

AN ACT concerning regulation.

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

Section 5. The Elevator Safety and Regulation Act is amended by changing Sections 10, 15, 20, 25, 35, 45, 60, 80, 85, 90, 95, 105, 110, 115, 125, and 140 as follows:

(225 ILCS 312/10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10. Applicability.

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

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, and ASME A18.1):

(A) Elevators.

(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is

not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.

(B) Moving walks.

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

(A) Dumbwaiters.

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

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

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

(1) Material hoists within the scope of ANSI A10.5.

(2) Manlifts within the scope of ASME A90.1.

(3) Mobile scaffolds, towers, and platforms within the scope of ANSI A92.

(4) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1.

(5) Conveyors and related equipment within the scope of

ASME B20.1.

(6) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30.

(7) Industrial trucks within the scope of ASME B56.

(8) Portable equipment, except for portable escalators that are covered by ANSI A17.1.

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

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

(11) Skip or furnace hoists.

(12) Wharf ramps.

(13) Railroad car lifts or dumpers.

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

(15) (Blank).

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

(17) (Blank).

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

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

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

(225 ILCS 312/15)

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

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

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

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

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

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

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

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

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

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

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

"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by

the Administrator or the Local Administrator that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in this Act.

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

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

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

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to engage in the business of constructing, installing, altering, servicing, testing, repairing, or maintaining and performing electrical work on elevators or related conveyances covered by this Act within any building or structure, including, but not limited to, private residences. The Administrator may issue a limited elevator contractor's license authorizing a firm or company that employs individuals

to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining a specific type of conveyance ~~platform lifts and stairway chairlifts~~ within any building or structure, excluding private residences.

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

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

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

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

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work

on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator mechanic's license authorizing an individual to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining a specific type of conveyance ~~platform lifts and stairway chairlifts~~ within any building or structure.

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

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

"Inspector's license" or "inspection company license" means a license issued to an ASME QEI certified elevator inspector or inspection company that has proven the inspector's or the company's qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this

Act. New and renewed licenses issued after January 1, 2010 will include a photo of the licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All other building transportation terms are as defined in

the latest edition of ASME A17.1 and ASME A18.1.

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

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

(225 ILCS 312/25)

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

Sec. 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 17 ~~14~~ members. The Administrator shall appoint 3 members who shall be representatives of fire service communities. The Governor shall appoint the remaining 14 ~~11~~ members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of an advocacy group for people with physical disabilities; one representative of an advocacy group for senior citizens ~~the senior citizen population~~; one representative nominated by ~~of~~ a municipality in this State with a population under 25,000; one representative nominated by ~~of~~ a municipality in this State with a population of 25,000 or over but under 50,000; one

representative nominated by ~~of~~ a municipality in this State with a population of 50,000 or over but under 500,000; one representative of an advocacy group for condominium owners; one representative of an institution of higher education that operates an in-house elevator maintenance program; one representative of a building owner or manager; and 2 representatives ~~one representative~~ of labor, one from Cook County and one from a county in the State other than Cook County, involved in the installation, maintenance, and repair of elevators.

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

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

(2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 4 for terms of 4 years. The representative of the advocacy group for senior citizens ~~senior citizen population~~ shall serve an initial term of 4 years. The representative of an advocacy group for condominium owners, the representative of the institution of higher education that operates an in-house elevator maintenance program, and both representatives of labor involved in the installation, maintenance, and repair of elevators shall serve an initial term of 4 years.

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

Nine Board members shall constitute a quorum. A quorum is required for all Board decisions.

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

(225 ILCS 312/35)

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

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

(a) The Board shall consult with engineering authorities

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

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

(b) The Administrator or Local Administrator ~~Board~~ shall have the authority to grant exceptions and variances from the

literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare. The Administrator has the right to review and object to any exceptions or variances granted by the Local Administrator. The Board shall have the authority to hear appeals, for any denial by the Local Administrator or for any denial or objection by the Administrator. The Board shall hold hearings, and decide upon such within 30 days of the appeal.

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

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

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

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

(g) (Blank).

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

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

(ii) car illumination;

(iii) emergency operation and signaling devices;

(iv) phase reversal and failure protection;

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

(vi) stop switch pits; and

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

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

Administrator or the Board.

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

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

(225 ILCS 312/45)

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

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

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

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

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

(1) an acceptable combination of documented experience and education credits consisting of: (A) not less than 3 years work experience in the elevator industry, in construction, maintenance, or service and repair, as verified by current and previous employers licensed to do business in this State or in another state if the Board deems that out-of-State experience equivalent; and (B) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its

designated provider on the adopted rules and referenced codes;

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance, or repair person; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately preceding the effective date of the final rules adopted by the Board under Section 35 of this Act that implement this Act; the person must make application by December 31, 2007; however, all licenses issued under the provisions of this item (2) between May 1, 2006 and the effective date of this amendatory Act of the 95th General Assembly are deemed valid;

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent;

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

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

(d) Whenever an emergency exists in the State due to a disaster, act of God, or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to ensure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 60 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee may be charged for any emergency elevator mechanic's license or renewal thereof.

(e) A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator

mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. The applicant for temporary licensure shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues.

(f) An applicant for a limited elevator mechanic's license must demonstrate that he or she meets the qualifications of subsection (c) (1).

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

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

(225 ILCS 312/60)

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

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

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

(b) (Blank).

(c) (Blank).

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

(e) The courses referred to in subsection (d) of this Section shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars and labor training programs. The Elevator Safety Review Board shall approve the continuing education providers. All instructors shall be approved by the Board and shall be exempt from the requirements of subsection

(d) of this Section with regard to their applications for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

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

(g) Approved training providers shall keep for a period of 10 years uniform records of attendance of licensees following a format approved by the Board. These records shall be available for inspection by the Board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion, provided that falsifying or knowingly allowing another to falsify attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval

required under this Section.

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

(225 ILCS 312/80)

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

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

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

(225 ILCS 312/85)

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

Sec. 85. Compliance. It shall be the responsibility of individuals, firms, or companies licensed as described in this

Act to ensure that installation or service and maintenance of elevators and devices described in Section 10 of this Act is performed in compliance with the provisions contained in this Act ~~and applicable fire and building codes.~~

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

(225 ILCS 312/90)

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

Sec. 90. Permits.

(a) No conveyance covered by this Act shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Administrator or the Local Administrator ~~a municipality or other unit of local government~~ before the work is commenced. The Local Administrator ~~If the permit is obtained from a municipality or other unit of local government, the municipality or other unit of local government that issued the permit~~ shall keep all permits it issues ~~the permit~~ on file for a period of not less than 2 ~~one~~ year from the date of issuance ~~and send a copy to the Administrator for inspection.~~ Where any material alteration is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, or ASCE 21. No permit required under this Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this Act, except that a permit to alter a conveyance may be issued to an entity

exempted from licensure under subsection (a) of Section 40 of this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

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

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

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

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

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

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

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

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

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

(e) (Blank).

(f) All conveyance construction or alteration documents shall be submitted to the Administrator or Local Administrator for a permit. The documents for a new or altered building must first have been reviewed and approved by the local governmental authority as meeting the local building and fire code. In those jurisdictions where the municipality or county has not signed a local elevator agreement with the Administrator and the municipality or county does not have a means by which it approves building documents or issues building permits, the

conveyance construction or alteration documents shall be submitted to the Administrator along with the owner-supplied, sealed technical submissions from a licensed architect or engineer. The Administrator has authority to charge a document review fee for this service.

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

(225 ILCS 312/95)

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

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

(a) All new conveyance installations regulated by this Act shall be performed by a person, firm, or company to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable Sections of this Act. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the Administrator or Local Administrator. A fee as authorized by Section 35 of this Act or as set by the Local Administrator shall be paid for the certificate of operation. It shall be the responsibility of the owner ~~licensed elevator contractor~~ to complete and submit first time registration for new installations.

(b) (Blank).

(c) A certificate of operation is renewable annually. The

certificates ~~Certificates~~ of operation or copy thereof, must be clearly displayed in the conveyance ~~on or in each conveyance or in the machine room for use~~ for the benefit of code enforcement staff.

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

(225 ILCS 312/105)

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

Sec. 105. Enforcement; Investigation.

(a) It shall be the duty of the Administrator ~~Elevator Safety Review Board~~ to develop an enforcement program to ensure compliance with rules and requirements referenced in this Act. This shall include, but shall not be limited to, rules for identification of property locations that are subject to the rules and requirements; issuing notifications to violating property owners or operators, random on-site inspections, and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, firms, or companies; and assisting in development of public awareness programs.

(b) Any person may make a request for an investigation into an alleged violation of this Act by giving notice to the Administrator or Local Administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of

any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released, or made available. If the Local Administrator determines that there are reasonable grounds to believe that such violation or danger exists, the Local Administrator shall forward the request for an investigation to the Administrator.

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

(d) (Blank).

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

(225 ILCS 312/110)

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

Sec. 110. Liability.

(a) This Act shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting,

testing, or repairing any elevator or other related mechanisms covered by this Act for damages to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

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

(c) (Blank).

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

(225 ILCS 312/115)

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

Sec. 115. Provisions not retroactive. The provisions of this Act are not retroactive unless otherwise stated, and equipment shall be required to comply with the applicable code at the date of its installation ~~or within the period determined by the Board for compliance with ASME A17.3, whichever is more stringent.~~ If, upon the inspection of any device covered by this Act, the equipment is found in dangerous condition or there is an immediate hazard to those riding or using such equipment or if the design or the method of operation in combination with devices used is considered inherently

dangerous in the opinion of the Administrator, he or she shall notify the owner of the condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.

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

(225 ILCS 312/125)

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

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

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

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

(225 ILCS 312/140)

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

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

(a) The Administrator may enter into a local elevator

agreement ~~contracts~~ with municipalities or counties under which the Local Administrator ~~municipalities or counties~~ shall (i) issue construction permits and certificates of operation, (ii) provide for inspection of elevators, including temporary operation inspections, (iii) grant exceptions and variances from the literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare, and (iv) ~~(iii)~~ enforce the applicable provisions of the Act, and levy fines in accordance with the Municipal Code or Counties Code. The Local Administrator ~~municipality or county~~ may choose to require that inspections be performed by its own inspectors or by private certified elevator inspectors. The Local Administrator ~~municipality or county~~ may assess a reasonable fee for permits, exceptions, variances, certification of operation, or inspections performed by its inspectors. Each agreement ~~contract~~ shall include a provision that the Local Administrator ~~municipality or county~~ shall maintain for inspection by the Administrator copies of all applications for permits issued, grants or denials of exceptions or variances, copies of each inspection report issued, and proper records showing the number of certificates of operation issued. Each agreement ~~contract~~ shall also include a provision that each required inspection be conducted by a certified elevator inspector and any other provisions deemed necessary by the Administrator. Any safety standards or regulations adopted by a municipality or county

under this subsection must be at least as stringent as those provided for in this Act and the rules adopted under this Act.

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

(c) (Blank).

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

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

(430 ILCS 80/Act rep.)

Section 15. The Elevator Installation Act is repealed.

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