



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 149

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 149 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, 15, 20, 25, 35, 45, 60, 80,  
6 85, 90, 95, 105, 110, 115, 125, and 140 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8 (Section scheduled to be repealed on January 1, 2013)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 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, and ASME  
3 A18.1):

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 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 within the scope of ANSI A10.5.
- 2 (2) Manlifts within the scope of ASME A90.1.
- 3 (3) Mobile scaffolds, towers, and platforms within the
- 4 scope of ANSI A92.
- 5 (4) Powered platforms and equipment for exterior and
- 6 interior maintenance within the scope of ANSI 120.1.
- 7 (5) Conveyors and related equipment within the scope of
- 8 ASME B20.1.
- 9 (6) Cranes, derricks, hoists, hooks, jacks, and slings
- 10 within the scope of ASME B30.
- 11 (7) Industrial trucks within the scope of ASME B56.
- 12 (8) Portable equipment, except for portable escalators
- 13 that are covered by ANSI A17.1.
- 14 (9) Tiering or piling machines used to move materials
- 15 to and from storage located and operating entirely within
- 16 one story.
- 17 (10) Equipment for feeding or positioning materials at
- 18 machine tools, printing presses, etc.
- 19 (11) Skip or furnace hoists.
- 20 (12) Wharf ramps.
- 21 (13) Railroad car lifts or dumpers.
- 22 (14) Line jacks, false cars, shafters, moving
- 23 platforms, and similar equipment used for installing an
- 24 elevator by a contractor licensed in this State.
- 25 (15) (Blank).
- 26 (16) Conveyances located in a private residence not

1 accessible to the public.

2 (17) (Blank).

3 (18) Personnel hoists within the scope of ANSI A10.4.

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

6 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

7 (225 ILCS 312/15)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 15. Definitions. For the purpose of this Act:

10 "Administrator" means the Office of the State Fire Marshal.

11 "Alteration" means any change to equipment, including its  
12 parts, components, or subsystems, other than maintenance,  
13 repair, or replacement of the equipment, including its parts,  
14 components, or subsystems.

15 "ANSI A10.4" means the safety requirements for personnel  
16 hoists, an American National Standard.

17 "ASCE 21" means the American Society of Civil Engineers  
18 Automated People Mover Standards.

19 "ASME A17.1" means the Safety Code for Elevators and  
20 Escalators, an American National Standard, and CSA B44, the  
21 National Standard of Canada.

22 "ASME A17.3" means the Safety Code for Existing Elevators  
23 and Escalators, an American National Standard.

24 "ASME A17.7" means the Performance-Based Safety Code for  
25 Elevators and Escalators, an American National Standard, and

1 CSA B44.7, the National Standard of Canada.

2 "ASME A18.1" means the Safety Standard for Platform Lifts  
3 and Stairway Chairlifts, an American National Standard.

4 "Automated people mover" means an installation as defined  
5 as an "automated people mover" in ASCE 21.

6 "Board" means the Elevator Safety Review Board.

7 "Certificate of operation" means a certificate issued by  
8 the Administrator or the Local Administrator that indicates  
9 that the conveyance has passed the required safety inspection  
10 and tests and fees have been paid as set forth in this Act.

11 "Conveyance" means any elevator, dumbwaiter, escalator,  
12 moving sidewalk, platform lifts, stairway chairlifts and  
13 automated people movers.

14 "Elevator" means an installation defined as an "elevator"  
15 in ASME A17.1.

16 "Elevator contractor" means any person, firm, or  
17 corporation who possesses an elevator contractor's license in  
18 accordance with the provisions of Sections 40 and 55 of this  
19 Act and who is engaged in the business of erecting,  
20 constructing, installing, altering, servicing, repairing, or  
21 maintaining elevators or related conveyance covered by this  
22 Act.

23 "Elevator contractor's license" means a license issued to  
24 an elevator contractor who has proven his or her qualifications  
25 and ability and has been authorized by the Elevator Safety  
26 Review Board to work on conveyance equipment. It shall entitle

1 the holder thereof to engage in the business of constructing,  
2 installing, altering, servicing, testing, repairing, or  
3 maintaining and performing electrical work on elevators or  
4 related conveyances covered by this Act within any building or  
5 structure, including, but not limited to, private residences.  
6 The Administrator may issue a limited elevator contractor's  
7 license authorizing a firm or company that employs individuals  
8 to carry on a business of erecting, constructing, installing,  
9 altering, servicing, repairing, or maintaining a specific type  
10 of conveyance ~~platform lifts and stairway chairlifts~~ within any  
11 building or structure, excluding private residences.

12 "Elevator helper" means an individual registered with the  
13 Administrator who works under the general direction of a  
14 licensed elevator mechanic. Licensure is not required for an  
15 elevator helper.

16 "Elevator industry apprentice" means an individual who is  
17 enrolled in an apprenticeship program approved by the Bureau of  
18 Apprenticeship and Training of the U.S. Department of Labor and  
19 who is registered by the Administrator and works under the  
20 general direction of a licensed elevator mechanic. Licensure is  
21 not required for an elevator industry apprentice.

22 "Elevator inspector" means any inspector, as that term is  
23 defined in ASME QEI, who possesses an elevator inspector's  
24 license in accordance with the provisions of this Act.

25 "Elevator mechanic" means any person who possesses an  
26 elevator mechanic's license in accordance with the provisions

1 of Sections 40 and 45 of this Act and who is engaged in  
2 erecting, constructing, installing, altering, servicing,  
3 repairing, or maintaining elevators or related conveyance  
4 covered by this Act.

5 "Elevator mechanic's license" means a license issued to a  
6 person who has proven his or her qualifications and ability and  
7 has been authorized by the Elevator Safety Review Board to work  
8 on conveyance equipment. It shall entitle the holder thereof to  
9 install, construct, alter, service, repair, test, maintain,  
10 and perform electrical work on elevators or related conveyance  
11 covered by this Act. The Administrator may issue a limited  
12 elevator mechanic's license authorizing an individual to carry  
13 on a business of erecting, constructing, installing, altering,  
14 servicing, repairing, or maintaining a specific type of  
15 conveyance ~~platform lifts and stairway chairlifts~~ within any  
16 building or structure.

17 "Escalator" means an installation defined as an  
18 "escalator" in ASME A17.1.

19 "Existing installation" means an installation defined as  
20 an "installation, existing" in ASME A17.1.

21 "Inspector's license" or "inspection company license"  
22 means a license issued to an ASME QEI certified elevator  
23 inspector or inspection company that has proven the inspector's  
24 or the company's qualifications and ability and has been  
25 authorized by the Elevator Safety Review Board to possess this  
26 type of license. It shall entitle the holder thereof to engage

1 in the business of inspecting elevators or related conveyance  
2 covered by this Act.

3 "License" means a written license, duly issued by the  
4 Administrator, authorizing a person, firm, or company to carry  
5 on the business of erecting, constructing, installing,  
6 altering, servicing, repairing, maintaining, or performing  
7 inspections of elevators or related conveyance covered by this  
8 Act. New and renewed licenses issued after January 1, 2010 will  
9 include a photo of the licensee.

10 "Local Administrator" means the municipality or  
11 municipalities or county or counties that entered into a local  
12 elevator agreement with the Administrator to operate its own  
13 elevator safety program in accordance with this Act and the  
14 adopted administrative rules.

15 "Material alteration" means an "alteration", as defined in  
16 the referenced standards.

17 "Moving walk" means an installation defined as a "moving  
18 walk" in ASME A17.1.

19 "Owner" means the owner of the conveyance, which could be  
20 an individual, a group of individuals, an association, trust,  
21 partnership, corporation, or person doing business under an  
22 assumed name. The owner may delegate his, her, or its authority  
23 to manage the day-to-day operations of the conveyance to  
24 another party, but may not delegate his, her, or its  
25 responsibilities and duties under this Act and the  
26 administrative rules.

1 "Private residence" means a separate dwelling or a separate  
2 apartment or condominium unit in a multiple-family dwelling  
3 that is occupied by members of a single-family unit.

4 "Repair" has the meaning set forth in the referenced  
5 standards. "Repair" does not require a permit.

6 "Temporarily dormant" means an elevator, dumbwaiter, or  
7 escalator:

8 (1) with a power supply that has been disconnected by  
9 removing fuses and placing a padlock on the mainline  
10 disconnect switch in the "off" position;

11 (2) with a car that is parked and hoistway doors that  
12 are in the closed and latched position;

13 (3) with a wire seal on the mainline disconnect switch  
14 installed by a licensed elevator inspector;

15 (4) that shall not be used again until it has been put  
16 in safe running order and is in condition for use;

17 (5) requiring annual inspections for the duration of  
18 the temporarily dormant status by a licensed elevator  
19 inspector;

20 (6) that has a "temporarily dormant" status that is  
21 renewable on an annual basis, not to exceed a 5-year  
22 period;

23 (7) requiring the inspector to file a report with the  
24 Administrator describing the current conditions; and

25 (8) with a wire seal and padlock that shall not be  
26 removed for any purpose without permission from the

1 elevator inspector.

2 "Temporary certificate of operation" means a temporary  
3 certificate of operation issued by the Administrator or the  
4 Local Administrator that permits the temporary use of a  
5 non-compliant conveyance by the general public for a limited  
6 time of 30 days while minor repairs are being completed.

7 All other building transportation terms are as defined in  
8 the latest edition of ASME A17.1 and ASME A18.1.

9 "Temporary limited authority" means an authorization  
10 issued, for a period not to exceed one year, by the  
11 Administrator to an individual that the Administrator deems  
12 qualified to perform work on a specific type of conveyance.

13 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

14 (225 ILCS 312/25)

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

16 Sec. 25. Elevator Safety Review Board.

17 (a) There is hereby created within the Office of the State  
18 Fire Marshal the Elevator Safety Review Board, consisting of 17  
19 ~~14~~ members. The Administrator shall appoint 3 members who shall  
20 be representatives of fire service communities. The Governor  
21 shall appoint the remaining 14 ~~11~~ members of the Board as  
22 follows: one representative from a major elevator  
23 manufacturing company or its authorized representative; one  
24 representative from an elevator servicing company; one  
25 representative of the architectural design profession; one

1 representative of the general public; one representative of an  
2 advocacy group for people with physical disabilities; one  
3 representative of an advocacy group for senior citizens ~~the~~  
4 ~~senior citizen population~~; one representative nominated by ~~of~~ a  
5 municipality in this State with a population under 25,000; one  
6 representative nominated by ~~of~~ a municipality in this State  
7 with a population of 25,000 or over but under 50,000; one  
8 representative nominated by ~~of~~ a municipality in this State  
9 with a population of 50,000 or over but under 500,000; one  
10 representative of an advocacy group for condominium owners; one  
11 representative of an institution of higher education that  
12 operates an in-house elevator maintenance program; one  
13 representative of a building owner or manager; and 2  
14 representatives ~~one representative~~ of labor, one from Cook  
15 County and one from a county in the State other than Cook  
16 County, involved in the installation, maintenance, and repair  
17 of elevators.

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

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

23 (2) Of the members appointed by the Governor, 2 shall  
24 serve for a term of one year, 2 for terms of 2 years, 2 for  
25 terms of 3 years, and 4 for terms of 4 years. The  
26 representative of the advocacy group for senior citizens

1 ~~senior citizen population~~ shall serve an initial term of 4  
2 years. The representative of an advocacy group for  
3 condominium owners, the representative of the institution  
4 of higher education that operates an in-house elevator  
5 maintenance program, and both representatives of labor  
6 involved in the installation, maintenance, and repair of  
7 elevators shall serve an initial term of 4 years.

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

26 A majority of the appointed Board members shall constitute

1 a quorum. Vacant positions shall not count towards the  
2 requirement for a quorum.

3 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

4 (225 ILCS 312/35)

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

6 Sec. 35. Powers and duties of the Board and Administrator.

7 (a) The Board shall consult with engineering authorities  
8 and organizations and adopt rules consistent with the  
9 provisions of this Act for the administration and enforcement  
10 of this Act. The Board may prescribe forms to be issued in  
11 connection with the administration and enforcement of this Act.  
12 The rules shall establish standards and criteria consistent  
13 with this Act for licensing of elevator mechanics, inspectors,  
14 and installers of elevators, including the provisions of the  
15 Safety Code for Elevators and Escalators (ASME A17.1), ~~the~~  
16 ~~Safety Code for Existing Elevators (ASME A17.3),~~ the Standard  
17 for the Qualification of Elevator Inspectors (ASME QEI-1), the  
18 Automated People Mover Standards (ASCE 21), the Safety  
19 Requirements for Personnel Hoists and Employee Elevators (ANSI  
20 A10.4), and the Safety Standard for Platform Lifts and Stairway  
21 Chairlifts (ASME A18.1). The Board shall adopt or amend and  
22 adopt the latest editions of the standards referenced in this  
23 subsection within 12 months after the effective date of the  
24 standards ~~(a) within 6 months after the effective date of the~~  
25 ~~standards.~~

1       The Board shall make determinations authorized by this Act  
2 regarding variances, interpretations, and the installation of  
3 new technology. Such determinations shall have a binding  
4 precedential effect throughout the State regarding equipment,  
5 structure, or the enforcement of codes unless limited by the  
6 Board to the fact-specific issues.

7       (b) The Administrator or Local Administrator ~~Board~~ shall  
8 have the authority to grant exceptions and variances from the  
9 literal requirements of applicable State codes, standards, and  
10 regulations in cases where such variances would not jeopardize  
11 the public safety and welfare. The Administrator has the right  
12 to review and object to any exceptions or variances granted by  
13 the Local Administrator. The Board shall have the authority to  
14 hear appeals, for any denial by the Local Administrator or for  
15 any denial or objection by the Administrator. The Board shall  
16 hold hearings, and decide upon such within 30 days of the  
17 appeal.

18       (c) The Board shall establish fee schedules for licenses,  
19 and registrations issued by the Administrator. The Board shall  
20 also establish fee schedules for permits, certificates, and  
21 inspections for conveyances not under a Local Administrator.  
22 The fees shall be set at an amount necessary to cover the  
23 actual costs and expenses to operate the Board and to conduct  
24 the duties as described in this Act.

25       (d) The Board shall be authorized to recommend the  
26 amendments of applicable legislation, when appropriate, to

1 legislators.

2 (e) The Administrator may solicit the advice and expert  
3 knowledge of the Board on any matter relating to the  
4 administration and enforcement of this Act.

5 (f) The Administrator may employ professional, technical,  
6 investigative, or clerical help, on either a full-time or  
7 part-time basis, as may be necessary for the enforcement of  
8 this Act.

9 (g) (Blank).

10 (h) Notwithstanding anything else in this Section, the  
11 following upgrade requirements of the 2007 edition of the  
12 Safety Code for Elevators and Escalators (ASME A17.1) and the  
13 2005 edition of the Safety Code for Existing Elevators (ASME  
14 A17.3) must be completed by January 1, 2015, but the  
15 Administrator or Local Administrator may not require their  
16 completion prior to January 1, 2013:

17 (i) restricted opening of hoistway doors or car doors  
18 on passenger elevators;

19 (ii) car illumination;

20 (iii) emergency operation and signaling devices;

21 (iv) phase reversal and failure protection;

22 (v) reopening device for power operated doors or gates;

23 (vi) stop switch pits; and

24 (vii) pit ladder installation or design in accordance  
25 with Section 2.2.4.2 of ASME A17.1-2007.

26 (i) In the event that a conveyance regulated by this Act is

1 altered, the alteration shall comply with ASME A17.1.  
2 Notwithstanding anything else in this Section, the  
3 firefighter's emergency operation, and the hydraulic elevator  
4 cylinder, including the associated safety devices outlined in  
5 Section 4.3.3(b) of ASME A17.3-2005, are not required to be  
6 upgraded unless: (1) there is an alteration, (2) the equipment  
7 fails, or (3) failing to replace the equipment jeopardizes the  
8 public safety and welfare as determined by the Local  
9 Administrator or the Board.

10 (j) The Administrator may choose to require the inspection  
11 of any conveyance to be performed by its own inspectors or by  
12 third party licensed inspectors employed by the Administrator.

13 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

14 (225 ILCS 312/45)

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

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

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

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

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

25 (1) an acceptable combination of documented experience

1 and education credits consisting of: (A) not less than 3  
2 years work experience in the elevator industry, in  
3 construction, maintenance, or service and repair, as  
4 verified by current and previous employers licensed to do  
5 business in this State or in another state if the Board  
6 deems that out-of-State experience equivalent; and (B)  
7 satisfactory completion of a written examination  
8 administered by the Elevator Safety Review Board or its  
9 designated provider on the adopted rules and referenced  
10 codes;

11 (2) acceptable proof that he or she has worked as an  
12 elevator constructor, maintenance, or repair person;  
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 rules adopted by  
18 the Board under Section 35 of this Act that implement this  
19 Act; the person must make application by December 31, 2007;  
20 however, all licenses issued under the provisions of this  
21 item (2) between May 1, 2006 and the effective date of this  
22 amendatory Act of the 95th General Assembly are deemed  
23 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 (4) a certificate of completion of an elevator mechanic  
3 apprenticeship program with standards substantially equal  
4 to those of this Act and registered with the Bureau of  
5 Apprenticeship and Training, U.S. Department of Labor, or a  
6 State apprenticeship council; or

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

9 (d) Whenever an emergency exists in the State due to a  
10 disaster, act of God, or work stoppage and the number of  
11 persons in the State holding licenses granted by the Board is  
12 insufficient to cope with the emergency, the licensed elevator  
13 contractor shall respond as necessary to ensure the safety of  
14 the public. Any person certified by a licensed elevator  
15 contractor to have an acceptable combination of documented  
16 experience and education to perform elevator work without  
17 direct and immediate supervision shall seek an emergency  
18 elevator mechanic's license from the Administrator within 5  
19 business days after commencing work requiring a license. The  
20 Administrator shall issue emergency elevator mechanic's  
21 licenses. The applicant shall furnish proof of competency as  
22 the Administrator may require. Each license shall recite that  
23 it is valid for a period of 60 days from the date thereof and  
24 for such particular elevators or geographical areas as the  
25 Administrator may designate and otherwise shall entitle the  
26 licensee to the rights and privileges of an elevator mechanic's

1 license issued under this Act. The Administrator shall renew an  
2 emergency elevator mechanic's license during the existence of  
3 an emergency. No fee may be charged for any emergency elevator  
4 mechanic's license or renewal thereof.

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

25 (f) An applicant for a limited elevator mechanic's license  
26 must demonstrate that he or she meets the qualifications of

1 subsection (c) (1).

2 (g) The Administrator may issue temporary limited  
3 authority to an individual that the Administrator deems  
4 qualified to work on a specific type of conveyance. The  
5 applicant shall furnish any proof of competency that the  
6 Administrator may require and must obtain a permanent license  
7 within one year.

8 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

9 (225 ILCS 312/60)

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

11 Sec. 60. Issuance and renewal of licenses; fees.

12 (a) Upon approval of an application, and receipt of the  
13 fee, the Administrator may issue a license that must be renewed  
14 every 2 years. ~~The renewal fee for the license shall be set by~~  
15 ~~the Board.~~

16 (b) (Blank).

17 (c) (Blank).

18 (d) The renewal of all licenses granted under the  
19 provisions of this Section shall be conditioned upon the  
20 submission of a certificate of completion of a course designed  
21 to ensure the continuing education of licensees on new and  
22 existing provisions of the rules of the Elevator Safety Review  
23 Board. Such course shall consist of not less than 8 hours of  
24 instruction, which shall include a minimum of 2 hours of code  
25 updates, that shall be attended and completed within one year

1 immediately preceding any such license renewal.

2 (e) The courses referred to in subsection (d) of this  
3 Section shall be taught by instructors through continuing  
4 education providers that may include, but shall not be limited  
5 to, association seminars and labor training programs. The  
6 Elevator Safety Review Board shall approve the continuing  
7 education providers. All instructors shall be approved by the  
8 Board and shall be exempt from the requirements of subsection  
9 (d) of this Section with regard to their applications for  
10 license renewal, provided that such applicant was qualified as  
11 an instructor at any time during the one year immediately  
12 preceding the scheduled date for such renewal.

13 (f) A licensee who is unable to complete the continuing  
14 education course required under this Section prior to the  
15 expiration of his or her license due to a temporary disability  
16 may apply for a waiver from the Board. This shall be on a form  
17 provided by the Board, which shall be signed under the penalty  
18 of perjury and accompanied by a certified statement from a  
19 competent physician attesting to such temporary disability.  
20 Upon the termination of such temporary disability, the licensee  
21 shall submit to the Board a certified statement from the same  
22 physician, if practicable, attesting to the termination of the  
23 temporary disability, at which time a waiver sticker, valid for  
24 90 days, shall be issued to the licensee and affixed to his or  
25 her license.

26 (g) Approved training providers shall keep for a period of

1 10 years uniform records of attendance of licensees following a  
2 format approved by the Board. These records shall be available  
3 for inspection by the Board at its request. Approved training  
4 providers shall be responsible for the security of all  
5 attendance records and certificates of completion, provided  
6 that falsifying or knowingly allowing another to falsify  
7 attendance records or certificates of completion shall  
8 constitute grounds for suspension or revocation of the approval  
9 required under this Section.

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

11 (225 ILCS 312/80)

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

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

1 be registered by the owner at the time they are completed and  
2 placed in service.

3 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

4 (225 ILCS 312/85)

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

6 Sec. 85. Compliance. It shall be the responsibility of  
7 individuals, firms, or companies licensed as described in this  
8 Act to ensure that installation or service and maintenance of  
9 elevators and devices described in Section 10 of this Act is  
10 performed in compliance with the provisions contained in this  
11 Act ~~and applicable fire and building codes.~~

12 (Source: P.A. 95-573, eff. 8-31-07.)

13 (225 ILCS 312/90)

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

15 Sec. 90. Permits.

16 (a) No conveyance covered by this Act shall be erected,  
17 constructed, installed, or altered within buildings or  
18 structures within this State unless a permit has been obtained  
19 from the Administrator or the Local Administrator ~~a~~  
20 ~~municipality or other unit of local government~~ before the work  
21 is commenced. The Local Administrator ~~If the permit is obtained~~  
22 ~~from a municipality or other unit of local government, the~~  
23 ~~municipality or other unit of local government that issued the~~  
24 ~~permit~~ shall keep all permits it issues ~~the permit~~ on file for

1 a period of not less than 2 ~~one~~ year from the date of issuance  
2 ~~and send a copy to the Administrator for inspection.~~ Where any  
3 material alteration is made, the device shall conform to  
4 applicable requirements in ASME A17.1, ASME A18.1, or ASCE 21.  
5 No permit required under this Section shall be issued except to  
6 a person, firm, or corporation holding a current elevator  
7 contractor's license, duly issued pursuant to this Act, except  
8 that a permit to alter a conveyance may be issued to an entity  
9 exempted from licensure under subsection (a) of Section 40 of  
10 this Act. A copy of the permit shall be kept at the  
11 construction site at all times while the work is in progress.

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

14 (c) Each application for a permit shall be accompanied by  
15 applicable fees and by copies of specifications and accurately  
16 scaled and fully dimensioned plans showing the location of the  
17 installation in relation to the plans and elevation of the  
18 building, the location of the machinery room and the equipment  
19 to be installed, relocated, or altered, and all structural  
20 supporting members thereof, including foundations. The  
21 applicant shall also specify all materials to be employed and  
22 all loads to be supported or conveyed. These plans and  
23 specifications shall be sufficiently complete to illustrate  
24 all details of construction and design.

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

26 (1) Any false statements or misrepresentation as to the

1 material facts in the application, plans, or  
2 specifications on which the permit was based.

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

5 (3) The work detailed under the permit is not being  
6 performed in accordance with the provisions of the  
7 application, plans, or specifications or with the code or  
8 conditions of the permit.

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

11 (5) If the work authorized by a permit is not commenced  
12 within 6 months after the date of issuance, or within a  
13 shorter period of time as the Administrator or Local  
14 Administrator ~~his or her duly authorized representative in~~  
15 ~~his or her discretion~~ may specify at the time the permit is  
16 issued.

17 (6) If the work is suspended or abandoned for a period  
18 of 180 ~~60~~ days, or shorter period of time as the  
19 Administrator or Local Administrator ~~his or her duly~~  
20 ~~authorized representative in his or her discretion~~ may  
21 specify at the time the permit is issued, after the work  
22 has been started. For good cause, the Administrator or  
23 Local Administrator ~~his or her representative~~ may allow an  
24 extension of this period at his or her discretion.

25 (e) (Blank).

26 (f) All conveyance construction or alteration documents

1 shall be submitted to the Administrator or Local Administrator  
2 for a permit. The documents for a new or altered building must  
3 first have been reviewed and approved by the local governmental  
4 authority as meeting the local building and fire code. In those  
5 jurisdictions where the municipality or county has not signed a  
6 local elevator agreement with the Administrator and the  
7 municipality or county does not have a means by which it  
8 approves building documents or issues building permits, the  
9 conveyance construction or alteration documents shall be  
10 submitted to the Administrator along with the owner-supplied  
11 certification from a licensed architect or engineer stating  
12 that the building complies with all applicable codes, including  
13 the Life Safety Code adopted by the Office of the State Fire  
14 Marshal. The Administrator has authority to charge a document  
15 review fee for this service.

16 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

17 (225 ILCS 312/95)

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

19 Sec. 95. New installations; annual inspections and  
20 registrations.

21 (a) All new conveyance installations regulated by this Act  
22 shall be performed by a person, firm, or company to which a  
23 license to install or service conveyances has been issued.  
24 Subsequent to installation, the licensed person, firm, or  
25 company must certify compliance with the applicable Sections of

1 this Act. Prior to any conveyance being used, the property  
2 owner or lessee must obtain a certificate of operation from the  
3 Administrator or Local Administrator. A fee as authorized by  
4 Section 35 of this Act or as set by the Local Administrator  
5 shall be paid for the certificate of operation. It shall be the  
6 responsibility of the owner ~~licensed elevator contractor~~ to  
7 complete and submit first time registration for new  
8 installations.

9 (b) (Blank).

10 (c) A certificate of operation is renewable annually. The  
11 certificates ~~Certificates~~ of operation or copy thereof, must be  
12 clearly displayed in the conveyance ~~on or in each conveyance or~~  
13 ~~in the machine room for use~~ for the benefit of code enforcement  
14 staff.

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

16 (225 ILCS 312/105)

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

18 Sec. 105. Enforcement; Investigation.

19 (a) It shall be the duty of the Administrator ~~Elevator~~  
20 ~~Safety Review Board~~ to develop an enforcement program to ensure  
21 compliance with rules and requirements referenced in this Act.  
22 This shall include, but shall not be limited to, rules for  
23 identification of property locations that are subject to the  
24 rules and requirements; issuing notifications to violating  
25 property owners or operators, random on-site inspections, and

1 tests on existing installations; witnessing periodic  
2 inspections and testing in order to ensure satisfactory  
3 performance by licensed persons, firms, or companies; and  
4 assisting in development of public awareness programs.

5 (b) Any person may make a request for an investigation into  
6 an alleged violation of this Act by giving notice to the  
7 Administrator or Local Administrator of such violation or  
8 danger. The notice shall be in writing, shall set forth with  
9 reasonable particularity the grounds for the notice, and shall  
10 be signed by the person making the request. Upon the request of  
11 any person signing the notice, the person's name shall not  
12 appear on any copy of the notice or any record published,  
13 released, or made available. If the Local Administrator  
14 determines that there are reasonable grounds to believe that  
15 such violation or danger exists, the Local Administrator shall  
16 forward the request for an investigation to the Administrator.

17 (c) If, upon receipt of such notification, the  
18 Administrator determines that there are reasonable grounds to  
19 believe that such violation or danger exists, the Administrator  
20 shall cause to be made or permit the Local Administrator to  
21 conduct an investigation in accordance with the provisions of  
22 this Act as soon as practicable to determine if such violation  
23 or danger exists. If the Administrator determines that there  
24 are no reasonable grounds to believe that a violation or danger  
25 exists, he or she shall notify the party in writing of such  
26 determination.

1 (d) (Blank).

2 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

3 (225 ILCS 312/110)

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

5 Sec. 110. Liability.

6 (a) This Act shall not be construed to relieve or lessen  
7 the responsibility or liability of any person, firm, or  
8 corporation owning, operating, controlling, maintaining,  
9 erecting, constructing, installing, altering, inspecting,  
10 testing, or repairing any elevator or other related mechanisms  
11 covered by this Act for damages to person or property caused by  
12 any defect therein, nor does the State or any unit of local  
13 government assume any such liability or responsibility  
14 therefore or any liability to any person for whatever reason  
15 whatsoever by the adoption of this Act or any acts or omissions  
16 arising under this Act.

17 (b) Any owner or lessee who violates any of the provisions  
18 of this Act may be subject to a fine not to exceed \$1,500  
19 dollars per day for each violation of this Act or rules adopted  
20 pursuant to this Act ~~is guilty of a Class C misdemeanor.~~

21 (c) (Blank).

22 (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

23 (225 ILCS 312/115)

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

1           Sec. 115. Provisions not retroactive. The provisions of  
2 this Act are not retroactive unless otherwise stated, and  
3 equipment shall be required to comply with the applicable code  
4 at the date of its installation ~~or within the period determined~~  
5 ~~by the Board for compliance with ASME A17.3, whichever is more~~  
6 ~~stringent~~. If, upon the inspection of any device covered by  
7 this Act, the equipment is found in dangerous condition or  
8 there is an immediate hazard to those riding or using such  
9 equipment or if the design or the method of operation in  
10 combination with devices used is considered inherently  
11 dangerous in the opinion of the Administrator, he or she shall  
12 notify the owner of the condition and shall order such  
13 alterations or additions as may be deemed necessary to  
14 eliminate the dangerous condition.

15           (Source: P.A. 92-873, eff. 6-1-03.)

16           (225 ILCS 312/125)

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

18           Sec. 125. State law, code, or regulation; rule compliance.  
19 Whenever a provision in this Act is found to be inconsistent  
20 with any provision of another applicable State law, code, or  
21 rule, this Act ~~the State law~~ shall prevail. ~~This Act, unless~~  
22 ~~specifically stated otherwise, is not intended to establish~~  
23 ~~more stringent or more restrictive standards than standards set~~  
24 ~~forth in other applicable State laws.~~

25           ~~Any rule adopted under this Act that requires compliance~~

1 ~~specifically beginning in 2009 and any rule adopted under this~~  
2 ~~Act that requires compliance specifically beginning in 2011~~  
3 ~~shall be deemed to require compliance beginning in 2013 instead~~  
4 ~~of 2009 or 2011.~~

5 (Source: P.A. 95-767, eff. 7-29-08.)

6 (225 ILCS 312/140)

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

8 Sec. 140. Local Administrator ~~regulation~~; home rule.

9 (a) The Administrator may enter into a local elevator  
10 agreement ~~contracts~~ with municipalities or counties under  
11 which the Local Administrator ~~municipalities or counties~~ shall  
12 (i) issue construction permits and certificates of operation,  
13 (ii) provide for inspection of elevators, including temporary  
14 operation inspections, (iii) grant exceptions and variances  
15 from the literal requirements of applicable State codes,  
16 standards, and regulations in cases where such variances would  
17 not jeopardize the public safety and welfare, and (iv) (iii)  
18 enforce the applicable provisions of the Act, and levy fines in  
19 accordance with the Municipal Code or Counties Code. The Local  
20 Administrator ~~municipality or county~~ may choose to require that  
21 inspections be performed by its own inspectors or by private  
22 certified elevator inspectors. The Local Administrator  
23 ~~municipality or county~~ may assess a reasonable fee for permits,  
24 exceptions, variances, certification of operation, or  
25 inspections performed by its inspectors. Each agreement

1 ~~contract~~ shall include a provision that the Local Administrator  
2 ~~municipality or county~~ shall maintain for inspection by the  
3 Administrator copies of all applications for permits issued,  
4 grants or denials of exceptions or variances, copies of each  
5 inspection report issued, and proper records showing the number  
6 of certificates of operation issued. Each agreement ~~contract~~  
7 shall also include a provision that each required inspection be  
8 conducted by a certified elevator inspector and any other  
9 provisions deemed necessary by the Administrator. Any safety  
10 standards or regulations adopted by a municipality or county  
11 under this subsection must be at least as stringent as those  
12 provided for in this Act and the rules adopted under this Act.

13 (b) A home rule unit may not regulate the inspection or  
14 licensure of, or otherwise regulate, elevators and devices  
15 described in Section 10 of this Act in a manner less  
16 restrictive than the regulation by the State of those matters  
17 under this Act. This subsection is a limitation under  
18 subsection (i) of Section 6 of Article VII of the Illinois  
19 Constitution on the concurrent exercise by home rule units of  
20 powers and functions exercised by the State.

21 (c) (Blank).

22 (d) The Administrator shall be notified of any exception or  
23 variance granted. The Administrator may object to such  
24 exception or variance within 7 business days of receipt of the  
25 notice. Should the Administrator and Local Administrator not  
26 reach agreement on the exception or variance, the matter shall

1 be directed to the Board to hear and decide.

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

3 (430 ILCS 80/Act rep.)

4 Section 15. The Elevator Installation Act is repealed.

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