

**Testimony in Support of House Bill 2356
House Committee on Commerce, Labor and
Economic Development Hearing
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I. Introduction

Mr. Chairman and members of the Committee, on behalf of the Elevator Industry Work Preservation Fund (EIWPF), I am here today to express the organization's support of House Bill 2356. The EIWPF is a non-profit labor-management cooperation committee that represents nearly 500 industry employers and the International Union of Elevator Constructors, which is itself comprised of approximately 25,000 workers in the elevator industry. Our organization is committed to promoting public safety and the general welfare of the elevator industry.

In line with this commitment, the EIWPF supports the goals of House Bill 2356 – to make great strides in protecting the public safety with respect to elevators and other conveyances in the State of Kansas. My testimony today will highlight the public policy reasons to support this bill, as well as outline the key features of the bill that are designed to improve the safety of the elevator industry in Kansas.

II. Public Policy Supports the Need for House Bill 2356

From a public policy standpoint, there is tremendous reason to improve the safety of elevators and other conveyances. While the elevator industry is relatively safe when compared to other areas of construction, when something does go wrong, the stakes are high and injuries can be serious or even fatal. The public policy implications of ensuring safe elevators and other conveyances obviously do not stop at individuals working on or near them, but also spills over to those members of the public – including Kansas residents and visitors – who ride on elevators and escalators every day. Protecting the public safety through elevator safety acts, or the like, is not a new or novel approach. As noted below, most other states, as well as some local jurisdictions within Kansas, have long recognized the need to ensure public safety in the elevator industry, and have adopted similar laws.

According to a recent analysis, despite having a lower injury rate, elevator constructors face a higher death rate than other occupations in the construction industry.¹ Elevator constructor deaths predominantly result from falling down elevator shafts, getting caught in or between the elevator and shafts or other elevators, or being struck by an object.² Some may toss this up to the nature of the industry, but to the extent that these accidents can be avoided, steps must be taken.

Many of us are also too familiar with stories about how malfunctioning elevators can lead to tragedy for riders. For example, consider just this past New Year's Eve, just moments after saving another person, a young man in New York City lost his life after being crushed by a falling elevator that had been stuck.³ On a macro level, a recent study found that from 1992

¹ Michael McCann, *Deaths and Injuries Involving Elevators and Escalators* 7, Center for Construction Research (2013).

² See *id.* at 3.

³ Anthony Izaguirre et al., *Man, 25, Killed While Trying To Get Out of Stuck Elevator in NYC*, N.Y. Daily News, Jan. 1, 2016, <http://www.nydailynews.com/new-york/man-25-killed-escape-stuck-elevator-nyc-article-1.2482394>.

through 2009, 89 working passengers died, while from 1997 through 2010, 91 elevator passengers not at work died.⁴ These deaths were due predominantly to falling down elevator shafts or getting caught in or between the elevator and door or shaft.⁵

The study observed that many elevator-related deaths occurred in situations where “unqualified/untrained personnel were performing elevator repair and maintenance.”⁶ As the study notes, many of these tragedies may have been prevented if qualified personnel were used and proper training procedures were in place.⁷

At this time, the State of Kansas does not appear to have any elevator safety law on the books. On the local level, we are only aware of elevator licensing ordinances in Topeka and Wichita. By contrast, according to our count, thirty-two other states and the District of Columbia have elevator licensing laws on the books. Moreover, according to a 2013 review, Kansas was just one of four states that had not yet adopted codes developed by the experts at the American Society of Mechanical Engineers for elevators and escalators (the other three were Mississippi, North and South Dakota; Mississippi has since passed the Mississippi Conveyance Safety Act, leaving Kansas among three states in the country to not adopt the ASME codes.)⁸ This is especially troublesome given the highly technical nature of the industry and the fact that these national codes and standards are available for states and local governments to incorporate.

For the sake of public safety, Kansas must take steps to ensure that elevator personnel are properly skilled and that elevator equipment is properly installed, up to nationally recognized codes, and maintained in proper working condition. At this point, Kansas has fallen behind most other jurisdictions, but, as explained below, House Bill 2356 presents an opportunity for the state to catch up, and potentially save lives.

III. The Elevator Safety Act

The proposed elevator safety act, House Bill 2356 is a bill that, by design, covers all work in the elevator industry and trade, thereby providing the potential to vastly improve the safety of elevators, escalators and other conveyances. It governs safety, registration, permitting, and licensing for three key areas: (1) elevator, escalator and other conveyance equipment; (2) elevator contractors; and (3) elevator personnel (including mechanics and inspectors). In addition to these three key features, which will be discussed in greater detail below, the bill incorporates the key applicable industry standards and codes developed by experts in the field, including the American Society of Mechanical Engineers.

⁴ Michael McCann, *Deaths and Injuries Involving Elevators and Escalators* 8-9, Center for Construction Research, (2013).

⁵ *Id.*

⁶ *Id.* at 14.

⁷ *Id.* at 15.

⁸ *See id.*

First, to enhance equipment safety, the bill subjects equipment to specified registration, permitting, certification and inspection requirements. Through the registration process, the state is able to obtain information on the type, rated load and speed of the equipment, name of manufacturer, product location and the purpose for which the product is used. Requiring permits to work on elevator equipment helps ensure accurate plans and specifications are used, and that the equipment otherwise complies with code requirements. By requiring a certificate of operation for installations, the bill takes steps to make sure qualified elevator personnel properly completed the installation. Through annual inspections by licensed elevator inspectors, issues with elevator equipment can be caught on a more routine basis, and hopefully *before* catastrophe strikes.

Second, under the law, in order to work on elevators in Kansas, a business must obtain an elevator contractor's license and employ at least one licensed elevator mechanic. Key to the licensing requirements is that the contractor must demonstrate that it is reputable and has obtained necessary insurance coverage. Moreover, the law demonstrates flexibility by authorizing reciprocity for contractors that have similar licenses in other states.

Third, the legislation presents a good start in establishing licensing requirements for elevator personnel, including mechanics and inspectors. The law, in establishing minimum training and experience requirements for one to become a licensed elevator mechanic, and setting forth continuing education requirements to renew a license, will assist in ensuring that elevator mechanics have the experience, training and knowledge necessary to safely and properly construct, install, service, test, repair and maintain elevators and other conveyances under the bill. Like elevator contractor's licenses, flexibility is granted for elevator mechanic's licenses in the form of: (1) a limited grandfather clause within one year of the effective date of the bill; and (2) reciprocity for a person that possesses an elevator mechanic's license from another state. Moreover, by requiring elevator inspectors to possess a nationally recognized certification, the bill takes a key step in improving the integrity of inspections.

IV. Conclusion

In summary, by requiring the registration of equipment, as well as the licensing of elevator contractors, mechanics and inspectors performing work on elevators, escalators or other conveyances, House Bill 2356 helps address many of the potential dangers associated with the elevator industry and trade. The EIWPF supports House Bill 2356 because its design and purpose aligns with a key mission of the organization - improving the public safety of elevators and other conveyances. Thank you for the opportunity to testify before the Committee today.