

**HOUSE BILL No. 2827**

By Committee on Appropriations

Requested by Representative Tarwater

3-12

1 AN ACT concerning elevators; relating to the elevator safety act; delaying  
2 the enforcement thereof until at least July 1, 2025; amending K.S.A.  
3 2023 Supp. 44-1801, 44-1816, 44-1817 and 44-1819 and repealing the  
4 existing sections.  
5

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

7 New Section 1. (a) The provisions of the elevator safety act shall not  
8 be enforced by the state fire marshal prior to July 1, 2025, or the date of  
9 publication of the rules and regulations adopted by the state fire marshal  
10 pursuant to K.S.A. 2023 Supp. 44-1819, and amendments thereto,  
11 whichever is later.

12 (b) This section shall be a part of and supplemental to the elevator  
13 safety act.

14 Sec. 2. K.S.A. 2023 Supp. 44-1801 is hereby amended to read as  
15 follows: 44-1801. The provisions of K.S.A. 2023 Supp. 44-1801 through  
16 44-1820 and section 1, and amendments thereto, shall be known and may  
17 be cited as the elevator safety act.

18 Sec. 3. K.S.A. 2023 Supp. 44-1816 is hereby amended to read as  
19 follows: 44-1816. (a) For any elevator installed prior to July 1, ~~2022~~ 2025,  
20 the owner of the elevator or the owner's agent shall apply for a certificate  
21 of operation on or before July 1, ~~2023~~ 2026. Such application shall be in  
22 such form and manner as prescribed by the state fire marshal and shall  
23 include a copy of the most recent inspection report required pursuant to  
24 K.S.A. 2023 Supp. 44-1815, and amendments thereto, and payment of the  
25 required application fee, which shall not exceed \$100.

26 (b) For any elevator installed on or after July 1, ~~2022~~ 2025, and prior  
27 to January 1, ~~2023~~ 2026, the owner of such elevator or the owner's agent  
28 shall apply for a certificate of operation within six months after such  
29 elevator is placed into operation. Such application shall be in such form  
30 and manner as prescribed by the state fire marshal and shall include a  
31 certification by the licensed elevator contractor that such installation was  
32 performed in compliance with the applicable provisions of this act and  
33 rules and regulations adopted pursuant thereto and payment of the required  
34 application fee, which shall not exceed \$100.

35 (c) On and after January 1, ~~2023~~ 2026, before a newly installed

1 elevator may be placed into operation, the licensed elevator contractor that  
2 performed the new installation shall apply for a certificate of operation.  
3 Such application shall be in such form and manner as prescribed by the  
4 state fire marshal and shall include a certification by the licensed elevator  
5 contractor that such installation was performed in compliance with the  
6 applicable provisions of this act and rules and regulations adopted  
7 pursuant thereto and payment of the required application fee, which shall  
8 not exceed \$100.

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

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

22 (f) Certificates of operation shall be clearly displayed on or in each  
23 elevator or in the machine room for such elevator. Each certificate of  
24 operation shall state that the elevator has been inspected, tested and found  
25 to be in 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. 4. K.S.A. 2023 Supp. 44-1817 is hereby amended to read as  
31 follows: 44-1817. (a) The state fire marshal shall establish a registry of  
32 elevators that are in operation and for which a certificate of operation has  
33 been issued and shall maintain the information provided under subsection  
34 (b) as part of such registry.

35 (b) On or before July 1, ~~2023~~ 2026, each elevator that was in  
36 operation on or before July 1, ~~2022~~ 2025, for which a certificate of  
37 operation has been issued pursuant to K.S.A. 2023 Supp. 44-1816, and  
38 amendments thereto, shall be registered with the state fire marshal. Such  
39 registration shall include:

- 40 (1) The name of the owner of such elevator, the owner's agent, if any,  
41 and the operator of the elevator;
- 42 (2) the type;
- 43 (3) the rated load and speed;

- 1 (4) the name of the manufacturer;  
2 (5) the location and purpose for which such elevator is used; and  
3 (6) such additional information as may be required by rules and  
4 regulations adopted pursuant to this act.

5 (c) Any elevator that is placed into service and for which a certificate  
6 of operation is issued after July 1, ~~2022~~ 2025, shall be registered at such  
7 time as a certificate of operation is issued for such elevator. The  
8 registration for any such elevator shall include that information described  
9 in subsection (b).

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

17 Sec. 5. K.S.A. 2023 Supp. 44-1819 is hereby amended to read as  
18 follows: 44-1819. (a) On or before January 1, ~~2023~~ 2026, the state fire  
19 marshal shall adopt rules and regulations necessary to implement and  
20 enforce the provisions of this act. Rules and regulations adopted by the  
21 state fire marshal shall be based on and follow generally accepted national  
22 engineering standards, formula and practices that shall at a minimum  
23 include adoption of current American national standards known as the  
24 American society of mechanical engineers (ASME) safety code for  
25 elevators and escalators and the safety standards for wind turbine tower  
26 elevators.

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

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

30 (2) requirements and qualifications for the licensure of elevator  
31 contractors, mechanics and inspectors, including initial and renewal  
32 application requirements, examination requirements and continuing  
33 education requirements;

34 (3) requirements and qualifications for the issuance of emergency and  
35 temporary licenses;

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

38 (5) requirements for registration of elevators; and

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

41 ~~(b)~~(c) The state fire marshal shall establish a schedule for fees for  
42 licenses, permits, certificates of operation, inspections and variance  
43 requests. The fees shall reasonably reflect the state fire marshal's actual

1 costs and expenses to operate and to conduct those duties and obligations  
2 as described in this act.

3 ~~(e)~~(d) The state fire marshal shall have the authority to grant or deny  
4 requests for exceptions and variances from the requirements of rules and  
5 regulations adopted pursuant to this act or from municipal ordinances in  
6 cases where the state fire marshal finds such exception or variance would  
7 not jeopardize the public safety and welfare and that the request meets the  
8 applicable standards adopted by the state fire marshal for granting such an  
9 exception or variance.

10 Sec. 6. K.S.A. 2023 Supp. 44-1801, 44-1816, 44-1817 and 44-1819  
11 are hereby repealed.

12 Sec. 7. This act shall take effect and be in force from and after its  
13 publication in the Kansas register.