

HOUSE BILL No. 2826

By Committee on Appropriations

Requested by Representative Tarwater

3-12

1 AN ACT concerning elevators; relating to the elevator safety act;
2 redefining the term elevator; modifying the requirements for licensure,
3 inspection and testing of elevators and adoption of rules and regulations
4 by the state fire marshal; amending K.S.A. 2023 Supp. 44-1802, 44-
5 1805, 44-1807, 44-1815, 44-1816 and 44-1819 and repealing the
6 existing sections.
7

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

9 Section 1. K.S.A. 2023 Supp. 44-1802 is hereby amended to read as
10 follows: 44-1802. As used in K.S.A. 2023 Supp. 44-1801 through 44-
11 1820, and amendments thereto:

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

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

14 (c) (1) "Elevator" means any device for lifting or moving people,
15 cargo or freight within, or adjacent and connected to, a structure or
16 excavation, ~~including, but not limited to, an escalator, power-driven~~
17 ~~stairway, moving walkway or stairway chair lift.~~

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

19 (A) Amusement ride or other device subject to the Kansas
20 amusement ride act, K.S.A. 44-1601 et seq., and amendments thereto;

21 (B) *any escalator; power-driven stairway, moving walkway or*
22 *stairway chair lift;*

23 (C) mining equipment;

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

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

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

31 ~~(G)~~ lift, manlift, belt manlift, chain hoists, climb assists, special
32 purpose personnel elevator, automated people mover or similar device in
33 wind turbine towers, grain elevators, grain warehouses, seed processing
34 facilities, grain processing facilities, biofuel processing facilities, feed
35 mills, flour mills or any similar pet food, feed or agricultural commodity

1 processing facilities.

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

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

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

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

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

16 Sec. 2. K.S.A. 2023 Supp. 44-1805 is hereby amended to read as
17 follows: 44-1805. (a) No individual shall erect, construct, alter, replace,
18 maintain, remove or dismantle any elevator contained within a building
19 or other structure in this state or wire any elevator from the mainline
20 feeder terminals on the controller unless such individual is a licensed
21 elevator mechanic ~~and or~~ such individual is ~~working under the direct~~
22 ~~supervision of a licensed elevator contractor~~ *employed by a licensee*. An
23 elevator mechanic's license or elevator contractor's license is not required
24 for removing or dismantling elevators that are destroyed as a result of a
25 complete demolition of a secured building or structure, or where the
26 hoistway or wellway is demolished back to the basic support structure
27 whereby no access is permitted therein to endanger the safety and welfare
28 of a person.

29 (b) No individual shall inspect any elevator within a building or
30 other structure in this state, including, but not limited to, private
31 residences, unless such individual is a licensed elevator inspector *or is*
32 *employed by a licensee*. This subsection shall not apply to any individual
33 employed as an elevator inspector by a city or county who performs
34 inspections only while engaged in the performance of such individual's
35 duties as an employee of such city or county.

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

40 (d) (1) All elevators shall conform to the rules and regulations
41 adopted pursuant to this act. Where any material alteration is made *to an*
42 *elevator*, ~~the~~ *such* elevator shall conform to applicable requirements of the
43 code. *All other elevators shall conform to the applicable requirements of*

1 *the code in effect on the date such elevator was installed.*

2 (2) Nothing in this act shall be construed so as to prevent the use,
3 sale or reinstallation of an elevator installed in this state prior to the
4 effective date of this act, provided that such elevator has been made to
5 conform to the rules and regulations adopted pursuant to this act and
6 has not been found upon inspection to be in an unsafe condition or in
7 violation of this act or rules and regulations adopted pursuant thereto.

8 (3) *For purposes of this subsection, "material alteration" means*
9 *alterations to an elevator that constitute a change to more than 49% of*
10 *such elevator.*

11 Sec. 3. K.S.A. 2023 Supp. 44-1807 is hereby amended to read as
12 follows: 44-1807. (a) (1) Any individual, firm, partnership, corporation,
13 association or other entity wishing to engage in the business of installing,
14 altering, servicing, replacing or maintaining elevators shall make
15 application for an elevator contractor's license in such form and manner as
16 prescribed by the state fire marshal and shall pay the required initial
17 application fee, which shall not exceed \$500. An applicant shall
18 demonstrate that such applicant employs ~~a licensed~~ *one or more* elevator
19 ~~mechanic or mechanics~~ to perform the work described in K.S.A. 2023
20 Supp. 44-1805, and amendments thereto, and shall provide proof of
21 compliance with the insurance requirements set forth in K.S.A. 2023 Supp.
22 44-1808, and amendments thereto.

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

28 (3) Any individual wishing to engage in the business of inspecting
29 elevators ~~shall~~ *may* make application for an elevator inspector's license
30 in such form and manner as prescribed by the state fire marshal and shall pay
31 the required initial application fee, which shall not exceed \$250. An
32 applicant shall provide proof of compliance with the insurance
33 requirements set forth in K.S.A. 2023 Supp. 44-1808, and amendments
34 thereto.

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

43 (c) An elevator mechanic license shall be issued, upon application, to

1 an applicant that:

2 (1) Holds a certificate of completion from the national association of
3 elevator contractors certified elevator technician certification program,
4 national elevator industry education apprenticeship program or other
5 equivalent nationally approved apprenticeship program;

6 (2) *holds a certificate of completion of an elevator technician*
7 *program provided through a postsecondary educational institution or*
8 *other similar program, or passes an equivalency examination prepared by*
9 *the state fire marshal;*

10 (3) holds a valid license from a state having standards substantially
11 equal to those of this act and the rules and regulations adopted pursuant
12 thereto; or

13 (4) those persons who can demonstrate within the first year following
14 enactment that such person has worked as an elevator mechanic without
15 supervision for at least 8,000 hours within six years prior to the date of
16 application.

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

21 (e) An elevator apprentice is not required to hold a license.

22 (f) Any city or county that has adopted requirements and standards
23 that meet or exceed the requirements and standards of this act and any
24 rules and regulations adopted pursuant thereto may issue an elevator
25 contractor's license or elevator mechanic's license in accordance with such
26 requirements and standards. Any such license shall specify that it is issued
27 by such city or county. No such license shall be issued in lieu of any
28 license issued by the state fire marshal or authorize the licensee to perform
29 work as an elevator contractor or elevator mechanic outside the
30 jurisdiction of the issuing city or county.

31 Sec. 4. K.S.A. 2023 Supp. 44-1815 is hereby amended to read as
32 follows: 44-1815. (a) It shall be the responsibility of the owner of any new
33 or existing elevator or the owner's agent to have such elevator inspected
34 ~~annually~~ *once every five years* by a licensed elevator inspector *or an*
35 *employee of a licensee*. Upon such inspection, ~~the licensed elevator~~
36 ~~inspector~~ *licensee or the employee of such licensee* shall provide the owner
37 of the elevator or the owner's agent, the owner or lessee of the property
38 where such elevator is located and the state fire marshal with a written
39 inspection report describing any and all code violations. The owner of the
40 elevator or the owner's agent shall have 30 days from the date of the
41 inspection report to be in full compliance by correcting such violations.
42 The state fire marshal may grant additional 30-day extensions of time if
43 the state fire marshal determines good cause has been shown and the

1 safety of the public will not be endangered.

2 (b) It shall be the responsibility of the owner of any elevator or the
3 owner's agent to have a licensed elevator contractor *or an employee of a*
4 *licensee* conduct ~~all required~~ any tests ~~at the intervals required by~~ in
5 *accordance with* this act and rules and regulations adopted pursuant
6 thereto. ~~All tests shall be performed by a licensed elevator mechanic when~~
7 *such tests are necessary based on the findings and conclusions in a written*
8 *inspection report. No load test shall be required unless such test is*
9 *necessary due to a life and safety issue contained in a written inspection*
10 *report.*

11 (c) *The fee for any inspection conducted pursuant to this section shall*
12 *not exceed \$250.*

13 (d) This section shall not apply to:

14 (1) Any elevator located in a city or county that has adopted
15 requirements or standards that meet or exceed the requirements or
16 standards of this act and any rules and regulations adopted pursuant
17 thereto; *or*

18 (2) *any elevator that is subject to an elevator maintenance agreement*
19 *between the owner or the owner's agent of such elevator and a licensee.*

20 Sec. 5. K.S.A. 2023 Supp. 44-1816 is hereby amended to read as
21 follows: 44-1816. (a) For any elevator installed prior to July 1, ~~2022~~ 2024,
22 the owner of the elevator or the owner's agent shall apply for a certificate
23 of operation on or before July 1, ~~2023~~ 2025. Such application shall be in
24 such form and manner as prescribed by the state fire marshal and shall
25 include a copy of the most recent inspection report required pursuant to
26 K.S.A. 2023 Supp. 44-1815, and amendments thereto, *or a copy of the*
27 *elevator maintenance agreement if the elevator is exempt from the*
28 *inspection requirement pursuant to K.S.A. 2023 Supp. 44-1815(d)(2), and*
29 *amendments thereto,* and payment of the required application fee, which
30 shall not exceed \$100.

31 (b) For any elevator installed on or after July 1, ~~2022~~ 2024, and prior
32 to January 1, ~~2023~~ 2025, the owner of such elevator or the owner's agent
33 shall apply for a certificate of operation within six months after such
34 elevator is placed into operation. Such application shall be in such form
35 and manner as prescribed by the state fire marshal and shall include a
36 certification by the licensed elevator contractor that such installation was
37 performed in compliance with the applicable provisions of this act and
38 rules and regulations adopted pursuant thereto and payment of the required
39 application fee, which shall not exceed \$100.

40 (c) On and after January 1, ~~2023~~ 2025, before a newly installed
41 elevator may be placed into operation, the licensed elevator contractor that
42 performed the new installation shall apply for a certificate of operation.
43 Such application shall be in such form and manner as prescribed by the

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

6 (d) The state fire marshal shall grant applications and renewal
7 applications for certificates of operation if the state fire marshal finds the
8 applicant has demonstrated to the state fire marshal's satisfaction that all
9 applicable provisions of this act and rules and regulations adopted
10 pursuant thereto have been met, the elevator will be operated in
11 accordance with the rules and regulations adopted pursuant to this act and
12 operation of the elevator will not present a danger to the public.

13 (e) A certificate of operation shall be valid for ~~one year~~ *five years*
14 from the date of issuance and may be renewed upon application submitted
15 to the state fire marshal and payment of the required renewal fee, which
16 shall not exceed the initial application fee. An application for a renewal
17 certificate shall be accompanied by ~~an a copy of the most recent inspection~~
18 ~~report for an inspection performed within the immediately preceding 12~~
19 ~~months.~~

20 (f) Certificates of operation shall be clearly displayed on or in each
21 elevator or in the machine room for such elevator. Each certificate of
22 operation shall state that the elevator has been inspected, tested and found
23 to be in compliance with all applicable standards of operation *or that such*
24 *elevator is subject to an elevator maintenance agreement and is in*
25 *compliance with all applicable standards of operation.*

26 (g) This section shall not apply to any elevator located in a city or
27 county that has adopted requirements and standards that meet or exceed
28 the requirements and standards of this act and any rules and regulations
29 adopted pursuant thereto.

30 Sec. 6. K.S.A. 2023 Supp. 44-1819 is hereby amended to read as
31 follows: 44-1819. (a) On or before January 1, ~~2023~~ *2025*, the state fire
32 marshal shall adopt rules and regulations necessary to implement and
33 enforce the provisions of this act. Rules and regulations adopted by the
34 state fire marshal shall be based on and follow generally accepted national
35 engineering standards, formula and practices ~~that shall at a minimum and~~
36 ~~may~~ include adoption of current American national standards known as the
37 American society of mechanical engineers (ASME) safety code for
38 elevators and escalators and the safety standards for wind turbine tower
39 elevators, *except that no rules and regulations shall require an elevator to*
40 *be in compliance with current American national standards except as*
41 *provided in K.S.A. 2023 Supp. 44-1805(d), and amendments thereto.*

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

43 (1) For the operation, maintenance, servicing, construction, alteration

1 and installation of elevators;

2 (2) requirements and qualifications for the licensure of elevator
3 contractors, mechanics and inspectors, including initial and renewal
4 application requirements, examination requirements and continuing
5 education requirements;

6 (3) requirements and qualifications for the issuance of emergency and
7 temporary licenses;

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

10 (5) requirements for registration of elevators; and

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

13 ~~(b)~~(c) The state fire marshal shall establish a schedule for fees for
14 licenses, permits, certificates of operation, inspections and variance
15 requests. The fees shall reasonably reflect the state fire marshal's actual
16 costs and expenses to operate and to conduct those duties and obligations
17 as described in this act.

18 ~~(e)~~(d) The state fire marshal shall have the authority to grant or deny
19 requests for exceptions and variances from the requirements of rules and
20 regulations adopted pursuant to this act or from municipal ordinances in
21 cases where the state fire marshal finds such exception or variance would
22 not jeopardize the public safety and welfare and that the request meets the
23 applicable standards adopted by the state fire marshal for granting such an
24 exception or variance.

25 Sec. 7. K.S.A. 2023 Supp. 44-1802, 44-1805, 44-1807, 44-1815, 44-
26 1816 and 44-1819 are hereby repealed.

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