

House BILL NO. 286

INTRODUCED BY

*[Handwritten signatures: Aguirre, Nally, Shea, Bill Wilson]*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF COMMERCE TO INSPECT ELEVATORS, ESCALATORS, DUMBWAITERS, INCLUDING DUMBWAITERS WITH AUTOMATIC TRANSFER DEVICES, MOVING WALKS, MATERIAL LIFTS, WHEELCHAIR LIFTS, AND STAIRWAY CHAIRLIFTS TO ENSURE COMPLIANCE WITH THE STATE BUILDING CODE; AND AMENDING SECTIONS 50-60-701, 50-60-702, AND 50-60-703, MCA."

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

Section 1. Section 50-60-701, MCA, is amended to read:

"50-60-701. Inspection of passenger elevators, and escalators, dumbwaiters, including dumbwaiters with automatic transfer devices, moving walks, material lifts, wheelchair lifts, and stairway chairlifts -- fees. (1) All ~~passenger elevators, and escalators, dumbwaiters, including dumbwaiters with automatic transfer devices, moving walks, material lifts, wheelchair lifts, and stairway chairlifts in public~~ places may ~~must~~ be inspected by the department to ~~insure~~ ensure compliance with the requirements of the state building code. The department shall establish and charge a reasonable and uniform fee for the inspections that may not exceed the expense of providing the inspection.

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

(a) a maintenance company representative certified by the department who regularly maintains or services ~~the elevator or escalator~~ equipment subject to the provisions of this part; or

(b) an insurance company representative certified by the department who regularly inspects ~~an elevator or escalator~~ equipment, subject to the provisions of this part, that is insured by the company against public liability and who if the company maintains a service record of the elevator or escalator on the equipment.

(3) When an inspection ~~of a passenger elevator or escalator~~ is made pursuant to subsection (2), a copy of the condition report must be provided to the owner and must be sent to the department. The department may not charge more than \$10 for receiving and processing a condition report for each ~~elevator~~

1 ~~or escalator~~ individual piece of equipment in any a building and for issuing ~~certificates~~ a certificate of  
 2 inspection ~~therefor~~ for the piece of equipment if the certified maintenance or insurance company inspector  
 3 doing the inspection certifies to the department that all deficient ~~elevator or escalator~~ conditions noted in  
 4 the condition report have been corrected and ~~no follow-up~~ that followup by the department in that regard  
 5 is not necessary."

6  
 7 **Section 2.** Section 50-60-702, MCA, is amended to read:

8 **"50-60-702. Department to adopt inspection standards -- certification of inspectors.** (1) The  
 9 department shall adopt standards for ~~passenger elevator and escalator inspections~~ inspection of equipment  
 10 subject to the provisions of this part. ~~that assure~~ The standards must ensure compliance with the  
 11 requirements of the state building code.

12 (2) The department shall adopt rules for the certification of maintenance and insurance company  
 13 inspectors who may inspect, as provided in 50-60-701, ~~passenger elevators and escalators~~ equipment  
 14 subject to the provisions of this part pursuant to 50-60-701."

15  
 16 **Section 3.** Section 50-60-703, MCA, is amended to read:

17 **"50-60-703. When inspection of elevators not necessary.** ~~Elevators that do not carry passengers~~  
 18 ~~do not need to~~ Equipment that is located in any building or structure, that is subject to the provisions of  
 19 this part, and that is operated by an employee or by the public must be inspected by the department."

20 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0286, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the Department of Commerce to inspect elevators, escalators, dumbwaiters, including dumbwaiters with automatic transfer devices, moving walks, material lifts, wheelchair lifts, and stairway chair lifts to ensure compliance with state building code.

ASSUMPTIONS:

1. The Building Codes Bureau of the Department of Commerce currently inspects all passenger elevators, escalators, moving walks, wheelchair lifts, and stairway chair lifts in buildings that serve the public. The proposed legislation adds dumbwaiters and freight handling units to the units that are required to be inspected and inspections are required whenever units are operated by an employee or the public.
2. The bureau estimates that an additional 1,000 freight handling units will be added to the current bureau workload that must be inspected annually. The anticipated increased workload essentially doubles the elevator inspection workload.
3. An additional 0.50 FTE elevator inspector, grade 14, will be required to complete the anticipated increase in annual elevator inspections. An additional 0.50 FTE administrative support, grade 8, position is required to complete the increased clerical work. The estimated personal services costs for the 1.00 FTE is \$27,538 in fiscal year 1998 and fiscal year 1999.
4. Additional operating expenses of \$10,000 would be incurred in both fiscal year 1998 and fiscal year 1999.
5. Sufficient revenues will be generated by the additional units to offset the estimated expenditures.

FISCAL IMPACT:

Department of Commerce  
Building Codes Bureau:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	1.00	1.00
Personal Services	27,538	27,538
Operating Expenses	<u>10,000</u>	<u>10,000</u>
Total	37,538	37,538

Funding:

State Special Revenue Fees (02)	37,538	37,538
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Revenues:

Elevator Inspection Fees (02)	37,538	37,538
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

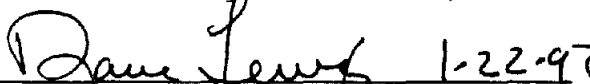
Local governments with freight elevators would pay the annual inspection fees and any costs associated with upgrading units to comply with current code.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Freight elevators across the state may have to be upgraded to comply with current code. It is likely that some elevators presently being used only for the movement of freight and/or employees would be taken out of service if required upgrades prove too costly. Elevator-related injuries and deaths would be reduced through implementation of HB 286. The bureau has no information regarding the current number of elevator-related injuries or deaths.

TECHNICAL NOTES:

The bureau does not know exactly how many freight elevators exist in Montana. In the event the bureau's estimate is too low, an additional 0.50 FTE elevator inspector would be needed for every additional 1,000 units added to the workload.

  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

CAROLYN SQUIRES, PRIMARY SPONSOR      DATE

Fiscal Note for HB0286, as introduced

**HB 286**

1 HOUSE BILL NO. 286  
2 INTRODUCED BY SQUIRES, SIMPSON, HALLIGAN, SHEA, WILSON

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF COMMERCE TO INSPECT  
5 ELEVATORS, ESCALATORS, DUMBWAITERS, INCLUDING DUMBWAITERS WITH AUTOMATIC TRANSFER  
6 DEVICES, MOVING WALKS, MATERIAL LIFTS, WHEELCHAIR LIFTS, AND STAIRWAY CHAIRLIFTS TO  
7 ENSURE COMPLIANCE WITH THE STATE BUILDING CODE; EXCEPTING PRIVATE RESIDENCES AND FARM  
8 AND RANCH OPERATIONS FROM THE REQUIREMENT; AND AMENDING SECTIONS 50-60-701,  
9 50-60-702, AND 50-60-703, MCA."

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

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13 **Section 1.** Section 50-60-701, MCA, is amended to read:

14 **"50-60-701. Inspection of passenger elevators, and escalators, dumbwaiters, including**  
15 **dumbwaiters with automatic transfer devices, moving walks, material lifts, wheelchair lifts, and stairway**  
16 **chairlifts -- fees. (1) All passenger elevators, and escalators, dumbwaiters, including dumbwaiters with**  
17 **automatic transfer devices, moving walks, material lifts, wheelchair lifts, and stairway chairlifts in public**  
18 **places may must be inspected by the department to ~~insure~~ ensure compliance with the requirements of the**  
19 **state building code. The department shall establish and charge a reasonable and uniform fee for the**  
20 **inspections that may not exceed the expense of providing the inspection.**

21 (2) In lieu of inspection by the department, inspections ~~of passenger elevators and escalators to~~  
22 ~~assure~~ ensure compliance with the state building code may be made by:

23 (a) a maintenance company representative certified by the department who regularly maintains or  
24 services ~~the elevator or escalator~~ equipment subject to the provisions of this part; or

25 (b) an insurance company representative certified by the department who regularly inspects ~~an~~  
26 ~~elevator or escalator~~ equipment, subject to the provisions of this part, that is insured by the company  
27 against public liability and who if the company maintains a service record of the elevator or escalator on  
28 the equipment.

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

1 department may not charge more than \$10 for receiving and processing a condition report for each ~~elevator~~  
 2 ~~or escalator~~ individual piece of equipment in ~~any a~~ building and for issuing ~~certificates~~ a certificate of  
 3 inspection ~~therefor~~ for the piece of equipment if the certified maintenance or insurance company inspector  
 4 doing the inspection certifies to the department that all deficient ~~elevator or escalator~~ conditions noted in  
 5 the condition report have been corrected and ~~no follow-up~~ that followup by the department in that regard  
 6 is not necessary.

7 (4) THIS SECTION DOES NOT APPLY TO PRIVATE RESIDENCES OR TO FARM AND RANCH  
 8 OPERATIONS."

9

10 **Section 2.** Section 50-60-702, MCA, is amended to read:

11 **"50-60-702. Department to adopt inspection standards -- certification of inspectors.** (1) The  
 12 department shall adopt standards for ~~passenger elevator and escalator inspections~~ inspection of equipment  
 13 subject to the provisions of this part. that assure The standards must ensure compliance with the  
 14 requirements of the state building code.

15 (2) The department shall adopt rules for the certification of maintenance and insurance company  
 16 inspectors who may inspect, as provided in 50-60-701, ~~passenger elevators and escalators~~ equipment  
 17 subject to the provisions of this part pursuant to 50-60-701."

18

19 **Section 3.** Section 50-60-703, MCA, is amended to read:

20 **"50-60-703. When inspection of elevators not necessary.** ~~Elevators that do not carry passengers~~  
 21 ~~do not need to~~ Equipment that is located in any building or structure, that is subject to the provisions of  
 22 this part, and that is operated by an employee or by the public must be inspected by the department."

23

-END-