

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

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 amusement
22 ride act, K.S.A. ~~2020~~ 2021 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 ~~(E)(F)~~ lift, manlift, belt manlift, *chain hoists, climb assists*, special

1 purpose personnel elevator, automated people mover or similar device in
2 **wind turbine towers**, grain elevators, grain warehouses, seed processing
3 facilities, grain processing facilities, biofuel processing facilities, feed
4 mills, flour mills or any similar pet food, feed or agricultural commodity
5 processing facilities.

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

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

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

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

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

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

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

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

27 (2) in a single family residence; or

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

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

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

42 Sec. 4. Nothing in this act shall be construed to preempt or otherwise
43 restrict a city or county from adopting or continuing any requirements or

1 standards that are more stringent than *meet or exceed* those of this act or
2 *and any* rules and regulations adopted pursuant thereto. *Any city or*
3 *county that has adopted such requirements or standards shall notify the*
4 *state fire marshal of such adoption on or before June 30, ~~2022~~ 2023,*
5 *and on each June 30 thereafter.*

6 Sec. 5. (a) No individual shall erect, construct, alter, replace,
7 maintain, remove or dismantle any elevator contained within a building
8 or other structure in this state or wire any elevator from the mainline
9 feeder terminals on the controller unless such individual is a licensed
10 elevator mechanic and such individual is working under the direct
11 supervision of a licensed elevator contractor. ~~No other license shall be~~
12 ~~required for such work.~~ An elevator mechanic's license or elevator
13 contractor's license is not required for removing or dismantling elevators
14 that are destroyed as a result of a complete demolition of a secured
15 building or structure, or where the hoistway or wellway is demolished
16 back to the basic support structure whereby no access is permitted therein
17 to endanger the safety and welfare of a person.

18 (b) No individual shall inspect any elevator within a building or
19 other structure in this state, including, but not limited to, private
20 residences, unless such individual is a licensed elevator inspector. *This*
21 *subsection shall not apply to any individual employed as an elevator*
22 *inspector by a city or county who performs inspections only while*
23 *engaged in the performance of such individual's duties as an employee*
24 *of such city or county.*

25 (c) No individual, firm, partnership, corporation, association or other
26 entity shall erect, alter, replace, maintain, remove, dismantle or operate any
27 elevator in this state or construct any elevator for use in this state in
28 violation of this act or rules and regulations adopted pursuant thereto.

29 (d) All elevators shall conform to the rules and regulations adopted
30 pursuant to this act. Where any material alteration is made, the elevator
31 shall conform to applicable requirements of the code. Nothing in this act
32 shall be construed so as to prevent the use, sale or reinstallation of an
33 elevator installed in this state prior to the effective date of this act,
34 provided that such elevator has been made to conform to the rules and
35 regulations adopted pursuant to this act and has not been found upon
36 inspection to be in an unsafe condition or in violation of this act or rules
37 and regulations adopted pursuant thereto.

38 Sec. 6. (a) There is hereby established the elevator safety advisory
39 board. The elevator safety advisory board shall consist of the following
40 eleven members who shall be residents of this state:

41 (1) Seven members, to be appointed by the governor as follows:

42 (A) One representative from a major elevator manufacturing
43 company or its authorized representative;

- 1 (B) one representative from an elevator servicing company;
2 (C) one representative of the architectural design or elevator
3 consulting profession;
4 (D) one representative of a city or county in this state;
5 (E) one representative of a building owner or building manager;
6 (F) one representative of labor involved in the installation,
7 maintenance and repair of elevators; and
8 (G) one representative from the general public;
9 (2) one member to be appointed by the president of the senate;
10 (3) one member to be appointed by the speaker of the house of
11 representatives;
12 (4) the state fire marshal or the state fire marshal's designee, who
13 shall serve ex officio; and
14 (5) the secretary of administration or the secretary's designee, who
15 shall serve ex officio.
16 (b) Each member of the board appointed under subsections (a)(1)
17 through (3) shall serve a term of three years or until a successor is
18 appointed and qualified. Whenever a vacancy occurs, a successor shall be
19 appointed in accordance with subsection (a). The members of the board
20 shall elect one of the members to serve as chairperson.
21 (c) The members of the board shall serve without compensation.
22 Members who are not state officers or employees and who are attending
23 meetings of such committee, or attending a subcommittee meeting thereof
24 authorized by such committee, shall be paid amounts provided in K.S.A.
25 75-3223(e), and amendments thereto.
26 (d) The board shall meet at least ~~once~~ **six times** each year at a time
27 and place to be fixed by the state fire marshal and at such other times as
28 the state fire marshal deems necessary for the consideration of rules and
29 regulations and for the transaction of such other business as may come
30 properly before the board.
31 (e) The board shall advise the state fire marshal and make
32 recommendations regarding rules and regulations necessary to implement
33 and enforce the provisions of this act. The board shall annually review any
34 rules and regulations adopted by the state fire marshal pursuant to this act.
35 Sec. 7. (a) (1) Any individual, firm, partnership, corporation,
36 association or other entity wishing to engage in the business of installing,
37 altering, servicing, replacing or maintaining elevators shall make
38 application for an elevator contractor's license in such form and manner as
39 prescribed by the state fire marshal and shall pay the required initial
40 application fee, which shall not exceed \$500. An applicant shall
41 demonstrate that such applicant employs a licensed elevator mechanic or
42 mechanics to perform the work described in section 5, and amendments
43 thereto, and shall provide proof of compliance with the insurance

1 requirements set forth in section 8, and amendments thereto.

2 (2) Any individual wishing to engage in installing, altering, repairing
3 or servicing of elevators shall make application for an elevator mechanic's
4 license in such form and manner as prescribed by the state fire marshal and
5 shall pay the required initial application fee, which shall not exceed \$150.

6 (3) Any individual wishing to engage in the business of inspecting
7 elevators shall make application for an elevator inspector's license in such
8 form and manner as prescribed by the state fire marshal and shall pay the
9 required initial application fee, which shall not exceed \$250. An applicant
10 shall provide proof of compliance with the insurance requirements set
11 forth in section 8, and amendments thereto.

12 (b) No license shall be issued to any applicant that has not
13 demonstrated the requisite qualifications and abilities required by this act
14 and rules and regulations adopted pursuant thereto. Upon the state fire
15 marshal's approval of an application as having met the requirements for
16 licensure, the state fire marshal shall issue a license. Such license shall be
17 valid for a period of two years and shall be renewable biennially upon
18 submission of a renewal application and payment of the required renewal
19 application fee, which shall not exceed the initial application fee.

20 (c) **An elevator mechanic license shall be issued, upon application,**
21 **to an applicant that holds a certificate of completion from the national**
22 **association of elevator contractors certified elevator technician**
23 **certification program, national elevator industry education**
24 **apprenticeship program or other equivalent nationally approved**
25 **apprenticeship program; holds a valid license from a state having**
26 **standards substantially equal to those of this act and the rules and**
27 **regulations adopted pursuant thereto; or those persons who can**
28 **demonstrate within the first year following enactment that such**
29 **person has worked as an elevator mechanic without supervision for at**
30 **least 8,000 hours within six years prior to the date of application.**

31 (d) An elevator contractor's license may be issued, upon application,
32 to an applicant that holds a valid license from a state having standards
33 substantially equal to those of this act and rules and regulations adopted
34 pursuant thereto.

35 ~~(d)~~(e) An elevator apprentice is not required to hold a license.

36 ~~(e)~~(f) *Any city or county that has adopted requirements and*
37 *standards that meet or exceed the requirements and standards of this act*
38 *and any rules and regulations adopted pursuant thereto may issue an*
39 *elevator contractor's license or elevator mechanic's license in*
40 *accordance with such requirements and standards. Any such license*
41 *shall specify that it is issued by such city or county. No such license shall*
42 *be issued in lieu of any license issued by the state fire marshal or*
43 *authorize the licensee to perform work as an elevator contractor or*

1 *elevator mechanic outside the jurisdiction of the issuing city or county.*

2 Sec. 8. (a) Elevator contractors shall submit proof to the state fire
3 marshal of a current insurance policy issued by an insurance company
4 authorized to do business in this state that provides general liability
5 coverage of at least \$1,000,000 for injury or death of any number of
6 persons in any one occurrence, with coverage of at least \$500,000 for
7 property damage in any one occurrence and proof of workers
8 compensation insurance coverage as required by Kansas law.

9 (b) Elevator inspectors, except those employed by an agency, city or
10 county, shall submit to the state fire marshal proof of a current insurance
11 policy issued by an insurance company authorized to do business in this
12 state that provides general liability coverage of at least \$1,000,000 for
13 injury or death of any number of persons in any one occurrence, with
14 coverage of at least \$500,000 for property damage in any one occurrence
15 and proof of statutory workers compensation insurance coverage.

16 (c) Proof of such policies shall be delivered to the state fire marshal
17 with the application for the license. A licensee shall provide the state fire
18 marshal of notice of any material alteration or cancellation of any policy at
19 least 10 days prior to the effective date of such change in the policy.

20 Sec. 9. (a) Whenever the state fire marshal determines an emergency
21 exists in the state due to a disaster, an act of God or work stoppage and the
22 number of persons in the state holding elevator mechanic's licenses is
23 determined by the state fire marshal to be insufficient to cope with the
24 emergency, the state fire marshal may issue emergency elevator
25 mechanic's licenses as necessary to assure the safety of the public. An
26 elevator contractor or applicant for an emergency mechanic's license shall
27 furnish such proof of competency as may be required by rules and
28 regulations adopted pursuant to this act.

29 (b) An elevator contractor shall notify the state fire marshal when
30 there are no licensed elevator mechanics available to perform work
31 requiring such license. The elevator contractor may request that the state
32 fire marshal issue temporary elevator mechanic's licenses to individuals
33 certified by the licensed elevator contractor to have an acceptable
34 combination of documented experience and education to perform such
35 work without the direct and immediate supervision of a licensed elevator
36 mechanic. Any individual who is certified as such by an elevator
37 contractor may apply for a temporary elevator mechanic's license in such
38 form and manner as prescribed by the state fire marshal. The applicant
39 shall pay the required application fee with such application, which shall
40 not exceed \$50. The state fire marshal may issue a temporary elevator
41 mechanic's license if the state fire marshal finds that the requirements for
42 such licenses have been met.

43 Sec. 10. (a) An application for a license may be denied or a license

1 may be suspended or revoked by the state fire marshal upon a finding that
2 one or more of the following have been committed by the applicant or
3 licensee:

4 (1) Any willfully false statement or willful omission as to a material
5 matter made in the process of securing a license or renewal of a license. A
6 material matter is a fact relevant to a question or line of inquiry in the
7 applicable application form or in additional inquiry of the applicant by the
8 state fire marshal that if made known to the state fire marshal could
9 constitute a basis for a denial of the application under this act or rules and
10 regulations adopted pursuant thereto;

11 (2) fraud, misrepresentation or bribery in securing a license;

12 (3) failure to notify the state fire marshal and the owner of an elevator
13 or the owner's agent when:

14 (A) Any elevator is being operated in this state that is not in
15 compliance with this act or rules and regulations adopted pursuant thereto;
16 and

17 (B) that such noncompliance was known by the licensee or
18 reasonably should have been known by the licensee;

19 (4) failure to maintain any requirement or to notify the state fire
20 marshal of any material alteration or change relating to any requirement
21 that is necessary to obtain or renew a license that is in nature a continuing
22 requirement, including, but not limited to, insurance requirements; or

23 (5) any violation of this act or rules and regulations adopted pursuant
24 thereto.

25 (b) A license may be suspended or revoked upon a finding by the
26 state fire marshal that facts and circumstances exist that require suspension
27 or revocation of the license to protect the safety of the public, including,
28 but not limited to, facts and circumstances going to the competence, ability
29 or fitness of the licensee to safely conduct the work or activities permitted
30 by the license in a manner that does not risk the safety or well-being of co-
31 workers, employees or the public.

32 (c) An elevator inspector license may be suspended or revoked upon
33 a finding by the state fire marshal that the licensed elevator inspector has
34 performed duties incompetently, demonstrated untrustworthiness, falsified
35 any matter or statement contained in any application or report or failed to
36 report findings of any inspection made by such licensee to the state fire
37 marshal as required under section 15, and amendments thereto. Such a
38 suspension or revocation shall be effective upon receipt of notice of the
39 suspension or termination by the licensee or the licensee's employer.

40 (d) Except as otherwise provided by this act, no license shall be
41 suspended or revoked until after a written order issued by the state fire
42 marshal has been served to the licensee who committed the violation. Such
43 order shall state the violation, the penalty to be imposed and the right of

1 the person to request a hearing as provided in section 12, and amendments
2 thereto. The state fire marshal may issue emergency orders, including, but
3 not limited to, immediate suspensions or revocations of a license, as
4 provided by the Kansas administrative procedure act.

5 Sec. 11. (a) In addition to any other penalty provided by law, the state
6 fire marshal, upon a finding that any owner, lessee or operator of an
7 elevator, or owner or lessee of a building or structure in which an elevator
8 is located, has violated, knowingly permitted a violation or negligently
9 failed to detect, report or correct a violation of any provision of this act or
10 rules and regulations adopted pursuant thereto with regard to the
11 construction, installation, maintenance, inspection or operation of an
12 elevator, is authorized to impose a civil penalty not to exceed \$1,000 per
13 violation for each day of such unlawful operation or violation. Such civil
14 penalty shall constitute an actual and substantial economic deterrent to the
15 violation for which the penalty is assessed.

16 (b) In addition to any other penalty provided by law, the state fire
17 marshal, upon a finding that any licensee has violated, knowingly
18 permitted a violation or negligently failed to detect, report or correct a
19 violation of any provision of this act or rules and regulations adopted
20 pursuant thereto, is authorized to impose a civil penalty not to exceed
21 \$1,000 per violation. Such civil penalty shall constitute an actual and
22 substantial economic deterrent to the violation for which the penalty is
23 assessed.

24 (c) No civil penalty shall be imposed except upon the written order of
25 the state fire marshal to the person who committed the violation. Such
26 order shall state the violation, the penalty to be imposed and the right of
27 the person to request a hearing as provided in section 12, and amendments
28 thereto.

29 (d) All fines assessed and collected under this section shall be
30 remitted to the state treasurer in accordance with the provisions of K.S.A.
31 75-4215, and amendments thereto. Upon receipt of each such remittance,
32 the state treasurer shall deposit the entire amount in the state treasury to
33 the credit of the elevator safety fee fund.

34 Sec. 12. (a) Any individual, sole proprietor, firm, partnership,
35 association or corporation aggrieved by an order issued by the state fire
36 marshal pursuant to the provisions of this act may request a hearing on
37 such order within 15 days from the date of the service of such order by
38 filing such request in writing with the state fire marshal. Such hearing shall
39 be conducted in accordance with the provisions of the Kansas
40 administrative procedure act. The filing of a request for a hearing shall not
41 abate or operate as a stay of the effect of an emergency order or an order to
42 cease and desist or a stop work order unless otherwise stated in such order.

43 (b) Except as otherwise provided, all administrative proceedings by

1 the state fire marshal under this act shall be conducted in accordance with
2 the provisions of the Kansas administrative procedure act.

3 (c) Judicial review and civil enforcement of agency actions under this
4 act shall be in accordance with the Kansas judicial review act.

5 Sec. 13. It shall be the responsibility of a licensee to ensure that the
6 design, construction, installation, operation, inspection, testing,
7 maintenance, alteration and repair of an elevator is performed in
8 compliance with the provisions of the state safety and fire prevention act,
9 K.S.A. 31-132 et seq., and amendments thereto.

10 Sec. 14. (a) No elevator shall be erected, constructed, installed or
11 altered within or adjacent to a building or structure unless a valid permit is
12 obtained from the state fire marshal. Such permit shall be issued prior to
13 the commencement of any work on such elevator. A permit shall only be
14 issued to a licensed elevator contractor. A copy of such permit shall be
15 kept at the construction site at all times while the work is in progress.
16 Notwithstanding the issuance of a permit, no work shall be performed on
17 any such elevator if the state fire marshal has issued a stop work order for
18 such elevator.

19 (b) A licensed elevator contractor may apply for a permit in such
20 form and manner as prescribed by the state fire marshal. The applicant
21 shall pay the required permit fee with such application, which shall not
22 exceed \$400.

23 (c) A permit may be revoked by the state fire marshal for any of the
24 following reasons:

25 (1) Any false statement or misrepresentation exists as to the material
26 facts in the application, or in the plans or specifications on which the
27 permit was based;

28 (2) the permit was issued in error and should not have been issued in
29 accordance with the provisions of this act;

30 (3) the work detailed under the permit is not being performed in
31 accordance with the provisions of the application, or in the plans or
32 specifications on which the permit was based, or is not in accordance with
33 the code; or

34 (4) the licensed elevator contractor to whom the permit was issued
35 fails or refuses to comply with a stop work order issued by the state fire
36 marshal.

37 (d) (1) A permit shall expire:

38 (A) If the work authorized by such permit is not commenced within
39 six months after the date of issuance, or within a shorter period of time
40 specified by the state fire marshal, in the state fire marshal's discretion, at
41 the time the permit is issued; or

42 (B) if, after the work has been commenced, the work is suspended or
43 abandoned for a period of 60 days, or such shorter period of time as

1 specified by the state fire marshal, in the state fire marshal's discretion, at
2 the time the permit is issued.

3 (2) For good cause, the state fire marshal, in the state fire marshal's
4 discretion, may allow an extension of any of the periods of time set forth
5 in this subsection.

6 ***(e) This section shall not apply to any elevator to be erected,
7 constructed, installed or altered in any city or county that has adopted
8 requirements or standards that meet or exceed the requirements or
9 standards of this act and any rules and regulations adopted pursuant
10 thereto.***

11 Sec. 15. (a) It shall be the responsibility of the owner of any new or
12 existing elevator or the owner's agent to have such elevator inspected
13 annually by a licensed elevator inspector. Upon such inspection, the
14 licensed elevator inspector shall provide the owner of the elevator or the
15 owner's agent, the owner or lessee of the property where such elevator is
16 located and the state fire marshal with a written inspection report
17 describing any and all code violations. The owner of the elevator or the
18 owner's agent shall have 30 days from the date of the inspection report to
19 be in full compliance by correcting such violations. The state fire marshal
20 may grant additional 30-day extensions of time if the state fire marshal
21 determines good cause has been shown and the safety of the public will
22 not be endangered.

23 (b) It shall be the responsibility of the owner of any elevator or the
24 owner's agent to have a licensed elevator contractor conduct all required
25 tests at the intervals required by this act and rules and regulations adopted
26 pursuant thereto. All tests shall be performed by a licensed elevator
27 mechanic.

28 ***{(c) This section shall not apply to any elevator located in a city or
29 county that has adopted requirements or standards that meet or exceed
30 the requirements or standards of this act and any rules and regulations
31 adopted pursuant thereto.}***

32 Sec. 16. (a) For any elevator installed prior to July 1, ~~2021~~ 2022, the
33 owner of the elevator or the owner's agent shall apply for a certificate of
34 operation on or before July 1, ~~2022~~ 2023. Such application shall be in such
35 form and manner as prescribed by the state fire marshal and shall include a
36 copy of the most recent inspection report required pursuant to section 15,
37 and amendments thereto, and payment of the required application fee,
38 which shall not exceed \$100.

39 (b) For any elevator installed on or after July 1, ~~2021~~ 2022, and prior
40 to January 1, ~~2022~~ 2023, the owner of such elevator or the owner's agent
41 shall apply for a certificate of operation within six months after such
42 elevator is placed into operation. Such application shall be in such form
43 and manner as prescribed by the state fire marshal and shall include a

1 certification by the licensed elevator contractor that such installation was
2 performed in compliance with the applicable provisions of this act and
3 rules and regulations adopted pursuant thereto and payment of the required
4 application fee, which shall not exceed \$100.

5 (c) On and after January 1, ~~2022~~ 2023, before a newly installed
6 elevator may be placed into operation, the licensed elevator contractor that
7 performed the new installation shall apply for a certificate of operation.
8 Such application shall be in such form and manner as prescribed by the
9 state fire marshal and shall include a certification by the licensed elevator
10 contractor that such installation was performed in compliance with the
11 applicable provisions of this act and rules and regulations adopted
12 pursuant thereto and payment of the required application fee, which shall
13 not exceed \$100.

14 (d) The state fire marshal shall grant applications and renewal
15 applications for certificates of operation if the state fire marshal finds the
16 applicant has demonstrated to the state fire marshal's satisfaction that all
17 applicable provisions of this act and rules and regulations adopted
18 pursuant thereto have been met, the elevator will be operated in
19 accordance with the rules and regulations adopted pursuant to this act and
20 operation of the elevator will not present a danger to the public.

21 (e) A certificate of operation shall be valid for one year from the date
22 of issuance and may be renewed upon application submitted to the state
23 fire marshal and payment of the required renewal fee, which shall not
24 exceed the initial application fee. An application for a renewal certificate
25 shall be accompanied by an inspection report for an inspection performed
26 within the immediately preceding 12 months.

27 (f) Certificates of operation shall be clearly displayed on or in each
28 elevator or in the machine room for such elevator. Each certificate of
29 operation shall state that the elevator has been inspected, tested and found
30 to be in compliance with all applicable standards of operation.

31 ***(g) This section shall not apply to any elevator located in a city or***
32 ***county that has adopted requirements and standards that meet or exceed***
33 ***the requirements and standards of this act and any rules and regulations***
34 ***adopted pursuant thereto.***

35 Sec. 17. (a) The state fire marshal shall establish a registry of
36 elevators that are in operation and for which a certificate of operation has
37 been issued and shall maintain the information provided under subsection
38 (b) as part of such registry.

39 (b) On or before July 1, ~~2022~~ 2023, each elevator that was in
40 operation on or before July 1, ~~2021~~ 2022, for which a certificate of
41 operation has been issued pursuant to section 16, and amendments thereto,
42 shall be registered with the state fire marshal. Such registration shall
43 include:

1 (1) The name of the owner of such elevator, the owner's agent, if any,
2 and the operator of the elevator;

3 (2) the type;

4 (3) the rated load and speed;

5 (4) the name of the manufacturer;

6 (5) the location and purpose for which such elevator is used; and

7 (6) such additional information as may be required by rules and
8 regulations adopted pursuant to this act.

9 (c) Any elevator that is placed into service and for which a certificate
10 of operation is issued after July 1, ~~2021~~ 2022, shall be registered at such
11 time as a certificate of operation is issued for such elevator. The
12 registration for any such elevator shall include that information described
13 in subsection (b).

14 ***(d) This section shall not apply to any elevator located in a city or***
15 ***county that has adopted requirements and standards that meet or exceed***
16 ***the requirements and standards of this act and any rules and regulations***
17 ***adopted pursuant thereto. Any such city or county shall establish and***
18 ***maintain a registry of elevators located in such city or county that are in***
19 ***operation. Such registry shall include that information described in***
20 ***subsection (b)(1) through (6).***

21 Sec. 18. (a) Any person may request an investigation into an alleged
22 violation of this act or rules and regulations adopted pursuant thereto, or
23 the installation, servicing, maintenance or operation of an elevator that
24 appears to place the public or persons using such elevator in danger by
25 notifying the state fire marshal of such violation or danger. Such request
26 shall be in writing, setting forth in reasonable particularity the grounds for
27 the request and be signed by the person making the request.

28 (b) Such request, notice and any records relating to the request shall
29 be confidential and shall not be disclosed by the state fire marshal unless
30 ordered to be disclosed by a court of competent jurisdiction. The
31 provisions of this subsection shall expire on July 1, ~~2026~~ 2027, unless the
32 legislature reviews and reenacts such provisions in accordance with K.S.A.
33 45-229, and amendments thereto, prior to July 1, ~~2026~~ 2027.

34 (c) Upon receipt of such notification, the state fire marshal shall
35 investigate the alleged violation as soon as practicable, and to the extent
36 determined appropriate by the state fire marshal, determine if such
37 violation or danger exists and may issue such orders as the state fire
38 marshal deems necessary to avoid danger to the public during such
39 investigation. If the state fire marshal determines that there are no
40 reasonable grounds to believe that a violation or danger exists, the state
41 fire marshal shall notify in writing the person who submitted the request
42 for investigation and the owner of the elevator or the owner's agent of such
43 determination. If the state fire marshal determines that a violation or

1 danger exists, the state fire marshal shall revoke the certificate of operation
2 for such elevator, issue such orders as the state fire marshal deems
3 necessary to address the violation or danger or take such other actions as
4 provided by this act to address the violation or danger.

5 Sec. 19. (a) On or before January 1, ~~2022~~ **2023**, the state fire marshal
6 shall adopt rules and regulations necessary to implement and enforce the
7 provisions of this act. Rules and regulations adopted by the state fire
8 marshal shall be based on and follow generally accepted national
9 engineering standards, formula and practices that shall at a minimum
10 include adoption of current American national standards known as the
11 American society of mechanical engineers (ASME) safety code for
12 elevators and escalators and the safety standards for wind turbine tower
13 elevators.

14 (b) Such rules and regulations shall include rules and regulations:

15 (1) For the operation, maintenance, servicing, construction, alteration
16 and installation of elevators;

17 (2) requirements and qualifications for the licensure of elevator
18 contractors, mechanics and inspectors, including initial and renewal
19 application requirements, examination requirements and continuing
20 education requirements;

21 (3) requirements and qualifications for the issuance of emergency and
22 temporary licenses;

23 (4) requirements for issuance of permits and certificates of operation,
24 including initial and renewal application requirements;

25 (5) requirements for registration of elevators; and

26 (6) standards for granting exceptions and variances from rules and
27 regulations adopted pursuant to this act and municipal ordinances.

28 (b) The state fire marshal shall establish a schedule for fees for
29 licenses, permits, certificates of operation, inspections and variance
30 requests. The fees shall reasonably reflect the state fire marshal's actual
31 costs and expenses to operate and to conduct those duties and obligations
32 as described in this act.

33 (c) The state fire marshal shall have the authority to grant or deny
34 requests for exceptions and variances from the requirements of rules and
35 regulations adopted pursuant to this act or from municipal ordinances in
36 cases where the state fire marshal finds such exception or variance would
37 not jeopardize the public safety and welfare and that the request meets the
38 applicable standards adopted by the state fire marshal for granting such an
39 exception or variance.

40 Sec. 20. The elevator safety fee fund is hereby established in the state
41 treasury and shall be administered by the state fire marshal. The state fire
42 marshal shall remit all moneys received from fees, charges or penalties
43 assessed in accordance with this act to the state treasurer in accordance

1 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
2 receipt of each such remittance, the state treasurer shall deposit the entire
3 amount in the state treasury to the credit of the elevator safety fee fund. All
4 expenditures from the elevator safety fee fund shall be made in accordance
5 with appropriation acts upon warrants of the director of accounts and
6 reports issued pursuant to vouchers approved by the state fire marshal or
7 the state fire marshal's designee.

8 Sec. 21. This act shall take effect and be in force from and after its
9 publication in the statute book.