

*{As Amended by Senate Committee of the Whole}*

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*Session of 2021*

**SENATE BILL No. 181**

By Committee on Federal and State Affairs

2-9

1 AN ACT creating the elevator safety act; relating to safety standards for  
2 elevators; licensure requirements for elevator inspection, installation  
3 and repair; duties of the state fire marshal; establishing the elevator  
4 safety fee fund.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. The provisions of sections 1 through 20, and amendments  
8 thereto, shall be known and may be cited as the elevator safety act.

9 Sec. 2. As used in sections 1 through 20, and amendments thereto:

10 (a) "Act" means the elevator safety act.

11 (b) "Board" means the elevator safety advisory board.

12 (c) (1) "Elevator" means any device for lifting or moving people,  
13 cargo or freight within, or adjacent and connected to, a structure or  
14 excavation, including, but not limited to-

15 ~~(A)~~, an escalator, power-driven stairway, moving walkway or  
16 stairway chair lift; and

17 ~~(B) a dumbwaiter, conveyor, chain or bucket hoist, construction hoist  
18 or similar device used for the primary purpose of elevating or lowering  
19 materials.~~

20 (2) The term "elevator" does not mean any:

21 (A) Amusement ride or other device subject to the Kansas  
22 amusement ride act, K.S.A. 2020 Supp. 44-1601 et seq., and amendments  
23 thereto;

24 (B) mining equipment;

25 (C) aircraft, railroad car, boat, barge, ship, truck or other self-  
26 propelled vehicle or component thereof;

27 (D) *a dumbwaiter, conveyor, chain or bucket hoist, construction  
28 hoist or similar device used for the primary purpose of elevating or  
29 lowering materials;*

30 (E) boiler grate stoker or other similar firing mechanism subject to  
31 the boiler safety act, K.S.A. 44-913 et seq., and amendments thereto; or

32 ~~(F)~~ lift, manlift, belt manlift, *chain hoists, climb assists*, special  
33 purpose personnel elevator, automated people mover or similar device in  
34 *wind turbine towers*, grain elevators, grain warehouses, seed processing

Amendment to SB No. 181

(As Amended by Senate Committee of the Whole)

Prepared by: Mike Heim

Office of Revisor of Statutes

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1 facilities, grain processing facilities, biofuel processing facilities, feed  
2 mills, flour mills or any similar pet food, feed or agricultural commodity  
3 processing facilities.

4 (d) "Elevator apprentice" means an individual who works under the  
5 supervision or general direction of a licensed elevator mechanic.

6 (e) "Elevator contractor" means a sole proprietorship, firm,  
7 partnership, corporation or association that is engaged in the business of  
8 erecting, constructing, installing, altering, servicing, repairing or  
9 maintaining elevators.

10 (f) "Elevator inspector" means an individual engaged in the business  
11 of inspecting elevators.

12 (g) "Elevator mechanic" means an individual engaged in the business  
13 of erecting, constructing, installing, altering, servicing, repairing or  
14 maintaining elevators under the direct supervision of an elevator  
15 contractor.

16 (h) "Licensee" means an elevator contractor, inspector or mechanic  
17 who is licensed pursuant to this act.

18 Sec. 3. (a) The provisions of this act shall apply to the design,  
19 construction, installation, operation, inspection, testing, maintenance,  
20 alteration and repair of elevators.

21 (b) The provisions of this act shall not apply to elevators that are:

22 (1) In or adjacent to a building or excavation owned by or under the  
23 operational control of any federal agency or located on property owned by  
24 the United States or any federally recognized native American Indian tribe;

25 (2) in a single family residence; or

26 (3) in or adjacent to a building or structure within a manufacturing,  
27 utility or other industrial facility, ~~except that any elevator in or adjacent to~~  
28 ~~a wind turbine tower shall be subject to the provisions of this act.~~

29 (c) Any elevator described in subsection (b) shall be inspected by a  
30 licensed elevator inspector upon request by the owner or the owner's agent  
31 and payment of the inspection fee.

32 (d) Nothing in this act shall be construed to relieve or lessen the  
33 responsibility or liability of any individual, firm or corporation owning,  
34 operating, controlling, maintaining, erecting, constructing, installing,  
35 altering, inspecting, testing or repairing any elevator for damages to a  
36 person or property caused by any defect therein, or as an assumption of  
37 any such liability or responsibility or any liability to any person for  
38 whatever reason by the state by enactment of this act or any acts or  
39 omissions arising under the provisions of this act.

40 Sec. 4. Nothing in this act shall be construed to preempt or otherwise  
41 restrict a city or county from adopting or continuing any requirements or  
42 standards that ~~are more stringent than~~ *meet or exceed* those of this act ~~or~~  
43 *and any* rules and regulations adopted pursuant thereto. *Any city or*

; or  
(G) elevators in buildings owned by not-  
for-profit corporations exempt from federal  
income taxation pursuant to section 501(c)  
(3) of the federal internal revenue code of  
1986.