



Sen. M. Maggie Crotty

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09500HB1423sam001

LRB095 10695 RAS 35084 a

1 AMENDMENT TO HOUSE BILL 1423

2 AMENDMENT NO. _____. Amend House Bill 1423 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Elevator Safety and Regulation Act is
5 amended by changing Sections 10, 20, 25, 40, 45, 80, 90, and
6 120 as follows:

7 (225 ILCS 312/10)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 10. Applicability.

10 (a) This Act covers the ~~design,~~ construction, operation,
11 inspection, testing, maintenance, alteration, and repair of
12 the following equipment, its associated parts, and its
13 hoistways (except as modified by subsection (c) of this
14 Section):

15 (1) Hoisting and lowering mechanisms equipped with a
16 car or platform, which move between 2 or more landings.

1 This equipment includes, but is not limited to, the
2 following (also see ASME A17.1, ASME A17.3, ASME A18.1, and
3 ANSI A10.4):

4 (A) Elevators.

5 (B) Platform lifts and stairway chair lifts.

6 (2) Power driven stairways and walkways for carrying
7 persons between landings. This equipment includes, but is
8 not limited to, the following (also see ASME A17.1 and ASME
9 A17.3):

10 (A) Escalators.

11 (B) Moving walks.

12 (3) Hoisting and lowering mechanisms equipped with a
13 car, which serves 2 or more landings and is restricted to
14 the carrying of material by its limited size or limited
15 access to the car. This equipment includes, but is not
16 limited to, the following (also see ASME A17.1 and ASME
17 A17.3):

18 (A) Dumbwaiters.

19 (B) Material lifts and dumbwaiters with automatic
20 transfer devices.

21 (b) This Act covers the ~~design,~~ construction, operation,
22 inspection, maintenance, alteration, and repair of automatic
23 guided transit vehicles on guideways with an exclusive
24 right-of-way. This equipment includes, but is not limited to,
25 automated people movers (also see ASCE 21).

26 (c) This Act does not apply to the following equipment:

1 (1) Material hoists.

2 (2) Belt manlifts.

3 (3) Mobile scaffolds, towers, and platforms, except
4 those covered by ANSI A10.4.

5 (4) Powered platforms and equipment for exterior and
6 interior maintenance.

7 (5) Conveyors and related equipment.

8 (6) Cranes, derricks, hoists, hooks, jacks, and
9 slings.

10 (7) Industrial trucks.

11 (8) Portable equipment, except for portable
12 escalators.

13 (9) Tiering or piling machines used to move materials
14 to and from storage located and operating entirely within
15 one story.

16 (10) Equipment for feeding or positioning materials at
17 machine tools, printing presses, etc.

18 (11) Skip or furnace hoists.

19 (12) Wharf ramps.

20 (13) Railroad car lifts or dumpers.

21 (14) Line jacks, false cars, shafters, moving
22 platforms, and similar equipment used for installing an
23 elevator by a contractor licensed in this State.

24 (15) Railway and Transit Systems.

25 (16) Conveyances located in a private residence not
26 accessible to the public.

1 (17) Special purpose personnel elevators.

2 (d) This Act does not apply to a municipality with a
3 population over 500,000.

4 (Source: P.A. 94-698, eff. 11-22-05.)

5 (225 ILCS 312/20)

6 (Section scheduled to be repealed on January 1, 2013)

7 Sec. 20. License or registration required.

8 (a) After July 1, 2003 through the effective date of this
9 amendatory Act of the 94th General Assembly and after July 1,
10 2006, no person shall erect, construct, wire, alter, replace,
11 maintain, remove, or dismantle any conveyance contained within
12 buildings or structures in the jurisdiction of this State
13 unless he or she possesses an elevator mechanic's license under
14 this Act and unless he or she works under the direct
15 supervision of a person, firm, or company having an elevator
16 contractor's license in accordance with Section 40 of this Act
17 ~~or exempted by that Section.~~ A licensed or limited licensed
18 elevator mechanic employed by an entity exempted from
19 contractor licensure under subsection (a) of Section 40 of this
20 Act is exempt, with respect to work performed for that
21 employer, from the requirement that he or she work under the
22 direct supervision of an elevator contractor licensee. A
23 ~~However,~~ a licensed elevator contractor is not required for
24 removal or dismantling of conveyances that are destroyed as a
25 result of a complete demolition of a secured building or

1 structure or where the hoistway or wellway is demolished back
2 to the basic support structure and where no access is permitted
3 that would endanger the safety and welfare of a person.

4 (b) After July 1, 2003 through the effective date of this
5 amendatory Act of the 94th General Assembly and after July 1,
6 2006, no person shall inspect any conveyance within buildings
7 or structures, including, but not limited, to private
8 residences, unless he or she has an inspector's license.

9 (c) After January 1, 2006, a person who is not licensed
10 under subsection (a) may not work in the jurisdiction of this
11 State as an elevator industry apprentice or helper unless he or
12 she is registered as an elevator industry apprentice or helper
13 by the Administrator and works under the direct supervision of
14 an individual licensed under this Act as an elevator mechanic.
15 The Administrator shall set elevator industry apprenticeship
16 and helper qualifications and registration procedure by rule.

17 (Source: P.A. 94-698, eff. 11-22-05.)

18 (225 ILCS 312/25)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 25. Elevator Safety Review Board.

21 (a) There is hereby created within the Office of the State
22 Fire Marshal the Elevator Safety Review Board, consisting of 14
23 ~~13~~ members. The Administrator shall appoint 3 members who shall
24 be representatives of fire service communities. The Governor
25 shall appoint the remaining 11 ~~10~~ members of the Board as

1 follows: one representative from a major elevator
2 manufacturing company or its authorized representative; one
3 representative from an elevator servicing company; one
4 representative of the architectural design profession; one
5 representative of the general public; one representative of an
6 advocacy group for people with physical disabilities; one
7 representative of the senior citizen population; one
8 representative of a municipality in this State with a
9 population under 25,000; one representative of a municipality
10 in this State with a population of 25,000 or over but under
11 50,000; one representative of a municipality in this State with
12 a population of 50,000 or over but under 500,000; one
13 representative of a building owner or manager; and one
14 representative of labor involved in the installation,
15 maintenance, and repair of elevators.

16 (b) The members constituting the Board shall be appointed
17 for initial terms as follows:

18 (1) Of the members appointed by the Administrator, 2
19 shall serve for a term of 2 years, and one for a term of 4
20 years.

21 (2) Of the members appointed by the Governor, 2 shall
22 serve for a term of one year, 2 for terms of 2 years, 2 for
23 terms of 3 years, and 4 for terms of 4 years. The
24 representative of the senior citizen population shall
25 serve an initial term of 4 years.

26 At the expiration of their initial terms of office, the

1 members or their successors shall be appointed for terms of 4
2 years each. Upon the expiration of a member's term of office,
3 the officer who appointed that member shall reappoint that
4 member or appoint a successor who is a representative of the
5 same interests with which his or her predecessor was
6 identified. The Administrator and the Governor may at any time
7 remove any of their respective appointees for inefficiency or
8 neglect of duty in office. Upon the death or incapacity of a
9 member, the officer who appointed that member shall fill the
10 vacancy for the remainder of the vacated term by appointing a
11 member who is a representative of the same interests with which
12 his or her predecessor was identified. The members shall serve
13 without salary, but shall receive from the State expenses
14 necessarily incurred by them in performance of their duties.
15 The Governor shall appoint one of the members to serve as
16 chairperson. The chairperson shall be the deciding vote in the
17 event of a tie vote.

18 (Source: P.A. 94-698, eff. 11-22-05.)

19 (225 ILCS 312/40)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 40. Application for contractor's license.

22 (a) Any person, firm, or company wishing to engage in the
23 business of installing, altering, repairing, servicing,
24 replacing, or maintaining elevators, dumbwaiters, escalators,
25 or moving walks within this State shall make application for a

1 license with the Administrator. However, if the State, a unit
2 of local government, or an institution of higher education
3 maintains in its employ licensed or limited licensed elevator
4 mechanics who maintain only conveyances owned or leased by that
5 entity, the employing entity is not required to be licensed as
6 a contractor under this Section and none of the provisions of
7 this Act concerning licensed contractors shall apply to these
8 entities.

9 (b) All applications shall contain the following
10 information:

11 (1) if the applicant is a person, the name, residence,
12 and business address of the applicant;

13 (2) if the applicant is a partnership, the name,
14 residence, and business address of each partner;

15 (3) if the applicant is a domestic corporation, the
16 name and business address of the corporation and the name
17 and residence address of the principal officer of the
18 corporation;

19 (4) if the applicant is a corporation other than a
20 domestic corporation, the name and address of an agent
21 locally located who shall be authorized to accept service
22 of process and official notices;

23 (5) the number of years the applicant has engaged in
24 the business of installing, inspecting, maintaining, or
25 servicing elevators or platform lifts or both;

26 (6) if applying for an elevator contractor's license,

1 the approximate number of persons, if any, to be employed
2 by the elevator contractor applicant and, if applicable,
3 satisfactory evidence that the employees are or will be
4 covered by workers' compensation insurance;

5 (7) satisfactory evidence that the applicant is or will
6 be covered by general liability, personal injury, and
7 property damage insurance;

8 (8) any criminal record of convictions; and

9 (9) any other information as the Administrator may
10 require.

11 (c) (Blank).

12 (Source: P.A. 94-698, eff. 11-22-05.)

13 (225 ILCS 312/45)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 45. Qualifications for elevator mechanic's license;
16 emergency and temporary licensure.

17 (a) No license shall be granted to any person who has not
18 paid the required application fee.

19 (b) No license shall be granted to any person who has not
20 proven his or her qualifications and abilities.

21 (c) Applicants for an elevator mechanic's license must
22 demonstrate one of the following qualifications:

23 (1) an acceptable combination of documented experience
24 and education credits consisting of: (A) not less than 3
25 years work experience in the elevator industry, in

1 construction, maintenance, and service or repair, as
2 verified by current and previous employers licensed to do
3 business in this State or in another state if the Board
4 deems that out-of-State experience equivalent; and (B)
5 satisfactory completion of a written examination
6 administered by the Elevator Safety Review Board or its
7 designated provider on the adopted rules, referenced
8 codes, and standards for the equipment the licensee is
9 authorized to install;

10 (2) acceptable proof that he or she has worked as an
11 elevator constructor, maintenance, or repair person for
12 the equipment the licensee is authorized to install;
13 acceptable proof shall consist of documentation that he or
14 she worked without direct and immediate supervision for an
15 elevator contractor who has worked on elevators in this
16 State for a period of not less than 3 years immediately
17 preceding the effective date of the final ~~initial~~ rules
18 adopted by the Board under Section 35 of this Act that
19 implement this Act; the person must make application by
20 December 31, 2007; however, all licenses issued under the
21 provisions of this item (2) between May 1, 2006 and the
22 effective date of this amendatory Act of the 95th General
23 Assembly are deemed valid;

24 (3) a certificate of successful completion of the
25 mechanic examination of a nationally recognized training
26 program for the elevator industry such as the National

1 Elevator Industry Educational Program or its equivalent
2 based on the codes applicable to the type of license
3 (elevator mechanic's license or limited elevator
4 mechanic's license) for which the individual is applying;

5 (4) a certificate of completion of an elevator mechanic
6 apprenticeship program with standards substantially equal
7 to those of this Act and registered with the Bureau of
8 Apprenticeship and Training, U.S. Department of Labor, or a
9 State apprenticeship council; or

10 (5) a valid license from a state having standards
11 substantially equal to those of this State.

12 (d) Whenever an emergency exists in the State due to
13 disaster or work stoppage and the number of persons in the
14 State holding licenses granted by the Board is insufficient to
15 cope with the emergency, the licensed elevator contractor shall
16 respond as necessary to ensure the safety of the public. Any
17 person certified by a licensed elevator contractor to have an
18 acceptable combination of documented experience and education
19 to perform elevator work without direct and immediate
20 supervision shall seek an emergency elevator mechanic's
21 license from the Administrator within 5 business days after
22 commencing work requiring a license. The Administrator shall
23 issue emergency elevator mechanic's licenses. The applicant
24 shall furnish proof of competency as the Administrator may
25 require. Each license shall recite that it is valid for a
26 period of 30 days from the date thereof and for such particular

1 elevators or geographical areas as the Administrator may
2 designate and otherwise shall entitle the licensee to the
3 rights and privileges of an elevator mechanic's license issued
4 under this Act. The Administrator shall renew an emergency
5 elevator mechanic's license during the existence of an
6 emergency. No fee may be charged for any emergency elevator
7 mechanic's license or renewal thereof.

8 (e) A licensed elevator contractor shall notify the
9 Administrator when there are no licensed personnel available to
10 perform elevator work. The licensed elevator contractor may
11 request that the Administrator issue temporary elevator
12 mechanic's licenses to persons certified by the licensed
13 elevator contractor to have an acceptable combination of
14 documented experience and education to perform elevator work
15 without direct and immediate supervision. Any person certified
16 by a licensed elevator contractor to have an acceptable
17 combination of documented experience and education to perform
18 elevator work without direct and immediate supervision shall
19 immediately seek a temporary elevator mechanic's license from
20 the Administrator and shall pay such fee as the Board shall
21 determine. The applicant for temporary licensure shall furnish
22 proof of competency as the Administrator may require and for
23 such particular elevators or geographical areas as the
24 Administrator may designate. Each license shall recite that it
25 is valid for a period of 30 days from the date of issuance and
26 while employed by the licensed elevator contractor that

1 certified the individual as qualified. It shall be renewable as
2 long as the shortage of license holders continues.

3 (Source: P.A. 94-698, eff. 11-22-05.)

4 (225 ILCS 312/80)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 80. Registration of existing elevators, platform
7 lifts, dumbwaiters, escalators, moving walks, and any other
8 conveyance. Within 6 months after the date of the adoption of
9 the final ~~initial~~ rules that implement this Act, the owner or
10 lessee of every existing conveyance shall register with the
11 Administrator each elevator, dumbwaiter, platform lift,
12 escalator, or other device described in Section 10 of this Act
13 and provide the type, rated load and speed, name of
14 manufacturer, its location, the purpose for which it is used,
15 and such additional information as the Administrator may
16 require. Elevators, dumbwaiters, platform lifts, escalators,
17 moving walks, or other conveyances of which construction has
18 begun subsequent to the date of the creation of the Board shall
19 be registered at the time they are completed and placed in
20 service.

21 (Source: P.A. 94-698, eff. 11-22-05.)

22 (225 ILCS 312/90)

23 (Section scheduled to be repealed on January 1, 2013)

24 Sec. 90. Permits.

1 (a) No conveyance covered by this Act shall be erected,
2 constructed, installed, or altered within buildings or
3 structures within this State unless a permit has been obtained
4 from the Administrator or a municipality or other unit of local
5 government. If the permit is obtained from a municipality or
6 other unit of local government, the municipality or other unit
7 of local government that issued the permit shall keep the
8 permit on file for a period of not less than one year from the
9 date of issuance and send a copy to the Administrator for
10 inspection. Where any material alteration is made, the device
11 shall conform to applicable requirements in ASME A17.1, ASME
12 A18.1, ASCE 21, or ANSI A10.4. No permit required under this
13 Section shall be issued except to a person, firm, or
14 corporation holding a current elevator contractor's license,
15 duly issued pursuant to this Act, except that a permit to alter
16 a conveyance may be issued to an entity exempted from licensure
17 under subsection (a) of Section 40 of this Act. A copy of the
18 permit shall be kept at the construction site at all times
19 while the work is in progress.

20 (b) The permit fee shall be as set by the Board. Permit
21 fees collected are non-refundable.

22 (c) Each application for a permit shall be accompanied by
23 applicable fees and by copies of specifications and accurately
24 scaled and fully dimensioned plans showing the location of the
25 installation in relation to the plans and elevation of the
26 building, the location of the machinery room and the equipment

1 to be installed, relocated, or altered, and all structural
2 supporting members, including foundations. The applicant shall
3 also specify all materials to be employed and all loads to be
4 supported or conveyed. These plans and specifications shall be
5 sufficiently complete to illustrate all details of
6 construction and design.

7 (d) Permits may be revoked for the following reasons:

8 (1) Any false statements or misrepresentation as to the
9 material facts in the application, plans, or
10 specifications on which the permit was based.

11 (2) The permit was issued in error and should not have
12 been issued in accordance with the code.

13 (3) The work detailed under the permit is not being
14 performed in accordance with the provisions of the
15 application, plans, or specifications or with the code or
16 conditions of the permit.

17 (4) The elevator contractor to whom the permit was
18 issued fails or refuses to comply with a "stop work" order.

19 (5) If the work authorized by a permit is not commenced
20 within 6 months after the date of issuance, or within a
21 shorter period of time as the Administrator or his or her
22 duly authorized representative in his or her discretion may
23 specify at the time the permit is issued.

24 (6) If the work is suspended or abandoned for a period
25 of 60 days, or shorter period of time as the Administrator
26 or his or her duly authorized representative in his or her

1 discretion may specify at the time the permit is issued,
2 after the work has been started. For good cause, the
3 Administrator or his or her representative may allow an
4 extension of this period at his or her discretion.

5 (e) (Blank).

6 (Source: P.A. 94-698, eff. 11-22-05.)

7 (225 ILCS 312/120)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 120. Inspection and testing.

10 (a) It shall be the responsibility of the owner of all new
11 and existing conveyances located in any building or structure
12 to have the conveyance inspected, at intervals determined by
13 the Board, by a person, firm, or company to which a license to
14 inspect conveyances has been issued. Subsequent to inspection,
15 the licensed person, firm, or company must supply the property
16 owner or lessee and the Administrator with a written inspection
17 report describing any and all violations. Property owners shall
18 have 30 days from the date of the published inspection report
19 to be in full compliance by correcting the violations. The
20 Administrator shall determine whether such violations have
21 been corrected and may extend the compliance dates for good
22 cause, provided that such violations are minor and pose no
23 threat to public safety.

24 (b) (Blank).

25 (c) All tests shall be performed by a licensed elevator

1 mechanic or licensed limited elevator mechanic who is licensed
2 to perform work on that particular type of conveyance.

3 (Source: P.A. 94-698, eff. 11-22-05.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."