

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/14/17
A Bill

SENATE BILL 354

5 By: Senator D. Sanders
6 By: Representative Lowery
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE ELEVATOR SAFETY TESTS TO BE
10 WITNESSED BY PRIVATE SECTOR LICENSED INSPECTORS; TO
11 ELIMINATE THE SEMI-ANNUAL INSPECTIONS; TO IMPROVE
12 ENFORCEMENT OF ELEVATOR SAFETY LAWS; AND FOR OTHER
13 PURPOSES.
14
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Subtitle

16 TO AUTHORIZE ELEVATOR SAFETY TESTS TO BE
17 WITNESSED BY PRIVATE SECTOR LICENSED
18 INSPECTORS; TO ELIMINATE THE SEMI-ANNUAL
19 INSPECTIONS; AND TO IMPROVE ENFORCEMENT
20 OF ELEVATOR SAFETY LAWS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 20-24-103 is amended to read as follows:

27 20-24-103. Penalties – Prosecution of violations.

28 (a)(1) ~~Any~~ A person, owner, lessee, partnership, association,
29 corporation, licensee, or inspector who violates ~~any provision of this~~
30 chapter ~~shall be penalized by~~ or a rule adopted by the Elevator Safety Board
31 is subject to a civil fine of not less than five hundred dollars (\$500) and
32 not more than one thousand dollars (\$1,000) for each offense.

33 (2) Each day during which a violation continues shall be a
34 separate offense.

35 (b) ~~Actions~~ An action for recovery of the penalties provided by this
36 section shall be instituted by the Department of Labor or its authorized



1 representative and shall be in the form of a civil action before a court of
2 competent jurisdiction.

3 (c) In addition to the penalties in subsection (a) of this section,
4 the Director of the Department of Labor may petition ~~any~~ a court of competent
5 jurisdiction to enjoin or restrain violations of this chapter or a rule
6 adopted by the board.

7
8 SECTION 2. Arkansas Code § 20-24-106(c), concerning powers of the
9 Elevator Safety Board to adopt administrative rules, is amended to read as
10 follows:

11 (c) Upon the determination, the board shall make, amend, or repeal
12 from time to time ~~rules and regulations as follows~~ rules regarding:

13 (1) ~~Rules and regulations for the~~ The maintenance, inspection,
14 tests, and operation of all elevators and escalators;

15 (2) ~~Rules and regulations for the~~ The construction of new
16 elevators, dumbwaiters, and escalators;

17 (3) ~~Rules and regulations for the~~ The alteration of existing
18 elevators, dumbwaiters, and escalators;

19 (4) ~~Rules and regulations prescribing~~ Prescribing minimum safety
20 requirements for all existing elevators, dumbwaiters, and escalators; ~~and~~

21 (5) ~~Rules and regulations prescribing~~ Prescribing the fees for
22 construction permits, operating permits, acceptance inspections, initial
23 inspections, and periodic inspections for new and existing elevators,
24 escalators, and dumbwaiters; and

25 (6) The revocation, suspension, nonrenewal, and reinstatement of
26 licenses and for the imposition of lesser disciplinary measures.

27
28 SECTION 3. Arkansas Code § 20-24-108(b)(2), concerning eligibility for
29 a license as an elevator mechanic, is amended to read as follows:

30 (2) To be eligible for an elevator mechanic license, the applicant or
31 licensee shall:

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

35 (B) Successfully pass a written examination approved by
36 the board; and

1 (C) Be currently employed by a licensed elevator
 2 contractor in the business of installing, constructing, altering, servicing,
 3 repairing, and maintaining conveyances.

4
 5 SECTION 4. Arkansas Code § 20-24-112 is amended to read as follows:
 6 20-24-112. Testing and inspection required.

7 (a) All new and existing elevators, dumbwaiters, and escalators,
 8 except dormant elevators, dumbwaiters, and escalators, shall be tested and
 9 inspected in accordance with the following schedule:

10 ~~(1)(A) Initial Inspection and Test of New or Altered~~
 11 ~~Installations.~~ Every new or altered elevator, dumbwaiter, and escalator
 12 shall be inspected and tested in conformity with the applicable rules ~~and~~
 13 ~~regulations~~ adopted by the Elevator Safety Board before the operating permit
 14 required by § 20-24-116 is issued.

15 (B) The inspections shall be made by a licensed elevator
 16 inspector in the employ of the Department of Labor or its authorized
 17 representative;

18 ~~(2)(A) Initial Inspection of Existing Elevators, Dumbwaiters,~~
 19 ~~and Escalators.~~ The owner or lessee of every existing passenger elevator or
 20 escalator shall cause it to be inspected within three (3) months, and the
 21 owner or lessee of every existing freight elevator and dumbwaiter shall cause
 22 it to be inspected within six (6) months after the effective date of the
 23 rules ~~and regulations~~ adopted by the board under § 20-24-107(a) and (b).
 24

25 (B) ~~except that~~ However, the department or its authorized
 26 representative, at its discretion, may extend the time specified in this
 27 subdivision (a)(2) for making inspections; and

28 ~~(3)(A)(i) Periodic Inspections of All Elevators, Dumbwaiters,~~
 29 ~~and Escalators.~~ The owner or lessee shall cause an inspection of every ~~power~~
 30 ~~passenger~~ elevator other than a temporary elevator and escalator to be made
 31 periodically ~~every sixth calendar month, of every power freight elevator~~
 32 every twelfth calendar month, and of every dumbwaiter and elevator driven by
 33 manual power every twelfth calendar month, following the month in which the
 34 initial inspection required by subdivisions (a)(1) and (2) of this section
 35 has been made.

36 (ii) However, ~~any such an~~ an inspection under
subdivision (a)(3)(A) of this section may be made during the month following

1 the calendar month during which the inspection is due.

2 (B) The board may approve by administrative rule a longer
3 period between inspections for wheelchair lifts, moving walkways, and
4 dumbwaiters.

5 (b)(1)(A) The inspections required by subdivisions (a)(2) and (3) of
6 this section shall be made only by elevator inspectors who have been licensed
7 in accordance with §§ 20-24-108 and 20-24-109.

8 (B) However, the elevator inspectors shall not be are not
9 required to make any tests.

10 (2) Tests required by the rules ~~and regulations~~ to be made by
11 the owner, the lessee, or the authorized agent of either shall be made by a
12 ~~person qualified to perform such a service~~ licensed elevator mechanic in the
13 presence of a licensed elevator inspector ~~in the employ of the department or~~
14 ~~its authorized representative.~~

15
16 SECTION 5. Arkansas Code § 20-24-113 is amended to read as follows:
17 20-24-113. Report of inspection.

18 (a)(1) A report of every required inspection or safety test shall be
19 filed with the Department of Labor or its authorized representative by the
20 inspector making the inspection or witnessing the test, on a form approved by
21 the department or its authorized representative, within thirty (30) days
22 after the inspection or test has been completed.

23 (2) For the inspections required by § 20-24-112(a)(2), the
24 report shall include all information required by the department in order to
25 determine whether the owner or lessee of the elevator, escalator, or
26 dumbwaiter has complied with ~~those rules and regulations~~ rules adopted by the
27 Elevator Safety Board under § 20-24-107(a) and (b) ~~which~~ that are applicable.

28 (3) For the inspection required by § 20-24-112(a)(1), the report
29 shall indicate whether the elevator, dumbwaiter, or escalator has been
30 installed in accordance with the detailed plans and specifications approved
31 by the department or its authorized representative under § 20-24-115(d) and
32 (e) and meets the requirements of the applicable rules ~~and regulations~~
33 adopted by the board under § 20-24-107(a) and (b).

34 (b) If the report required by subsection (a) of this section is not
35 filed within thirty (30) days after the final date when the elevator,
36 dumbwaiter, or escalator should have been inspected as required by § 20-24-

1 112(a)(2) or (3), the department shall designate a licensed inspector in its
2 employ to make the inspection and report required by subsection (a) of this
3 section.

4 (c)(1) For each inspection and report made at the direction of the
5 department, the owner, lessee, or insurance company responsible for the
6 report of inspection shall pay to the department a fee of ~~one hundred dollars~~
7 ~~(\$100)~~ three hundred fifty dollars (\$350), unless otherwise provided by the
8 board.

9 (2) The fee shall be paid directly to the department and shall
10 be the only fees or charges for which the owner, lessee, or insurance company
11 shall be liable for the inspection required by § 20-24-112(a).

12
13 SECTION 6. Arkansas Code § 20-24-114 is amended to read as follows:

14 20-24-114. Additional inspections.

15 ~~(a)~~ In addition to required inspections, the Department of Labor or
16 its authorized representative may designate a licensed inspector in its
17 employ to make such additional inspections as may be required to enforce this
18 chapter and the rules ~~and regulations~~ adopted by the Elevator Safety Board
19 under § 20-24-107(a) and (b).

20 ~~(b) The fee for conducting three-year load tests and five-year load~~
21 ~~tests shall be no more than thirty five dollars (\$35.00).~~

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23 SECTION 7. Arkansas Code § 20-24-117(e), concerning the fee for
24 witnessing elevator safety tests, is repealed.

25 ~~(e) A fee of seventy five dollars (\$75.00), or as otherwise prescribed~~
26 ~~by the Elevator Safety Board, shall be paid to the department for witnessing~~
27 ~~the performance of all safety tests as outlined in §§ 20-24-112—20-24-114.~~

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29 /s/D. Sanders

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32 **APPROVED: 04/05/2017**