

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/14/17
A Bill

SENATE BILL 354

By: Senator D. Sanders
By: Representative Lowery

For An Act To Be Entitled

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

Subtitle

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WITNESSED BY PRIVATE SECTOR LICENSED
INSPECTORS; TO ELIMINATE THE SEMI-ANNUAL
INSPECTIONS; AND TO IMPROVE ENFORCEMENT
OF ELEVATOR SAFETY LAWS.

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

SECTION 1. Arkansas Code § 20-24-103 is amended to read as follows:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the calendar month during which the inspection is due.

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

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

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

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

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

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

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

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

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

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

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

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

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

20-24-114. Additional inspections.

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

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

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

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

/s/D. Sanders