurance coverage~~ on forms approved by the
1 17 commissioner stating that the equipment is insured and that
1 18 inspection shall be made in accordance with section 89.3. The
1 19 special inspector shall provide the owner or user and the
1 20 commissioner with an inspection report, including the nature
1 21 and extent of all defects and violations, on forms approved by
1 22 the commissioner. The failure of a special inspector to
1 23 inform the commissioner of violations shall not subject the
1 24 commissioner to liability for any damages incurred.

1 25 3. ~~Upon such showing and the payment of a fee, the~~
1 26 ~~commissioner shall issue a certificate of inspection by the~~
1 27 ~~The division of labor services, which shall be issue a~~
1 28 ~~certificate of inspection, which is valid only for the period~~
1 29 ~~until the equipment is required to be inspected again as~~
1 30 ~~specified in section 89.3, after payment of a fee, filing of~~
1 31 ~~an inspection report, and the correction or other appropriate~~
1 32 ~~resolution of any defects identified in the inspection report.~~
1 33 The owner or user of the equipment shall post the certificate
1 34 conspicuously near the location of the equipment.

1 35 4. ~~The special inspector shall notify the user and the~~
2 1 ~~commissioner of any equipment or appurtenance found to be~~
2 2 ~~unsafe or unfit for operation in writing, setting forth the~~
2 3 ~~nature and extent of such defects and condition. The~~
2 4 commissioner shall indicate to the user whether or not the
2 5 equipment may be used without making repair or replacement of
2 6 defective parts, or whether or how the equipment may be used
2 7 in a limited capacity before repairs or replacements are made,
2 8 and the commissioner may permit the user a reasonable time to
2 9 make such repairs or replacements. ~~The failure of a special~~
2 10 ~~inspector to inform the commissioner of violations shall not~~
2 11 ~~subject the commissioner to liability for any damages~~
2 12 ~~incurred.~~

2 13 Sec. 5. Section 89.11, Code 2005, is amended to read as
2 14 follows:
2 15 89.11 INJUNCTION.
2 16 In addition to any and all other remedies, if any owner,
2 17 user, or person in charge of any equipment covered by this

2 18 chapter, shall continue to use any equipment covered by this
2 19 chapter, after receiving ~~a notice of defect an inspection~~
2 20 ~~report~~ and exhausting appeal rights as provided by this
2 21 chapter, without first correcting ~~the~~ defects or making
2 22 replacements, the commissioner may apply to the district court
2 23 or any judge thereof by petition in equity, in an action
2 24 brought in the name of the state, for a writ of injunction to
2 25 restrain the use of the alleged defective equipment.

2 26 Sec. 6. Section 89.14, subsection 8, Code 2005, is amended
2 27 to read as follows:

2 28 8. The board shall establish fees for examinations,
2 29 ~~commissions~~, inspections, annual statements, shop inspections,
2 30 and other services. The fees shall reflect the actual costs
2 31 and expenses necessary to operate the board and perform the
2 32 duties of the commissioner.

2 33 Sec. 7. Section 89A.2, Code 2005, is amended to read as
2 34 follows:

2 35 89A.2 SCOPE OF CHAPTER.

3 1 The provisions of this chapter shall not apply to any
3 2 facility installed in any single private dwelling residence,
3 3 to facilities subject to regulation under Iowa ~~Administrative~~
3 4 ~~Code administrative code~~, chapter 26 of the rules of the
3 5 division of labor services (~~regulation~~ 29 C.F.R. } 1926.552),
3 6 to lifts subject to regulation under chapter 88 or to
3 7 facilities over which an agency of the federal government is
3 8 asserting similar enforcement jurisdiction. Provisions of
3 9 this chapter supersede ~~similar conflicting~~ provisions
3 10 contained in building codes of this state or any subdivision
3 11 thereof.

3 12 EXPLANATION

3 13 This bill amends Code provisions administered by the labor
3 14 commissioner regarding elevators and boiler and pressure
3 15 vessel safety.

3 16 CERTIFICATE OF INSPECTION. The bill eliminates a redundant
3 17 provision that directs the labor commissioner to issue a
3 18 certificate of inspection to the owner of a boiler or unfired
3 19 steam pressure vessel upon making an inspection of the
3 20 equipment, but relocates to a more appropriate site the
3 21 provision that requires the certificate to be posted near the
3 22 location of the equipment. The bill directs the commissioner
3 23 to issue a certificate after payment of a fee, filing of an
3 24 inspection report, and the correction or other appropriate
3 25 resolution of defects identified in the inspection report.

3 26 EXEMPTION FROM REGULATION. The bill replaces an exemption
3 27 from the regulatory authority of the labor commissioner for
3 28 heating boilers in residences with an exemption for boilers in
3 29 single-family residences.

3 30 NOTICE OF INSURANCE AND SPECIAL INSPECTORS. The owner or
3 31 user of a boiler or unfired steam pressure vessel can preclude
3 32 an inspection by the commissioner if the owner or user obtains
3 33 an inspection by a representative of a reputable insurance
3 34 company, who must be commissioned as a special inspector by
3 35 the commissioner, and obtains an insurance policy on the
4 1 equipment from that insurance company, and if the company
4 2 files a certificate of inspection with the commissioner. The
4 3 bill rewrites and relocates language within Code section 89.7
4 4 to require more detail in the inspection report the special
4 5 inspector must provide to the owner or user and the
4 6 commissioner and to ensure that the commissioner is not liable
4 7 for damages if a special inspector fails to notify the
4 8 commissioner of violations. The bill eliminates a redundancy
4 9 related to fees for special inspectors' commissions.

4 10 TERMINOLOGY. The term "certificate of inspection" is
4 11 replaced with the term "notice of insurance coverage". The
4 12 term "notice of defect" is replaced with the term "inspection
4 13 report".

4 14 STATE ELEVATOR CODE. The bill establishes that whenever a
4 15 provision of the Iowa state elevator code is in conflict with
4 16 the state building code Act, the state elevator code
4 17 supersedes the state building code.

4 18 LSB 5402DP 81

4 19 kh:rj/gg/14.1