

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 143**

As Agreed to April 2, 2024

**Brief\***

House Sub. for SB 143 would make various changes to the Elevator Safety Act (Act). The bill would amend the Act to:

- Add a requirement that owners of elevators, other than escalators, notify the State Fire Marshal of accidents on elevators, other than escalators, resulting in death, personal injury, or property damage in excess of \$1,000 and not allow the elevator to operate until the State Fire Marshal has investigated such accident. The bill would make a violation of this requirement a class A nonperson misdemeanor;
- Remove power-driven stairways, moving walkways, and stairway chair lifts from the definition of elevator;
- Provide that regular routine inspections of elevators would not be required when the elevator is insured by an insurance company rated B or better by the AM Best insurance industry rating services agency and the owner or user files a certificate of inspection by such insurance company with the State Fire Marshal and pays an administrative fee of up to \$100;
- Require the State Fire Marshal to adopt suitable signage to be affixed to the doors of an elevator that has been determined would jeopardize public safety and provide for the unauthorized removal of such sign or operation of such elevator to be a class A nonperson misdemeanor;
- Prohibit work performed on elevators to be inspected by individuals who have performed such work;
- Allow services required to be performed by elevator mechanics or elevator contractors to be performed by employees of licensees at the direction of such licensee;
- Provide that elevators are required to conform, beginning on July 1, 2024, to the applicable code in effect on the date of the elevator's installation or reinstallation or the code in effect on the date alterations are made to the elevator constituting more than 49 percent of such elevator and specify that rules and regulations may not

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require compliance with current American National Standards under the safety code except as provided by the Act;

- Eliminate a provision requiring an applicant for an elevator contractor's license to employ a licensed elevator mechanic prior to applying for such license [*Note:* Continuing law would require licensed elevator mechanics to perform the work.];
- Authorize certification of completion of an elevator technician program through a postsecondary educational institution or passing an equivalency examination prepared by the State Fire Marshal as a way to qualify an individual for an elevator mechanic license;
- Authorize certification of completion of an elevator inspector program through a postsecondary educational institution or passing an equivalency examination prepared by the State Fire Marshal as a way for an individual to qualify for an elevator inspector license;
- Reduce from 8,000 hours to 4,000 hours the hours-worked basis for a person to qualify for elevator mechanic licensure;
- Modify the elevator testing requirements of the Act to specify that only those tests indicated by a written inspection report are required, require a load test be conducted every six years, and allow a load test conducted by an insurance company inspector or under an elevator maintenance agreement, as well as by a licensed elevator mechanic or contractor, to satisfy the requirement;
- Replace a provision requiring annual elevator inspections with provisions requiring the inspection of all elevators within three years of the effective date of the Act and:
  - Every year thereafter for elevators located in any county with a population of 100,000 or more;
  - Every other year for elevators located in any county with a population of at least 50,000 but less than 100,000; and
  - Every three years in all other counties;
- Specify that elevators that are subject to elevator maintenance agreements between the owner and a licensee are not subject to the elevator inspection and testing requirements of the Act; and
- Provide that certificates of operation be effective through 30 days following the inspection required by the Act and, in the cases of renewal applications, for the time necessary for the State Fire Marshal to make a determination on the application for renewal.

### **Conference Committee Action**

The Conference Committee agreed to the provisions of House Sub. for SB 143 with the following amendments:

- Restore the definition of "elevator inspector" as an individual engaged in the business of inspecting elevators;

- Add elevator inspector to elevator mechanic as a person who can inspect elevators pursuant to the Act;
- Add educational pathways and application fee for elevator inspector licensing;
- Restore language regarding an alternative to licensing as an elevator mechanic for an individual elevator inspection business;
- Clarify that a material alteration, reinstallation, or installation of an elevator would subject the elevator to the applicable code requirements at the time;
- Replace the Act's effective date with July 1, 2024, as the effective date for compliance with rules and regulations adopted pursuant to the Act;
- Remove the cap on a fee charged for an inspection;
- Require a weight load test be conducted every six years and allow an insurance inspection or maintenance agreement's weight load test to satisfy the requirement, as well as a load test by a licensed elevator mechanic or contractor;
- Make clarifying technical changes regarding employees of inspection entities.

## **Background**

SB 143 was introduced by the Senate Committee on Transportation at the request of a representative of the Johnson County Sheriff's Office. The contents of SB 143 as introduced, pertaining to ground effect lighting on motor vehicles, were enacted into law in 2023 HB 2147.

The House Committee on Commerce, Labor and Economic Development removed the contents of the bill and replaced it with the amended contents of HB 2826.

### ***HB 2826 (Elevator Safety Act Amendments)***

The bill was introduced by the House Committee on Appropriations at the request of Representative Tarwater.

#### *House Committee on Commerce, Labor and Economic Development*

At the House Committee hearing, **proponent** testimony was provided by Representatives Francis and Owens and representatives of Americans for Prosperity-Kansas, Kansas Association of Community College Trustees, and Kansas Chamber. The proponents generally stated the bill would improve Elevator Safety Act compliance issues associated with high costs of compliance and workforce supply issues, especially in rural areas.

**Opponent** testimony was provided by representatives of Elevator Industry Work Preservation Fund, Federico-Duerst Consulting Group, and a private citizen. The opponents generally stated the Elevator Safety Act contains important public safety rules for elevator inspection and maintenance and enactment of the bill could jeopardize the safety of elevators.

Written-only opponent testimony was provided by representatives of Country Home Elevator, Midwest Elevator, National Association of Elevator Contractors, and National Elevator Industry.

Neutral testimony was provided by the State Fire Marshal. Written-only neutral testimony was provided by a representative of Kansas Grain and Feed Association and Renew Kansas Biofuels Association.

The House Committee amended the bill to:

- Eliminate a provision that would have removed escalators from the definition of elevator;
- Require that elevator inspections not be performed by the individual performing maintenance work on the elevator;
- Eliminate the elevator inspector's license and provide for inspections to be carried out by elevator mechanics [*Note: The Conference Committee did not retain this amendment.*];
- Provide that regular routine inspections are not required by the Act when the elevator is inspected by an insurance company rated B or better by the AM Best insurance rating agency;
- Require owners of elevators that had accidents resulting in death, personal injury, or property loss in excess of \$1,000 to notify the State Fire Marshal of such accident by the close of the next business day and requiring State Fire Marshal investigation of such accidents before the reopening of the elevator;
- Require prominent signage to be posted on elevators the State Fire Marshal has determined could jeopardize public safety;
- Reduce the hours-worked provision for licensure from 8,000 to 4,000;
- Cap the fee for inspections required by the Act at \$500 rather than \$250 [*Note: The Conference Committee removed the cap entirely.*];
- Modify the extension of time for certificates of operation from 5 years to 30 days following the inspection required by the Act and the time necessary for the State Fire Marshal to make a determination on the application for renewal;
- Modify the provision allowing elevator construction, maintenance, and inspection by persons employed by licensees to require the work to be performed at the direction of the licensee; and
- Modify the provision changing the frequency of required inspections to differentiate based on the population of the county where the elevator is located.

[*Note: Except as noted, the Conference Committee retained all House Committee amendments.*]

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on HB 2826, as introduced, the State Fire Marshal indicates enactment of the bill would reduce agency fee revenue by \$483,200 in FY 2025 and FY 2026. A revised fiscal note on the amended bill was not immediately available.

Any fiscal impact associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Elevators; inspections; elevator safety act; State Fire Marshal

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