

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1813 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/17/05

A Bill

SENATE BILL 947

5 By: Senator Laverty
6 By: Representative J. Johnson
7
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For An Act To Be Entitled

10 AN ACT TO PROVIDE FOR THE QUALIFICATIONS,
11 LICENSING, AND RENEWAL OF LICENSES FOR ELEVATOR
12 MECHANICS; TO MODIFY THE LICENSE RENEWAL
13 REQUIREMENTS FOR ELEVATOR INSPECTORS; TO PROVIDE
14 FOR EMERGENCY AND TEMPORARY LICENSING BY THE
15 ELEVATOR SAFETY BOARD; AND FOR OTHER PURPOSES.
16

Subtitle

17 AN ACT FOR THE QUALIFICATIONS,
18 LICENSING, AND RENEWAL OF LICENSES FOR
19 ELEVATOR MECHANICS; TO MODIFY THE
20 LICENSE RENEWAL REQUIREMENTS FOR
21 ELEVATOR INSPECTORS; AND TO PROVIDE FOR
22 EMERGENCY AND TEMPORARY LICENSING.
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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 20-24-101, concerning definitions, is
29 amended to read as follows:

30 As used in this chapter, unless the context otherwise requires:

31 (1) "Alteration" means any change made to an existing ~~elevator,~~
32 ~~dumbwaiter, or escalator~~ conveyance or to its hoistway, enclosure, or doors
33 other than the repair or replacement of damaged, worn, or broken parts
34 necessary for normal operation. The changing of the speed governor shall be
35 considered an alteration;



1 (2) "Authorized representative" means the building department of
2 cities, towns, or other governmental subdivisions designated by the
3 Department of Labor to enforce certain provisions of this chapter;

4 (3) "Board" means the Elevator Safety Board described in § 20-
5 24-105;

6 (4) "Conveyance" means an elevator, dumbwaiter, escalator,
7 moving sidewalk, automatic people mover, platform lift, or stairway
8 chairlift.

9 ~~(4)~~(5) "Director" means the Director of the Department of Labor;

10 ~~(5)~~(6) "Department" means the Department of Labor;

11 ~~(6)~~(7) "Dormant elevator, dumbwaiter, or escalator" means an
12 elevator or dumbwaiter whose cables have been removed, whose car and
13 counterweight rest at the bottom of the shaftway, and whose shaftway doors
14 are permanently boarded up or barricaded on the inside or an escalator whose
15 main power feed lines have been disconnected;

16 ~~(7)~~(8) "Dumbwaiter" means a hoisting and lowering mechanism,
17 driven by mechanical power, equipped with a car which moves in guides in a
18 substantially vertical direction, the floor area of which does not exceed
19 nine (9) square feet, whose total compartment height does not exceed four
20 feet (4'), the capacity of which does not exceed five hundred pounds (500
21 lbs.), and which is used exclusively for carrying freight;

22 ~~(8)~~(9) "Elevator" means a hoisting and lowering mechanism
23 equipped with a car or platform which moves in guides in a substantially
24 vertical direction;

25 (A) The term "elevator" shall not include a ~~dumbwaiter,~~
26 conveyor, chain or bucket hoist, construction hoist, or similar devices used
27 for the primary purpose of elevating or lowering materials, nor shall it
28 include tiering, piling, feeding, or similar machines or devices giving
29 service within only one (1) story;

30 (B) The term "power elevator" shall mean those driven by
31 the application of energy other than hand or gravity;

32 (C) "Hand elevators" shall mean those driven by manual
33 power;

34 (D) The term "elevator" shall include vertical wheelchair
35 lifts, inclined wheelchair lifts, and inclined stairway chairlifts installed
36 in ~~locations other than in or at~~ any location including a private, single-

1 family dwelling for use by individuals with physical disabilities;

2 ~~(9)~~(10) "Escalator" means a power-driven, inclined, continuous
3 stairway or runway used for raising or lowering passengers;

4 ~~(10)~~(11) "Freight elevator" means an elevator used for carrying
5 freight and on which only the operator and the persons necessary for loading
6 and unloading and such other designated persons as may be authorized by the
7 rules of the board are permitted to ride;

8 ~~(11)~~(12) "New installation", "new elevator", "dumbwaiter", ~~or~~
9 "escalator", or "new conveyance" ~~mean~~ means a complete elevator, dumbwaiter,
10 ~~or~~ escalator, or other conveyance installation, the application for the
11 permit for the installation or relocation of which is filed on or after the
12 effective date of application of the rules and regulations adopted by the
13 board as provided in § 20-24-106(a)-(c). All other elevators, dumbwaiters, ~~or~~
14 escalators, or other conveyances shall be deemed to be existing
15 installations; and

16 ~~(12)~~(13) "Passenger elevator" means an elevator that is used to
17 carry persons other than the operator and persons necessary for loading and
18 unloading and such other designated persons as may be authorized by the rules
19 of the board.

20
21 SECTION 2. Arkansas Code § 20-24-106(a), concerning the powers and
22 duties of the Elevator Safety Board, is amended to read as follows:

23 (a) It shall be the duty of the Elevator Safety Board to license
24 elevator inspectors, elevator mechanics, and elevator contractors as provided
25 in this chapter and to revoke or suspend any such license for cause.

26
27 SECTION 3. Arkansas Code § 20-24-108 is amended to read as follows:
28 20-24-108. ~~Inspector—License~~ Licenses required - Qualifications.

29 (a)(1) The inspections of ~~elevators, escalators, and dumbwaiters~~
30 conveyances required by the provisions of this chapter shall be made by an
31 elevator inspector licensed by the Elevator Safety Board.

32 ~~(b)~~(2) To be eligible for a license to inspect ~~elevators~~ conveyances,
33 the applicant or licensee shall:

34 ~~(1)~~(A) Have experience in designing, installing, maintaining, or
35 inspecting ~~elevators, escalators, and dumbwaiters~~ conveyances to the extent
36 established by regulation of the board;

1 ~~(2)~~(B) Successfully pass a written examination approved by the
2 board;

3 (C)(i) Submit with his or her application for a license or
4 renewal of a license proof of an insurance policy:

5 (a) Issued by an insurance company authorized
6 to do business in Arkansas; and

7 (b) Providing general liability coverage for
8 at least one million dollars (\$1,000,000) for injury or death of a person and
9 five hundred thousand dollars (\$500,000) for property damage.

10 (ii) The provision for liability insurance required
11 by subdivision (a)(2)(C)(i) of this section shall not apply to elevator
12 inspectors employed by the Department of Labor; and

13 ~~(3)~~(D)(i) Have no financial interest in any business or
14 operation which manufactures, installs, repairs, modifies, ~~or~~ services, or
15 elevators, escalators, or dumbwaiters conveyances.

16 (ii) This qualification does not prohibit employees
17 of insurance companies insuring elevators, escalators, and dumbwaiters
18 conveyances from obtaining a license as an elevator inspector.

19 ~~(e) The board may license a person as an elevator inspector without~~
20 ~~examination if he holds a license as an inspector of elevators for a state or~~
21 ~~city that has a standard of examination substantially equal to that provided~~
22 ~~for in this section.~~

23 (b)(1)(A) Unless working under the direct supervision of a licensed
24 elevator contractor, no person shall:

25 (i) Erect, construct, alter, replace, maintain,
26 remove, or dismantle any conveyance contained within a building or structure
27 without an elevator mechanic license; or

28 (ii) Wire any conveyance from the mainline feeder
29 terminals on the controller without an elevator mechanic license.

30 (B) A licensed elevator mechanic is not required for
31 removing or dismantling a conveyance:

32 (i) Destroyed as the result of the complete
33 demolition of a secured building or structure; or

34 (ii) When the demolition to the hoistway or wellway
35 prevents access without endangerment.

36 (2) To be eligible for an elevator mechanic license, the

1 applicant or licensee shall:

2 (A) Have three (3) years of verifiable work experience in
 3 constructing, maintaining, servicing, and repairing conveyances to the extent
 4 established by regulation of the board; and

5 (B) Successfully pass a written examination approved by
 6 the board.

7 (c)(1) Except as provided in subsections (a) and (b) of this section,
 8 no person other than an elevator contractor may install, construct, alter,
 9 service, repair, test, maintain, or perform electrical work on a conveyance.

10 (2) To be eligible for an elevator contractor license, the
 11 applicant or licensee shall:

12 (A) Have in his or her employment a properly licensed
 13 elevator mechanic; and

14 (B) Submit with his or her application for a license or
 15 renewal of a license proof of an insurance policy:

16 (i) Issued by an insurance company authorized to do
 17 business in Arkansas; and

18 (ii) Providing general liability coverage for at
 19 least one million dollars (\$1,000,000) for injury or death of a person and
 20 five hundred thousand dollars (\$500,000) for property damage.

21
 22 SECTION 4. Arkansas Code § 20-24-109 is amended to read as follows:

23 20-24-109. ~~Inspector~~— Application and examination for license licenses
 24 - Issuance and Renewal.

25 (a)(1) A written application for the examination and license for
 26 elevator inspector, elevator mechanic, or elevator contractor shall be made
 27 upon a form to be supplied by the Elevator Safety Board upon request and
 28 shall be accompanied by a statement of the applicant's experience together
 29 with an examination fee not to exceed the sum of one hundred fifty dollars
 30 (\$150).

31 ~~(b)(2)~~ The examination shall be given not more than six (6) months
 32 from the date when the applicant makes the application.

33 ~~(e)(3)(A)~~ If the applicant is qualified and successfully passes the
 34 applicable examination specified in this section, then upon payment of a
 35 license fee, he or she shall be entitled to:

36 (i) a A one-year license as an elevator inspector or

1 elevator contractor; or

2 (ii) A two-year license as an elevator mechanic.

3 (B) The license fee and the license renewal fee shall be
4 established by the board, but in no event shall ~~it~~ either fee exceed the sum
5 of ~~fifty dollars (\$50.00)~~ one thousand dollars (\$1,000). The license shall
6 be renewed annually upon the payment to the board of a fee not to exceed the
7 sum of fifty dollars (\$50.00).

8 ~~(d)(1)(4)(A)~~ There shall be no limit to the number of times an
9 applicant may seek a license as provided in this section, except that a
10 rejected applicant may not make application within six (6) months from the
11 date on which he or she is notified that he or she has failed to qualify.

12 ~~(2)(B)~~ A license fee shall be paid for the initial
13 examination and each subsequent examination.

14 (b)(1) The board may license a person as an elevator inspector,
15 elevator mechanic, or elevator contractor without examination if he or she
16 holds an equivalent license for a state or city that has a standard of
17 examination substantially equal to that provided for in § 20-24-108.

18 (2) For a period of one (1) year after the effective date of
19 this section, the board shall issue a mechanic's license to an applicant who
20 provides verifiable proof that he or she worked without direct supervision as
21 an elevator constructor or maintenance or repair person for at least three
22 (3) years before the effective date of this section.

23 (c) The board shall renew a license after receiving:

24 (1) Payment of the license renewal fee; and

25 (2) Submission of proof that the licensee has satisfied the
26 continuing education requirements established by rule or regulation of the
27 board.

28 (d)(1) Whenever an emergency exists and the board determines that
29 there are not enough licensed elevator mechanics to perform the work
30 necessary to provide for the safety of life, limb, and property and to
31 protect the public welfare, the board may waive the requirements of this
32 subchapter and issue an emergency elevator mechanic license that may be valid
33 for no longer than thirty (30) days.

34 (2) Whenever the board determines that there are not enough
35 licensed elevator mechanics available to perform work necessary for the
36 completion of a project for which the Department of Labor has issued a permit

1 under § 20-24-115(d), the board may waive the requirements of this subchapter
2 and issue a temporary elevator mechanic license that may be valid for no
3 longer than thirty (30) days.

4 (3) The board may renew an emergency or temporary license if the
5 circumstances justifying its original issuance continue.

6
7 *SECTION 5. Arkansas Code Title 20, Chapter 24, Subchapter 1 is amended*
8 *to add an additional section to read as follows:*

9 20-24-120. Exemption.

10 Conveyances installed in private single-family dwellings shall be
11 exempt from the testing and inspection requirements of § 20-24-112 and the
12 permitting requirements of §§ 20-24-115 and 20-24-116.

13 /s/ Lavery

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16 *APPROVED: 4/06/2005*
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