



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0718

Introduced 2/3/2015, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

225 ILCS 312/15
225 ILCS 312/35
225 ILCS 312/40
225 ILCS 312/105
225 ILCS 312/120
225 ILCS 312/140

Amends the Elevator Safety Act. Provides that the Office of the State Fire Marshal (rather than the Elevator Safety Review Board) shall authorize the issuance of elevator contractor's licenses, elevator mechanic's licenses, inspector's licenses, and inspection company licenses. Further provides that the Board no longer has the power to establish fee schedules for inspections of conveyances. Requires that the Board prescribe an inspection form, which shall be the only inspection form used by a person, company, or home rule unit licensed to inspect conveyances under the Act. Provides that all applications for a contractor's or inspection company license shall contain a copy of the Certificate of Authority to transact business in the State from the Secretary of State for corporations registered in another state, a certificate of good standing for corporations registered in Illinois, and an assumed name certificate issued by the Illinois county in which the business is located for a sole proprietor or partnership. Requires that all injuries caused by a malfunctioning conveyance be reported to the Office of the State Fire Marshal within 2 business days.

LRB099 04092 HAF 24111 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Elevator Safety and Regulation Act is
5 amended by changing Sections 15, 35, 40, 105, 120, and 140 as
6 follows:

7 (225 ILCS 312/15)

8 (Section scheduled to be repealed on January 1, 2023)

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.

1 "ASME A17.7" means the Performance-Based Safety Code for
2 Elevators and Escalators, an American National Standard, and
3 CSA B44.7, the National Standard of Canada.

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

6 "Automated people mover" means an installation as defined
7 as an "automated people mover" in ASCE 21.

8 "Board" means the Elevator Safety Review Board.

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

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

16 "Elevator" means an installation defined as an "elevator"
17 in ASME A17.1.

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

25 "Elevator contractor's license" means a license issued to
26 an elevator contractor who has proven his or her qualifications

1 and ability and has been authorized by the Administrator
2 ~~Elevator Safety Review Board~~ to work on conveyance equipment.

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

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

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

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

1 "Elevator mechanic" means any person who possesses an
2 elevator mechanic's license in accordance with the provisions
3 of Sections 40 and 45 of this Act and who is engaged in
4 erecting, constructing, installing, altering, servicing,
5 repairing, or maintaining elevators or related conveyance
6 covered by this Act.

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

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

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

22 "Inspector's license" or "inspection company license"
23 means a license issued to an ASME QEI certified elevator
24 inspector or inspection company that has proven the inspector's
25 or the company's qualifications and ability and has been
26 authorized by the Administrator ~~Elevator Safety Review Board~~ to

1 possess this type of license. It shall entitle the holder
2 thereof to engage in the business of inspecting elevators or
3 related conveyance covered by this Act.

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

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

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

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

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

1 administrative rules.

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

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

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

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

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

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

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

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

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

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

26 (8) with a wire seal and padlock that shall not be

1 removed for any purpose without permission from the
2 elevator inspector.

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

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

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

14 (Source: P.A. 95-573, eff. 8-31-07; 96-54, eff. 7-23-09.)

15 (225 ILCS 312/35)

16 (Section scheduled to be repealed on January 1, 2023)

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

18 (a) The Board shall consult with engineering authorities
19 and organizations and adopt rules consistent with the
20 provisions of this Act for the administration and enforcement
21 of this Act. The Board may prescribe forms to be issued in
22 connection with the administration and enforcement of this Act.
23 The rules shall establish standards and criteria consistent
24 with this Act for licensing of elevator mechanics, inspectors,
25 and installers of elevators, including the provisions of the

1 Safety Code for Elevators and Escalators (ASME A17.1), the
2 provisions of the Performance-Based Safety Code for Elevators
3 and Escalators (ASME A17.7), the Standard for the Qualification
4 of Elevator Inspectors (ASME QEI-1), the Automated People Mover
5 Standards (ASCE 21), the Safety Requirements for Personnel
6 Hoists and Employee Elevators (ANSI A10.4), and the Safety
7 Standard for Platform Lifts and Stairway Chairlifts (ASME
8 A18.1). The Board shall adopt or amend and adopt the latest
9 editions of the standards referenced in this subsection within
10 12 months after the effective date of the standards.

11 The Board shall make determinations authorized by this Act
12 regarding variances, interpretations, and the installation of
13 new technology. Such determinations shall have a binding
14 precedential effect throughout the State regarding equipment,
15 structure, or the enforcement of codes unless limited by the
16 Board to the fact-specific issues.

17 (b) The Administrator or Local Administrator shall have the
18 authority to grant exceptions and variances from the literal
19 requirements of applicable State codes, standards, and
20 regulations in cases where such variances would not jeopardize
21 the public safety and welfare. The Administrator has the right
22 to review and object to any exceptions or variances granted by
23 the Local Administrator. The Board shall have the authority to
24 hear appeals, for any denial by the Local Administrator or for
25 any denial or objection by the Administrator. The Board shall
26 hold hearings, and decide upon such within 30 days of the

1 appeal.

2 (c) The Board shall establish fee schedules for licenses,
3 and registrations issued by the Administrator. The Board shall
4 also establish fee schedules for permits and ~~7~~ certificates~~7~~
5 ~~and inspections~~ for conveyances not under a Local
6 Administrator. The fees shall be set at an amount necessary to
7 cover the actual costs and expenses to operate the Board and to
8 conduct the duties as described in this Act.

9 (d) The Board shall be authorized to recommend the
10 amendments of applicable legislation, when appropriate, to
11 legislators.

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

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

19 (g) (Blank).

20 (h) Notwithstanding anything else in this Section, the
21 following upgrade requirements of the 2007 edition of the
22 Safety Code for Elevators and Escalators (ASME A17.1) and the
23 2005 edition of the Safety Code for Existing Elevators (ASME
24 A17.3) must be completed by January 1, 2015, but the
25 Administrator or Local Administrator may not require their
26 completion prior to January 1, 2013:

- 1 (i) (blank);
2 (ii) car illumination;
3 (iii) emergency operation and signaling devices;
4 (iv) phase reversal and failure protection;
5 (v) reopening device for power operated doors or gates;
6 (vi) stop switch pits; and
7 (vii) pit ladder installation in accordance with
8 Section 2.2.4.2 of ASME A17.1-2007.

9 (h-5) Notwithstanding anything else in this Section, the
10 upgrade requirements for the restricted opening of hoistway
11 doors or car doors on passenger elevators as provided for in
12 the 2007 edition of the Safety Code for Elevators and
13 Escalators (ASME A17.1) and the 2005 edition of the Safety Code
14 for Existing Elevators (ASME A17.3) must be completed by
15 January 1, 2014.

16 (i) In the event that a conveyance regulated by this Act is
17 altered, the alteration shall comply with ASME A17.1.
18 Notwithstanding anything else in this Section, the
19 firefighter's emergency operation, and the hydraulic elevator
20 cylinder, including the associated safety devices outlined in
21 Section 4.3.3(b) of ASME A17.3-2005, are not required to be
22 upgraded unless: (1) there is an alteration, (2) the equipment
23 fails, or (3) failing to replace the equipment jeopardizes the
24 public safety and welfare as determined by the Local
25 Administrator or the Board.

26 (j) The Administrator may choose to require the inspection

1 of any conveyance to be performed by its own inspectors or by
2 third-party licensed inspectors employed by the Administrator.

3 (k) The Board shall prescribe an inspection form, which
4 shall be the only inspection form used by a licensed inspector
5 in the inspection of a conveyance under this Act. Nothing in
6 this subsection (k) shall be construed to prohibit the licensed
7 inspector from prescribing his or her own inspection
8 procedures, including, but not limited to, the frequency of
9 inspection and the protocol for the distribution of inspection
10 forms. A licensed inspector that has prescribed his or her own
11 inspection procedures shall use the inspection form prescribed
12 by the Board.

13 (Source: P.A. 96-54, eff. 7-23-09; 97-310, eff. 8-11-11;
14 97-1048, eff. 8-22-12.)

15 (225 ILCS 312/40)

16 (Section scheduled to be repealed on January 1, 2023)

17 Sec. 40. Application for contractor's or inspection
18 company license.

19 (a) Any person, firm, or company wishing to engage in the
20 business of installing, inspecting, altering, repairing,
21 servicing, replacing, or maintaining elevators, dumbwaiters,
22 escalators, or moving walks within this State shall make
23 application for a license with the Administrator. However, if
24 the State, a unit of local government, or an institution of
25 higher education maintains in its employ licensed or limited

1 licensed elevator mechanics who maintain only conveyances
2 owned or leased by that entity, the employing entity is not
3 required to be licensed as a contractor under this Section and
4 none of the provisions of this Act concerning licensed
5 contractors shall apply to these entities.

6 (b) All applications shall contain the following
7 information:

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

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

12 (3) if the applicant is a domestic corporation, the
13 name and business address of the corporation and the name
14 and residence address of the principal officer of the
15 corporation;

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

20 (5) the number of years the applicant has engaged in
21 the business of installing, inspecting, maintaining, or
22 servicing elevators or platform lifts or both;

23 (6) if applying for an elevator contractor's license,
24 the approximate number of persons, if any, to be employed
25 by the elevator contractor applicant and, if applicable,
26 satisfactory evidence that the employees are or will be

1 covered by workers' compensation insurance;

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

5 (8) any criminal record of convictions; ~~and~~

6 (9) any other information as the Administrator may
7 require; and -

8 (10) a copy of the Certificate of Authority to transact
9 business in the State from the Secretary of State for
10 corporations registered in another state, a certificate of
11 good standing for corporations registered in Illinois, and
12 an assumed name certificate issued by the Illinois county
13 in which the business is located for a sole proprietor or
14 partnership.

15 (c) (Blank).

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

17 (225 ILCS 312/105)

18 (Section scheduled to be repealed on January 1, 2023)

19 Sec. 105. Enforcement; Investigation.

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

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

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

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

1 determination.

2 (d) (Blank).

3 (e) An injury caused by the malfunction of a conveyance
4 shall be reported to the Administrator by the property owner,
5 the lessee, or the party otherwise responsible for the premises
6 where the conveyance is located and the injury occurred. The
7 injury shall be reported within 2 business days of its
8 occurrence and may be reported either in writing or
9 electronically.

10 (Source: P.A. 95-573, eff. 8-31-07; 96-54, eff. 7-23-09.)

11 (225 ILCS 312/120)

12 (Section scheduled to be repealed on January 1, 2023)

13 Sec. 120. Inspection and testing.

14 (a) Except as provided in subsection (c) of Section 95 of
15 this Act, it shall be the responsibility of the owner of all
16 new and existing conveyances located in any building or
17 structure to have the conveyance inspected annually by a
18 person, firm, or company to which a license to inspect
19 conveyances has been issued. The person, firm, or company
20 conducting the inspection shall use the inspection form
21 prescribed by the Board pursuant to subsection (k) of Section
22 35 of this Act. Subsequent to inspection, the licensed person,
23 firm, or company must supply the property owner or lessee ~~and~~
24 ~~the Administrator~~ with a written inspection report describing
25 any and all code violations. Property owners shall have 30 days

1 from the date of the published inspection report to be in full
2 compliance by correcting the violations. The Administrator
3 shall determine, upon receiving a final inspection report from
4 the property owner or lessee, whether such violations have been
5 corrected and may extend the compliance dates for good cause,
6 provided that such violations are minor and pose no threat to
7 public safety.

8 (b) It shall be the responsibility of the owner of all
9 conveyances to have a licensed elevator contractor, as defined
10 in this Act, ensure that the required tests are performed at
11 intervals in compliance with the ASME A 17.1, ASME A 18.1 and
12 ASCE 21.

13 (c) All tests shall be performed by a licensed elevator
14 mechanic.

15 (Source: P.A. 97-310, eff. 8-11-11.)

16 (225 ILCS 312/140)

17 (Section scheduled to be repealed on January 1, 2023)

18 Sec. 140. Local Administrator; home rule.

19 (a) The Administrator may enter into a local elevator
20 agreement with municipalities or counties under which the Local
21 Administrator shall (i) issue construction permits and
22 certificates of operation, (ii) provide for inspection of
23 elevators, including temporary operation inspections, (iii)
24 grant exceptions and variances from the literal requirements of
25 applicable State codes, standards, and regulations in cases

1 where such variances would not jeopardize the public safety and
2 welfare, and (iv) enforce the applicable provisions of the Act,
3 and levy fines in accordance with the Municipal Code or
4 Counties Code. The Local Administrator may choose to require
5 that inspections be performed by its own inspectors or by
6 private certified elevator inspectors. The Local Administrator
7 may assess a reasonable fee for permits, exceptions, variances,
8 certification of operation, or inspections performed by its
9 inspectors. Each agreement shall include a provision that the
10 Local Administrator shall maintain for inspection by the
11 Administrator copies of all applications for permits issued,
12 grants or denials of exceptions or variances, copies of each
13 inspection report issued, and proper records showing the number
14 of certificates of operation issued. Each agreement shall also
15 include a provision that each required inspection be conducted
16 by a certified elevator inspector and any other provisions
17 deemed necessary by the Administrator. Any safety standards or
18 regulations adopted by a municipality or county under this
19 subsection must be at least as stringent as those provided for
20 in this Act and the rules adopted under this Act.

21 (b) A home rule unit may not regulate the inspection or
22 licensure of, or otherwise regulate, elevators and devices
23 described in Section 10 of this Act in a manner less
24 restrictive than the regulation by the State of those matters
25 under this Act. This subsection is a limitation under
26 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of
2 powers and functions exercised by the State.

3 (c) (Blank).

4 (d) The Administrator shall be notified of any exception or
5 variance granted. The Administrator may object to such
6 exception or variance within 7 business days of receipt of the
7 notice. Should the Administrator and Local Administrator not
8 reach agreement on the exception or variance, the matter shall
9 be directed to the Board to hear and decide.

10 (e) The Local Administrator shall issue the inspection form
11 prescribed by the Board pursuant to subsection (k) of Section
12 35 of this Act or an inspection form identical to the form
13 prescribed by the Board, which shall be the only inspection
14 form used by a person, firm, or company licensed to inspect
15 conveyances under this Section. A Local Administrator that
16 chooses to require that inspections be performed by its own
17 inspectors shall also use the inspection form prescribed by the
18 Board or an inspection form that is identical to the form
19 prescribed by the Board.

20 (Source: P.A. 96-54, eff. 7-23-09.)