

MAR 9 2006  
Place On Calendar

HOUSE FILE 2723  
BY COMMITTEE ON COMMERCE,  
REGULATION AND LABOR

(SUCCESSOR TO HSB 742)

Passed House, Date \_\_\_\_\_ Passed Senate, 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:

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HF 2723

1 Section 1. Section 89.3, subsection 3, Code 2005, is  
2 amended by striking the subsection.

3 Sec. 2. Section 89.3, subsection 4, Code 2005, is amended  
4 to read as follows:

5 4. The owner or user of any equipment covered in this  
6 chapter, or persons in charge of same, shall not allow or  
7 permit a greater pressure in any unit than is stated in the  
8 certificate of inspection issued by the commissioner under  
9 section 89.7, subsection 3.

10 Sec. 3. Section 89.4, subsection 1, paragraph e, Code  
11 Supplement 2005, is amended to read as follows:

12 e. ~~Heating-boilers~~ Boilers in single-family residences.

13 Sec. 4. Section 89.7, subsections 2, 3, and 4, Code 2005,  
14 are amended to read as follows:

15 2. The insurance company shall file a certificate notice  
16 of inspection insurance coverage on forms approved by the  
17 commissioner stating that the equipment is insured and that  
18 inspection shall be made in accordance with section 89.3. The  
19 special inspector shall provide the owner or user and the  
20 commissioner with an inspection report, including the nature  
21 and extent of all defects and violations, on forms approved by  
22 the commissioner. The failure of a special inspector to  
23 inform the commissioner of violations shall not subject the  
24 commissioner to liability for any damages incurred.

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

35 ~~4. The-special-inspector-shall-notify-the-user-and-the~~

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

13 Sec. 5. Section 89.11, Code 2005, is amended to read as  
14 follows:

15 89.11 INJUNCTION.

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

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

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

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

35 89A.2 SCOPE OF CHAPTER.

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

12 EXPLANATION

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

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

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

30 NOTICE OF INSURANCE AND SPECIAL INSPECTORS. The owner or  
31 user of a boiler or unfired steam pressure vessel can preclude  
32 an inspection by the commissioner if the owner or user obtains  
33 an inspection by a representative of a reputable insurance  
34 company, who must be commissioned as a special inspector by  
35 the commissioner, and obtains an insurance policy on the

1 equipment from that insurance company, and if the company  
2 files a certificate of inspection with the commissioner. The  
3 bill rewrites and relocates language within Code section 89.7  
4 to require more detail in the inspection report the special  
5 inspector must provide to the owner or user and the  
6 commissioner and to ensure that the commissioner is not liable  
7 for damages if a special inspector fails to notify the  
8 commissioner of violations. The bill eliminates a redundancy  
9 related to fees for special inspectors' commissions.

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

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

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WILDERDYKE, CH  
WATTS  
D. TAYLOR

HSB 742  
COMMERCE, REGULATION & LABOR

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

Succ. ded By  
SF 02723

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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34 company, who must be commissioned as a special inspector by  
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# Iowa Workforce Development

Thomas J. Vilsack, Governor

Sally J. Pederson, Lt. Governor

Richard V. Running, Director

Putting Iowa  
to Work®

## MEMORANDUM

Date: January 13, 2006

To: General Assembly

From: Jane S. Barto, Deputy Director  
Iowa Workforce Development  
(515) 281-5082

RE: LSB #DP 5402 – An Act relating to laws administered by the labor commissioner regarding the state elevator code and boiler and pressure vessel safety.

Section 1 strikes subsection 3 of 89.3.

Section 2 adds a phrase clarifying that the commissioner issues certificates pursuant to section 89.7(3).

Section 3 changes the exemption for “Heating boilers in residences,” to “Boilers in single-family residences.”

Section 4 rewrites subsections 2, 3, and 4 of section 89.7 harmonize the use of terminology and the issuance of certificates regardless of whether the inspection is performed by a state inspector or a special inspector.

Section 5 replaces the phrase “a notice of defect” with “an inspection report.”

Section 6 rescinds the authority of the boiler and pressure vessel board to set fees for special inspector commissions.

Section 7 makes editorial corrections to the scope paragraph of the elevator chapter and replaces the word “similar” with “conflicting” in the last sentence.

**Problem:** Current law does not create a broad enough exemption for boilers in private, single family dwellings.

