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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2002

A N A C T

RELATING TO ELEVATORS, ESCALATORS, AND DUMBWAITERS

Introduced By: Representative Joseph L. Faria

Date Introduced: April 02, 2002

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-33-1, 23-33-2, 23-33-2.1, 23-33-2.2, 23-33-2.3, 23-33-3, 23-
2 33-4, 23-33-5, 23-33-6, 23-33-7, 23-33-8, 23-33-9, 23-33-11, 23-33-12, 23-33-13, 23-33-15, 23-
3 23-33-16, 23-33-17, 23-33-18, 23-33-20, 23-33-22.1, 23-33-27, 23-33-28, 23-33-29 and 23-33-30
4 of the General Laws in Chapter 23-33 entitled "Elevators, Escalators, and Dumbwaiters" are
5 hereby amended to read as follows:

6 **23-33-1. Definitions.** -- In this chapter unless the context otherwise requires:

7 (1) "Authorized inspector" means ~~an inspector of elevators~~ a person, firm, or corporation
8 engaged in the business of inspecting elevators employed by (i) an insurance company, or making
9 inspection for an insurance company, or (ii) any person, firm, or corporation engaged in the
10 business of inspecting elevators, to whom, under the provisions of this chapter, a ~~permit~~ license is
11 issued by the department of labor and training either as a result of an examination or because of
12 experience and fitness, as determined by the ~~chief of the division of occupational safety~~ state
13 board of elevator examiners.

14 (2) "Building" means any structure existing or hereafter erected in any part of this state
15 except a private dwelling when used as such, and except any building located on a United States
16 government reservation.

17 (3) "Chief inspector" means the existing position of chief elevator inspector as appointed
18 by the director of labor and training.

19 (4) "Code of rules" means the standard code of rules formulated and adopted by the ~~code~~

1 ~~commission for occupational safety and health~~ state board of elevator examiners under the
2 provisions of this chapter and of chapter 20 of title 28.

3 ~~(5) "Commission" means the code commission for occupational safety and health created~~
4 ~~under section 28-20-22.~~

5 ~~(6)~~ (5) "Compliance inspector" means an industrial safety technician ~~(also known as a~~
6 ~~safety compliance inspector)~~ who holds a certification as a qualified elevator inspector (QEI-1) as
7 ~~required by~~ pursuant to the requirements of the American society of mechanical engineers and is
8 appointed by the director of labor and training under the provisions of chapter 20 of title 28.

9 ~~(7)~~ (6) "Director" shall mean the director of labor and training or his or her duly
10 authorized representative.

11 ~~(8)~~ (7) "Elevator" means a hoisting and lowering mechanism equipped with a car or
12 platform which moves in guides ~~in a substantially vertical direction~~ and serves two (2) or more
13 landings. The term "elevator" or other device, whenever used in this chapter shall include but not
14 be limited to ~~dumbwaiters, vertical reciprocating conveyors, wheelchair lifts, and material lifts~~
15 devices subject to the provisions of ASME A17.1, ASME 18.1, ASME B20.1, OR ASCE 21-96.
16 The term "elevator" shall also include any lifting and lowering mechanisms moving in fixed
17 guides, subject to the provisions of ANSI A10.4 or ANSI A10.5, erected and used solely during
18 and in aid of the construction, alteration, or demolition of buildings.

19 ~~(9)~~ (8) "Escalator" means a moving, inclined, continuous stairway or runway used for
20 raising or lowering passengers.

21 ~~(10)~~ (9) "Full maintenance contract" shall mean a signed contract between a qualified
22 service company and the owner or responsible party of an elevator, escalator, or other device
23 subject to the provisions of this chapter. The contract shall provide that all parts of the elevator or
24 other device shall be maintained in compliance with the rules and regulations promulgated by the
25 ~~commission~~ state board of elevator examiners and shall provide for service inspections by a
26 qualified mechanic within specific periods for the duration of the contract. Code revisions,
27 vandalism, or acts of God are excluded from the contract unless specifically stated within the
28 contract. In addition, the contract shall state the number of nonchargeable service calls per month
29 as well as the rate for emergency or chargeable calls. The contract shall also provide a means of
30 emergency dispatching and reasonable response time.

31 ~~(11)~~ (10) "Owner" means any person owning, operating, or in charge or control of any
32 elevator or escalator, or other device subject to the provisions of this chapter as defined in this
33 section.

34 ~~(12)~~ (11) "Qualified mechanic" shall mean a person employed by a qualified service

1 company to whom, due to experience and qualifications, a license to construct, install, remove,
2 decommission, maintain, or repair elevators, escalators or other devices subject to the provisions
3 of this chapter has been issued by the ~~administrator of the division of occupational safety state~~
4 board of elevator examiners.

5 ~~(13)~~ (12) "Qualified service company" shall mean a firm or corporation engaged in the
6 business of construction, installation, removal, decommissioning, maintenance or repair of
7 elevators, escalators or other devices subject to the provisions of this chapter to which a license to
8 conduct such business has been issued by the ~~administrator of the division of occupational safety~~
9 state board of elevator examiners.

10 ~~(14)~~ (13) "Review board" shall mean the occupational safety and health review board
11 created under section 28-20-19.

12 (14) "Board" means the state board of elevator examiners.

13 **23-33-2. Formulation and adoption of codes.** -- ~~The code commission for occupational~~
14 ~~safety and health created by chapter 20 of title 28~~ state board of elevator examiners, shall, under
15 and pursuant to the provisions of ~~that~~ this chapter, formulate and/or adopt a code of rules for the
16 construction, inspection, maintenance, and operation of all new and existing elevators, escalators
17 and other devices subject to the provisions of this chapter. ~~The commission shall, likewise, also~~
18 ~~formulate and/or adopt its own standard code of rules, under and pursuant to the provisions of~~
19 ~~chapter 20 of title 28, for the construction, inspection, maintenance, and operation of all existing~~
20 ~~elevators and other devices within this state.~~ These codes shall, in general, conform to nationally
21 accepted safety codes of such engineering bodies as the ~~American standards association~~ (ASME),
22 the American society of mechanical engineers, and ~~American society of safety engineers~~
23 American national standards institute (ANSI), and other accepted codes. The codes adopted under
24 this section, with any and all other later revisions or editions upon their effective date shall have
25 the force and effect of law.

26 **23-33-2.1. Chief inspector.** -- The director shall appoint a chief inspector who shall be a
27 citizen of this state to coordinate, implement, administer, and enforce the provisions of the
28 chapter. ~~This existing position shall be responsible to and report to the administrator of the~~
29 ~~division of occupational safety.~~ The appointee will be in the classified service of the state at a pay
30 grade of not less than 330 and must hold and maintain a national certification as a qualified
31 elevator inspector (QEI-1) as determined by the American society of mechanical engineers.

32 **23-33-2.2. Qualified service company.** -- (a) Any firm or corporation engaged in the
33 business of constructing, installing, removing, decommissioning, maintaining, or repairing
34 elevators, escalators, or other devices within the limits of this state, subject to the provisions of

1 this chapter, shall be licensed by the department of labor and training ~~division of occupational~~
2 ~~safety~~. The fee and the requirements for this license shall be established by regulation through the
3 ~~code commission~~ state board of elevator examiners.

4 (b) Failure to comply with any of the requirements shall cause the license to be revoked
5 or refused and the right to conduct such business within the limits of this state shall be prohibited.

6 **23-33-2.3. Qualified mechanic.** -- No person shall, within the limits of this state,
7 construct or install any elevator, escalator or other device subject to the provisions of this chapter
8 or repair or maintain any parts of the drive machinery, controllers or safety circuits thereof
9 without being licensed by the ~~division of occupational safety~~ department of labor and training.
10 The fee and the requirements for this license shall be established by regulation through the ~~code~~
11 ~~commission~~ state board of elevator examiners.

12 **23-33-3. Codes and rules available for public inspection.** -- The chief inspector ~~of the~~
13 ~~division of occupational safety~~ shall have in his or her office, and open during business hours for
14 public inspection, a copy of the codes and rules formulated and/or adopted by the ~~commission~~
15 board, governing new installations of elevators or other devices, and a copy of the code of rules
16 formulated and/or adopted by the ~~commission~~ board governing the construction, inspection,
17 maintenance, and operation of existing elevators or other devices.

18 **23-33-4. Enforcement by inspectors -- Disposition of fees.** -- The provisions of this
19 chapter shall be enforced by the compliance inspectors of the ~~division of occupational safety~~
20 ~~within the~~ department of labor and training. The proceeds of any fees or fines collected pursuant
21 to this section shall be deposited as general revenues.

22 **23-33-5. Permit to act as authorized inspector.** -- The ~~chief inspector may~~ department
23 shall issue a permit to act as an authorized inspector to any person employed by: (1) an insurance
24 company authorized to insure elevators in this state; or (2) any person, firm, or corporation
25 engaged in the business of inspecting elevators in this state who holds a certificate of
26 ~~competency, having passed a written examination approved by the chief, or in lieu of such an~~
27 ~~examination, who holds a certificate of competency as an inspector of elevators from a state that~~
28 ~~has a standard of examination equal to that of this state. A permit to act as an authorized inspector~~
29 ~~shall empower the authorized inspector to make inspections~~ a qualified elevator inspector (QEI-
30 1); or (3) a qualified mechanic who is an employee of a qualified service company having met all
31 requirements established by the board.

32 **23-33-6. Reexamination of applicant for permit after failure to pass.** -- If an applicant
33 for a permit to act as an authorized inspector fails to pass the examination (testing the competency
34 of the applicant to act as an authorized inspector) which examination shall be given by the ~~chief~~

1 ~~inspector~~ board, the applicant may apply again for an examination after three (3) months have
2 elapsed.

3 **23-33-7. Compensation of authorized inspectors.** -- An authorized inspector shall be
4 compensated by the company employing him or her, ~~and the fee provided for in section 23-33-12~~
5 ~~shall not be collected by any authorized inspector.~~

6 **23-33-8. Revocation of permits.** -- The ~~chief inspector~~ department may at any time
7 revoke any permit issued by ~~him or her~~ the department to act as an authorized inspector, for cause
8 shown, after a hearing, of which the holder of the permit shall receive five (5) days' notice in
9 writing.

10 **23-33-9. Registration of elevators and escalators.** -- It shall be the duty of every owner
11 or lessee of every elevator, or other device subject to the provisions of this chapter, to register
12 with the department of labor and training each elevator or device owned and/or operated by that
13 person, or entity, giving the type, capacity, name of manufacturer, its location, and the purpose
14 for which it is used (freight, passenger). Registration is to be made on a form furnished by the
15 ~~division of occupational safety~~ department.

16 **23-33-11. Periodic inspections -- Right of access -- Consultation with person in**
17 **charge.** -- (a) The chief, or any compliance inspector, or any authorized inspector shall make the
18 required inspection of each elevator or other device subject to the provisions of this chapter at
19 least once a year, ~~except that each elevator or other device subject to a full maintenance contract~~
20 ~~with a qualified service company shall be inspected at least once every two (2) years, and more~~
21 ~~often if the chief or inspector shall deem it necessary.~~ The owner of any elevator or device subject
22 to inspection under the provisions of this chapter shall allow the compliance inspector free access
23 to the elevator or device at all reasonable times. The compliance inspector shall comply with the
24 convenience and business requirements of the owner as far as he or she reasonably can. The chief,
25 or the compliance inspector, or authorized inspector, shall consult with the engineer or other
26 person in charge of each elevator or device as to condition and operation thereof, and if he or she
27 shall thereby discover or in any manner learn of any defect or imperfection in that elevator or
28 device, or any dereliction or carelessness on the part of the engineer or other person in charge of
29 the elevator or device relative thereto, or to the operation thereof, the chief or compliance
30 inspector, or authorized inspector shall, as soon as may be expedient, give notice thereof to the
31 owner of the elevator or device.

32 (b) ~~Prior to the termination of any elevator or device contract becoming effective, the~~
33 ~~service company shall be required to provide written notice by certified mail to be sent no less~~
34 ~~than ten (10) days prior to the date of contract termination to the department of labor and training.~~

1 **23-33-12. Inspection -- Reinspection -- Examination and licensee fees -- Renewal. --**

2 (a) (1) For every original inspection made by the inspectors under the provisions of this chapter,
3 the owner shall pay to the division the required fee which shall include the cost of the certificate.

4 The fee shall be paid in the amount or amounts as set forth as follows:

5

6	Inspection of dumbwaiters	\$ 60.00 <u>75.00</u>
7	Biennial inspection of elevator or escalator	200.00
8	Inspection of elevator	100.00 <u>200.00</u>
9	Inspection of escalator or moving walk	100.00 <u>200.00</u>
10	Inspection of wheelchair lifts	60.00 <u>75.00</u>
11	Inspection of vertical reciprocating conveyors	60.00 <u>75.00</u>
12	Annual renewal of authorized inspection permit	50.00
13	Authorized inspector's examination fee	50.00
14	This fee shall include the initial inspection.	
15	Reinspections of elevators and escalators	75.00 <u>150.00</u>
16	Reinspections of all other devices	45.00
17	Delinquent payment fee	20.00 <u>50.00</u>
18	Duplicate certificate fee	40.00 <u>20.00</u>
19	Company license	200.00 <u>250.00</u>
20	Mechanics/Installers license	65.00 <u>75.00</u>

21 (2) A fee in the amount of one percent (1%) of the contract price shall accompany each
22 application for a permit to install or modernize any device subject to the provisions of this
23 chapter. The amount shall include the initial inspection.

24 (b) The inspection fee shall be paid immediately upon the conclusion of the inspection
25 and before a certificate is issued, provided, however, that no inspection fees shall be paid by any
26 city, town, or fire district, or state agency, or by any religious or charitable society, association, or
27 church.

28 (c) A delinquent payment fee shall be due and payable on all invoices received more than
29 thirty (30) days past the billing date.

30 (d) All certificates shall be renewable, ~~annually except for those certificates issued to~~
31 ~~locations with full maintenance contracts. Such locations shall be issued certificates valid for a~~
32 ~~period of two (2) years, unless the contract becomes null and void, in which case the certificate~~
33 ~~shall become annually renewable.~~ All certificates shall be valid until revoked.

34 **23-33-13. Reports of authorized inspectors -- Issuance of certificate -- Fee. --** When

1 any authorized inspector shall inspect an elevator, or any other device subject to the provisions of
2 this chapter, the inspector shall immediately make a report of the inspection to the ~~administrator~~
3 chief inspector, and if the elevator or device is adjudged to conform in all respects with the code
4 of rules, the ~~administrator~~ department, upon payment of a fee of ~~thirty five dollars (\$35.00)~~ two
5 hundred dollars (\$200), shall issue to the owner of the elevator or device a certificate stating the
6 date of the issue of the certificate, which shall be renewable annually, but shall be valid until
7 revoked.

8 **23-33-15. Order to cease operation or make repairs.** -- If as a result of inspection, the
9 chief or compliance inspector shall determine that any elevator or device is in such a condition as
10 to be unsafe, and that the danger is imminent, the chief or compliance inspector shall order the
11 operation of that elevator or device to be stopped immediately, and the certificate revoked, and
12 shall physically render the unit inoperable, and thereupon operation shall be stopped until the
13 elevator or device or the defective part or parts thereof shall be repaired or renewed and put in
14 safe condition, and a new certificate thereof under the provisions of this chapter issued by the
15 chief or compliance inspector. Where there is no immediate danger, the chief or compliance
16 inspector shall notify the owner or the owner agent to remedy the defect or defects within such
17 reasonable time as he or she may prescribe, and if the defect or defects are not remedied within
18 the prescribed time, the use of the elevator or device shall be discontinued at the expiration
19 thereof, and the certificate revoked until the elevator or device is put in a safe condition and a
20 new certificate is issued by the chief or compliance inspector.

21 **23-33-16. Issuance and posting of certificate.** -- Whenever a compliance inspector or an
22 authorized inspector shall have inspected any existing elevator or device and shall have found it
23 safe for operation; or whenever any repairs required by the inspector to be made on any existing
24 elevator or device shall have been completed to his or her satisfaction; or whenever in the case of
25 any elevator or device hereafter installed, the ~~chief~~ department shall have satisfied himself or
26 herself, by inspection, or otherwise, that it may be safely operated; or whenever in the case of any
27 elevator or device hereafter erected the chief shall have satisfied himself or herself that the
28 elevator or device complies with the standards and rules set forth in the code of rules, the chief
29 shall, upon payment of the required fee stated in section 23-33-12, issue to the owner of the
30 elevator or device the certificate authorizing the operation of the elevator or device, stating the
31 date of the issue of such certificate, which shall be renewable annually, but shall be valid until
32 revoked. Each certificate shall be conspicuously posted by the owner of the elevator or device in
33 the cars of elevators or in conspicuous places contiguous to other devices.

34 **23-33-17. Notice of new installation -- Temporary permit for testing.** -- No elevator or

1 other device subject to the provisions of this chapter shall be erected in any building within the
2 limits of this state unless it shall be constructed, installed, and equipped in compliance with the
3 rules set forth in the code; and any person erecting or installing any elevator or other device shall
4 immediately notify the ~~division~~ department and the chief shall thereupon satisfy himself or
5 herself, either by inspection or by guaranty from the manufacturer of the device, that the elevator
6 or device complies with the requirements of this chapter. Upon being so satisfied, the ~~chief~~
7 department shall furnish to the owner of the elevator or device a permit authorizing the
8 installation of the elevator or device, and the right to operate the elevator or device temporarily
9 for test purposes. The permit shall be conspicuously posted adjacent to the elevator or device
10 being installed. The permit shall not authorize the regular operation of the elevator or device for
11 the usual function of carrying freight or passengers.

12 **23-33-18. Assistance to owners -- Appeal of decisions to commission-- Assistance to**
13 **owners -- Appeal of decisions to board. --** Any owner of an elevator or device may consult with
14 the director ~~of labor and training~~ or the chief inspector for advice and assistance in complying
15 with the provisions of the code of rules and of this chapter. In case the owner shall be dissatisfied
16 with any decision of the director or chief inspector regarding the operation, inspection, and
17 maintenance under the code of rules, the owner may, within thirty (30) days of the decision,
18 appeal to the occupational safety and health review board for a variation or modification of the
19 decision under the provisions of sections 28-20-19 and 28-20-29.

20 **23-33-20. Penalty for violations -- Prosecution. --** (a) Any owner who willfully ~~or~~
21 repeatedly violates the requirements of section 23-33-9.1, any code, rule, or order promulgated
22 pursuant to section 28-20-24, or regulations prescribed pursuant to this chapter, may be assessed
23 an initial civil penalty of not more than one thousand five hundred dollars ~~(\$1,000)~~ (\$1,500) for
24 each violation.

25 (b) Any owner who has received a compliance order for a serious violation of the
26 requirements of section 23-33-9.1 of any code, rule, or order promulgated pursuant to section 28-
27 20-24, or of any other regulations prescribed pursuant to this chapter, shall be assessed an initial
28 civil penalty of up to one thousand five hundred dollars ~~(\$1,000)~~ (\$1,500) for each violation.

29 (c) Any owner who has received a compliance order for a violation of the requirements
30 of section 23-33-9.1 of any code, rule, or order promulgated pursuant to section 28-20-24, or of
31 other regulations prescribed pursuant to this chapter, and the violation is specifically determined
32 not to be of serious nature, may be assessed a civil penalty of up to ~~five hundred~~ seven hundred
33 fifty dollars ~~(\$500)~~ (\$750) for each violation. Each day during which any portion of a violation
34 continues shall constitute a separate offense.

1 (d) Any owner who fails to correct a violation for which a compliance order has been
2 issued under section 23-33-9.1 within the period permitted for its correction, which period shall
3 not begin to run until the date of the final order of the review board in the case of any review
4 proceeding under section 23-33-15.1, initiated by the owner in good faith and not solely for delay
5 or avoidance of penalties, may be assessed a civil penalty of not more than one thousand five
6 hundred dollars ~~(\$1,000)~~ (\$1,500) for each violation. Each day during which any portion of a
7 violation continues shall constitute a separate offense.

8 (e) Any owner who willfully violates any code, rule or order promulgated pursuant to
9 section 28-20-24, or of any regulations prescribed pursuant to this chapter and that violation
10 causes death to any person, shall upon conviction, be punished by a fine of not less than one
11 thousand five hundred dollars ~~(\$1,000)~~ (\$1,500) or by imprisonment for not more than one year,
12 or by both.

13 (f) Any person who gives advance notice of any inspection to be conducted under this
14 chapter, without authority from the director, shall upon conviction be punished by a fine of not
15 more than ~~five hundred~~ seven hundred fifty dollars ~~(\$500)~~ (\$750) or by imprisonment for not
16 more than one year, or by both.

17 (g) Whoever knowingly makes any false statements, representations, or certifications in
18 any application, record, report, plan or other document filed or required to be maintained pursuant
19 to this chapter shall, upon conviction, be punished by a fine of not more than one thousand five
20 hundred dollars ~~(\$1,000)~~ (\$1,500), or by imprisonment for not more than one year, or by both.

21 (h) (1) Any person who shall refuse to have inspected any elevator or other device
22 subject to this chapter, or who shall obstruct or otherwise interfere with the director of labor and
23 training or his or her representative while engaged in the performance of their duties, shall be
24 imprisoned for a period not exceeding one year, or be fined a sum not exceeding five hundred
25 dollars (\$500).

26 (2) The preceding provision in no way shall limit the authority of the state to impose
27 such other penalties as may be deemed appropriate for other offenses by any person against any
28 employee or other representative of the ~~division of occupational safety~~ department of labor and
29 training while engaged in the performance of his or her duties.

30 (i) Any person that shall use or allow to be used any elevator or other device subject to
31 the provisions of this chapter before a certificate of inspection has been issued, or after the
32 certificate has been revoked or after use of the elevator or other device has been prohibited shall
33 be assessed a civil penalty of not more than one thousand five hundred dollars ~~(\$1,000)~~ (\$1,500).
34 Any owner that shall use or allow to be used any elevator or other device and fails to

1 conspicuously post, within the required frame, a valid certificate of operation when issued shall
2 be assessed a penalty of one hundred fifty dollars ~~(\$100)~~ (\$150).

3 (j) (1) Any person, firm, or corporation who installs or constructs, or attempts to install
4 or construct, any elevator or other device subject to the provisions of this chapter without having
5 first obtained a permit to install or construct and without paying the required fee; or (2) any
6 person, firm, or corporation that shall repair or maintain or attempt to repair or maintain any
7 elevator or other device subject to the provisions of this chapter without being licensed pursuant
8 to section 23-33-2.3, shall be fined not less than five hundred dollars (\$500) nor more than one
9 thousand dollars (\$1,000), and all such work shall be stopped until the required permit or license
10 has been obtained.

11 (2) Any person, firm, or corporation that shall remove, decommission, repair or maintain
12 or attempt to remove, decommission, repair or maintain any elevator or other device subject to
13 the provisions of this chapter without being licensed pursuant to section 23-33-2.3, shall be fined
14 not less than seven hundred fifty dollars (\$750) nor more than one thousand five hundred dollars
15 (\$1,500), and all such work shall be stopped until the required permit or license has been
16 obtained.

17 (k) The director shall have the authority to propose all civil penalties provided in this
18 section, consideration to the appropriateness of the penalty with respect to the size of the business
19 of the owner being charged, and the history of previous violations. The review board shall have
20 the authority to review or modify proposed assessments of penalty.

21 (l) For purposes of this section, a serious violation shall be deemed to exist if there is a
22 substantial probability that death or serious physical harm could result from a condition which
23 exists, or from one or more practices or processes which have been adopted or are in use, unless
24 the owner could not with the exercise of reasonable diligence know of the presence of the
25 violation.

26 (m) Civil penalties due under this chapter shall be paid to the director for deposit into the
27 ~~restricted receipt account established for the implementation and enforcement of this chapter~~
28 general fund of the state of Rhode Island.

29 (n) The director ~~or the chief of the division of occupational safety~~ may make complaint
30 to the justice or clerk of any district court within whose jurisdiction any violation of the
31 provisions of this chapter shall occur, and shall not be required to give surety for costs.

32 **23-33-22.1. Warning signs near elevators in nursing homes. --** A conspicuous warning
33 sign stating "In Case of Fire Do Not Use Elevator" shall be placed next to the places of ingress or
34 egress to every elevator used for conveying persons or goods in any building. ~~used primarily as a~~

1 ~~nursing home or as a home for the elderly and/or people with disabilities.~~

2 **23-33-27. Fine for noncompliance Penalty for noncompliance.** -- The lessee or owner
3 or owners of any building, or, in case the lessee or owner, or any of them, be non compos mentis
4 or a minor, the guardian of any such lessee or owner, or in case the lessee or owner, or any of
5 them, be a nonresident, the agent of any such lessee or owner, having charge of the property, who
6 shall neglect or fail to comply with the provisions of this chapter shall be fined in accordance
7 with the provisions of section 22-33-20 for each day that an elevator or other device shall be used
8 or operated in the building contrary to the provisions of this chapter. In case there shall be several
9 such lessees or owners or agents in charge of any building in which an elevator or other device
10 shall be used or operated contrary to the provisions of this chapter proceedings may be had
11 against any or all of them jointly, or against any one of them, for the recovery of the ~~fine~~ penalty.

12 **23-33-28. Municipal regulation.** -- No city or town shall have power to make any
13 ordinance, bylaw or resolution concerning elevators, escalators, or other devices subject to the
14 provisions of this chapter regarding the inspection, licensing, construction, installation,
15 maintenance, removal, decommissioning, or repair of any elevator, escalator or other device
16 subject to the provisions of this chapter within the limits of the city or town, and any ordinance,
17 bylaw or resolution heretofore made or passed or concerning any of the matters subject to this
18 chapter, shall be void and of no effect. Any application made to municipalities shall be
19 immediately forwarded for consideration and inspection to the ~~division of occupational safety~~
20 department of labor and training.

21 **23-33-29. Relief from personal responsibility.** -- The director of the department of labor
22 and training, the ~~administrator of the division of occupational safety~~ board, the chief elevator
23 inspector and his or her compliance inspectors charged with the enforcement of this code, while
24 acting for the state, shall not thereby render himself or herself liable personally, and he or she is
25 hereby relieved from all personal liability for any damages that may accrue to persons or property
26 as a result of any act required or permitted in the discharge of his or her official duties. Any suit
27 instituted against any officer or employee because of an act performed by him or her in the lawful
28 discharge of duties and under the provisions of this code shall be defended by the legal
29 representative of the state in the case of the director or his or her agents or representatives, until
30 the final determination of the proceedings. In no case shall the director or any of his or her
31 subordinates, or the board, be liable for costs or damages in any action, suit or proceeding that
32 may be instituted pursuant to the provisions of this code. The director or his or her agents, and the
33 board, acting in good faith and without malice and within the scope of their ~~employment~~ authority
34 shall be free from liability for acts performed under any of its provisions or by reason of any act

1 or omission in the performance of his or her official duties in connection therewith.

2 **23-33-30. Elevators placed out of service.** -- All elevators and other devices subject to
3 the provisions of ~~sections 23-33-1 to 23-33-29, inclusive, this chapter~~ having been out of active
4 service for a period exceeding one year, or said devices to be placed out of service for a period
5 exceeding six (6) months, after July 1, 1997, shall comply with the following: (A) (1) The owner
6 or agent for the owner shall notify the chief inspector in writing, giving the date when the elevator
7 or other device will be placed out of service. (2) If the out of service period is to exceed six (6)
8 months, the car and counterweights where provided shall be lowered to the pit floor, all
9 suspension means removed, all main line fuses removed, and the service switch opened and
10 tagged and sealed. (3) All hoistway entrances shall be bolted securely in the closed position from
11 the hoistway side. (4) Where hoistway gates are in place, the landing openings shall be totally
12 enclosed and strongly reinforced. (5) The lowest landing hoistway door shall be locked from the
13 outside of the hoistway to facilitate repairs for reactivation. (6) Where the elevator or other device
14 is hydraulically operated, the decommissioning shall, in addition to the securing of the hoistway
15 and electrical power as described previously, lower the car into the pit, and have all hydraulic
16 fluid and piping from the cylinder to the pump unit removed from the premises. (7) In addition to
17 the removal of the main line fuses, the supply wiring from the load side of the main line
18 disconnect switch to the controller shall be removed on all devices decommissioned. (8) Any
19 device having been decommissioned as described previously, shall be reactivated when in
20 compliance with the current rules and regulations as promulgated by the code commission. (B)
21 Any device required to be decommissioned shall have this procedure completed by a licensed
22 company as specified in section 23-33-2.2. The said company shall notify the chief inspector
23 when any device is decommissioned. (C) Any elevator or other device subject to the provisions of
24 this chapter, having been placed out of service for code violations or non-use by an inspector or
25 the chief inspector shall be subject to the provisions of this section.

26 Provided, that nothing in this section shall be interpreted to eliminate any requirement
27 for hoisting engineers that would be required pursuant to the provisions of section 28-26-5 and/or
28 to authorize the promulgation of any rules and/or regulations inconsistent with the provisions of
29 section 28-26-5.

30 SECTION 2. Chapter 23-33 of the General Laws entitled "Elevators, Escalators, and
31 Dumbwaiters" is hereby amended by adding thereto the following section:

32 **23-33-2.4. Board of examiners -- Composition -- Appointment of members --**
33 **Policymaking role.** -- (a)(1) There is created in the department of labor and training, a state board
34 of elevator examiners which at all times consists of eleven (11) members as follows:

- 1 (i) Two (2) representatives of elevator service companies;
- 2 (ii) One (1) representative of organized labor from the elevator industry (the business
3 agent of IUEC);
- 4 (iii) One (1) member of the general public;
- 5 (iv) One (1) representative of elevator manufacturers;
- 6 (v) One (1) member of the fire code commission;
- 7 (vi) One (1) member of the governor's commission on disabilities, as defined in section 2
8 of chapter 51 of title 42;
- 9 (vii) One (1) member from the state building code commissioner's office;
- 10 (viii) Two (2) representatives from owners of buildings who have elevators as defined in
11 section 23-33-1 (7) of this chapter;
- 12 (ix) One (1) registered architect, as defined in section 1 of chapter 1 of title 5; and
- 13 (x) The director of the department of labor and training or his or her designate, ex-officio.
14 (2) Annually on or before January 31, the director of the department of labor and training
15 shall appoint a member or members of the board to succeed the member or members whose term
16 is at that time expiring who serves for four (4) years or until his or her successor is elected and
17 qualified. Any vacancy, which occurs in the board from any cause, shall be filled by the
18 department of labor and training for the remainder of the unexpired term.
- 19 (b) The board has a policymaking role in the preparation and composition of the
20 examinations to be administered by the division. Subsequent to the administration of the
21 examination, the board reviews the examinations to evaluate their effectiveness. The board
22 supervises the operation of the division in an advisory capacity and promulgates any policy that is
23 necessary to improve the operation of the division in their area of expertise and in the area of
24 enforcement. The promulgation of that policy is subject to the approval of the director of the
25 department. Members of the board are subject to the provisions of chapter 14 of title 36.
- 26 (c) The director of labor and training has the power to revoke or suspend the certificate or
27 license or impose a penalty upon the certificate or license holder, for all certificates and licenses
28 after a hearing before and upon the recommendation of the board.

29 **23-33-2.5. Board of Examiners -- Officers.** – (a) The governor shall choose a
30 chairperson, and the board shall choose a vice-chairperson and a secretary, who shall hold office
31 until their successors are appointed.

32 **23-33-2.6. Rules -- Conduct of examinations.** – The department of labor and training
33 with the assistance of the board may make necessary rules for the proper performance of their
34 duties. The department shall hold examination four (4) times in each year. Public notice is given

1 of all examinations. In the conduct of examinations, the department shall make uniform
2 requirements for all cities and towns, which may be revised from time to time, as circumstances
3 require. Examinations shall be sufficiently frequent to give ample opportunity for all applicants
4 to be thoroughly and carefully examined and may be written.

5 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELEVATORS, ESCALATORS, AND DUMBWAITERS

1 This act would give responsibility for elevator inspections to a new state board of
2 elevator inspections.

3 This act would take effect upon passage.

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LC02839
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