

SENATE BILL NO. 467

INTRODUCED BY LOWE, KOLSTAD, STEPHENS, TOWE, BOYLAN

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 17, 1979	Statement of Intent adopted. Committee recommend bill do pass as amended. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on Labor and Employment Relations.
March 8, 1979	Committee recommend bill be concurred in. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in.

IN THE SENATE

March 16, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Spada* BILL NO. *467*  
 2 INTRODUCED BY *Steve Spada* STEPHENS *Steve Spada*

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW INSPECTION OF  
 5 PASSENGER ELEVATORS AND ESCALATORS BY CERTIFIED INSPECTORS  
 6 OF INSURANCE COMPANIES AND MAINTENANCE COMPANIES; PROVIDING  
 7 FOR CERTIFICATION BY THE DEPARTMENT OF ADMINISTRATION; AND  
 8 REQUIRING REPORTS BY COMPANIES TO THE DEPARTMENT OF  
 9 ADMINISTRATION; AMENDING SECTION 50-60-101, MCA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 50-60-101, MCA, is amended to read:

13 "50-60-101. Definitions. As used in parts 1 through 4  
 14 and part 7 of this chapter, unless the context requires  
 15 otherwise, the following definitions apply:

16 (1) "Building" means a combination of any materials,  
 17 whether mobile, portable, or fixed, to form a structure and  
 18 the related facilities for the use or occupancy by persons  
 19 or property. The word "building" shall be construed as  
 20 though followed by the words "or part or parts thereof".

21 (2) "Building regulations" means any law, rule,  
 22 resolution, regulation, ordinance, or code, general or  
 23 special, or compilation thereof enacted or adopted by the  
 24 state or any municipality, including departments, boards,  
 25 bureaus, commissions, or other agencies of the state or a

1 municipality relating to the design, construction,  
 2 reconstruction, alteration, conversion, repair, inspection,  
 3 or use of buildings and installation of equipment in  
 4 buildings. The term does not include zoning ordinances.

5 (3) "Construction" means the original construction and  
 6 equipment of buildings and requirements or standards  
 7 relating to or affecting materials used, including  
 8 provisions for safety and sanitary conditions.

9 (4) "Department" means the department of  
 10 administration provided for in Title 2, chapter 15, part 10.

11 (5) "Equipment" means plumbing, heating, electrical,  
 12 ventilating, air conditioning, and refrigerating equipment,  
 13 elevators, dumbwaiters, escalators, and other mechanical  
 14 additions or installations.

15 (6) "Local building department" means the agency or  
 16 agencies of any municipality charged with the  
 17 administration, supervision, or enforcement of building  
 18 regulations, approval of plans, inspection of buildings, or  
 19 the issuance of permits, licenses, certificates, and similar  
 20 documents prescribed or required by state or local building  
 21 regulations.

22 (7) "Local legislative body" means the council or  
 23 commission charged with governing the municipality.

24 (8) "Municipality" means any incorporated city or town  
 25 and its jurisdictional area as defined by subsection (9) of

1 this section.

2 (9) (a) "Municipal jurisdictional area" means the area  
3 within the limits of an incorporated municipality unless the  
4 area is extended at the written request of a municipality.

5 (b) Upon request, the council may approve extension of  
6 the jurisdictional area to include:

7 (i) all or part of the area within 4 1/2 miles of the  
8 corporate limits of a municipality;

9 (ii) all of any platted subdivision which is partially  
10 within 4 1/2 miles of the corporate limits of a  
11 municipality; and

12 (iii) all of any zoning district adopted pursuant to  
13 Title 76, chapter 2, part 1 or 2, which is partially within  
14 4 1/2 miles of the corporate limits of a municipality.

15 (c) Distances shall be measured in a straight line in  
16 a horizontal plane.

17 (10) "Owner" means the owner or owners of the premises  
18 or lesser estate, a mortgagee or vendee in possession,  
19 assignee of rents, receiver, executor, trustee, lessee, or  
20 other person, firm, or corporation in control of a building.

21 (11) "Public place" means any place which a  
22 municipality or state maintains for the use of the public, ~~or~~  
23 ~~a place where the public has the right to go and be.~~

24 (12) "Recreational vehicle" means anything defined as a  
25 recreational vehicle in the edition of NFPA No. 501C or ANSI

1 All19.2 most recently adopted by the state in accordance with  
2 50-60-401.

3 (13) "State agency" means any state officer,  
4 department, board, bureau, commission, or other agency of  
5 this state.

6 (14) "State building code" means the state building  
7 code provided for in 50-60-203 or any portion of the code of  
8 limited application and any of its modifications or  
9 amendments."

10 NEW SECTION. Section 2. Inspection of passenger  
11 elevators and escalators -- fees. (1) All passenger  
12 elevators and escalators may be inspected by the department  
13 to insure compliance with the requirements of the state  
14 building code. The department shall establish and charge a  
15 reasonable and uniform fee for the inspections that may not  
16 exceed the expense of providing the inspection.

17 (2) In lieu of inspection by the department,  
18 inspections of passenger elevators and escalators to assure  
19 compliance with the state building code may be made by:

20 (a) a maintenance company representative certified by  
21 the department who regularly maintains or services the  
22 elevator or escalator equipment; or

23 (b) an insurance company representative certified by  
24 the department who regularly inspects an elevator or  
25 escalator insured by the company against public liability

1 and who maintains a service record of the elevator or  
2 escalator.

3 (3) When an inspection of a passenger elevator or  
4 escalator is made pursuant to subsection (2), a copy of the  
5 condition report must be provided to the owner and must be  
6 sent to the department.

7 NEW SECTION. Section 3. Department to adopt  
8 inspection standards -- certification of inspectors. (1) The  
9 department shall adopt standards for passenger elevator and  
10 escalator inspections that assure compliance with the  
11 requirements of the state building code.

12 (2) The department shall adopt rules for the  
13 certification of maintenance and insurance company  
14 inspectors who may inspect passenger elevators and  
15 escalators pursuant to [section 2].

16 NEW SECTION. Section 4. When inspection of elevators  
17 not necessary. Elevators that do not carry passengers do not  
18 need to be inspected by the department.

19 Section 5. Codification. Sections 2 through 4 are  
20 intended to be codified as an integral part of Title 50,  
21 chapter 60, part 7, and the provisions of Title 50, chapter  
22 60, part 7, apply to sections 2 through 4.

-End-

SB 417

1 First adopted by the SENATE COMMITTEE ON LABOR AND  
2 EMPLOYMENT RELATIONS on February 17, 1979.

1 STATEMENT OF INTENT RE: SB 467  
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4 A statement of intent is required for S.B. 467 because  
5 it delegates rulemaking authority to the Department of  
6 Administration in Sections 2 and 3.

7 Section 2 authorizes the Department to inspect all  
8 passenger elevators and escalators pursuant to applicable  
9 building codes currently in effect, and requires the  
10 establishment of uniform and reasonable fees not to exceed  
11 the expense of inspection. Section 3 requires the  
12 establishment of inspection standards to ensure compliance  
13 with the applicable state building codes. It is our intent  
14 to avoid multiplicity of inspections by the department,  
15 liability insurers, other regulatory agencies, and for  
16 elevators under maintenance contract with a bona fide  
17 maintenance company. It is further our intent that the  
18 department shall certify such inspections based upon a  
19 reasonable showing that the inspectors performing other  
20 inspections are qualified, and that the inspections  
21 themselves will achieve substantial compliance with the  
22 applicable state building codes. Finally, it is our intent  
23 that elevator inspections shall be limited to only passenger  
24 elevators and not elevators that are used primarily for the  
25 transportation of freight or cargo.

SENATE BILL NO. 467

INTRODUCED BY LOWE, KOLSTAD, STEPHENS, TONE, BOYLAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW INSPECTION OF PASSENGER ELEVATORS AND ESCALATORS BY CERTIFIED INSPECTORS OF INSURANCE COMPANIES AND MAINTENANCE COMPANIES; PROVIDING FOR CERTIFICATION BY THE DEPARTMENT OF ADMINISTRATION; AND REQUIRING REPORTS BY COMPANIES TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 50-60-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-60-101, MCA, is amended to read:

"50-60-101. Definitions. As used in parts 1 through 4 ~~and part 7~~ AND [SECTIONS 2 THROUGH 4] of this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Building" means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property. The word "building" shall be construed as though followed by the words "or part or parts thereof".

(2) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards,

bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair, inspection, or use of buildings and installation of equipment in buildings. The term does not include zoning ordinances.

(3) "Construction" means the original construction and equipment of buildings and requirements or standards relating to or affecting materials used, including provisions for safety and sanitary conditions.

(4) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

(5) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumbwaiters, escalators, and other mechanical additions or installations.

(6) "Local building department" means the agency or agencies of any municipality charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates, and similar documents prescribed or required by state or local building regulations.

(7) "Local legislative body" means the council or commission charged with governing the municipality.

(8) "Municipality" means any incorporated city or town

1 and its jurisdictional area as defined by subsection (9) of  
2 this section.

3 (9) (a) "Municipal jurisdictional area" means the area  
4 within the limits of an incorporated municipality unless the  
5 area is extended at the written request of a municipality.

6 (b) Upon request, the council may approve extension of  
7 the jurisdictional area to include:

8 (i) all or part of the area within 4 1/2 miles of the  
9 corporate limits of a municipality;

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11 within 4 1/2 miles of the corporate limits of a  
12 municipality; and

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14 Title 76, chapter 2, part 1 or 2, which is partially within  
15 4 1/2 miles of the corporate limits of a municipality.

16 (c) Distances shall be measured in a straight line in  
17 a horizontal plane.

18 (10) "Owner" means the owner or owners of the premises  
19 or lesser estate, a mortgagee or vendee in possession,  
20 assignee of rents, receiver, executor, trustee, lessee, or  
21 other person, firm, or corporation in control of a building.

22 (11) "Public place" means any place which a  
23 municipality or state maintains for the use of the public or  
24 a place where the public has the right to go and be.

25 (12) "Recreational vehicle" means anything defined as a

1 recreational vehicle in the edition of NFPA No. 501C or ANSI  
2 A119.2 most recently adopted by the state in accordance with  
3 50-60-401.

4 (13) "State agency" means any state officer,  
5 department, board, bureau, commission, or other agency of  
6 this state.

7 (14) "State building code" means the state building  
8 code provided for in 50-60-203 or any portion of the code of  
9 limited application and any of its modifications or  
10 amendments."

11 NEW SECTION. Section 2. Inspection of passenger  
12 elevators and escalators -- fees. (1) All passenger  
13 elevators and escalators IN PUBLIC PLACES may be inspected  
14 by the department to insure compliance with the requirements  
15 of the state building code. The department shall establish  
16 and charge a reasonable and uniform fee for the inspections  
17 that may not exceed the expense of providing the inspection.

18 (2) In lieu of inspection by the department,  
19 inspections of passenger elevators and escalators to assure  
20 compliance with the state building code may be made by:

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22 the department who regularly maintains or services the  
23 elevator or escalator equipment; or

24 (b) an insurance company representative certified by  
25 the department who regularly inspects an elevator or

1 escalator insured by the company against public liability  
2 and who maintains a service record of the elevator or  
3 escalator.

4 (3) When an inspection of a passenger elevator or  
5 escalator is made pursuant to subsection (2), a copy of the  
6 condition report must be provided to the owner and must be  
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18 not necessary. Elevators that do not carry passengers do not  
19 need to be inspected by the department.

20 ~~Section 5 -- Codification -- Sections 2 -- through -- 4 -- are~~  
21 ~~intended -- to -- be -- codified -- as -- an -- integral -- part -- of -- Title 50 --~~  
22 ~~chapter 60 -- part 7 -- and -- the -- provisions -- of -- Title 50 -- chapter~~  
23 ~~60 -- part 7 -- apply -- to -- sections 2 -- through -- 4 --~~

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-End-