

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 115

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO ELEVATOR SAFETY CODE ACT; AMENDING SECTION 39-8603,  
2 IDAHO CODE, TO DEFINE TERMS AND TO REVISE DEFINITIONS; AMENDING SEC-  
3 TION 39-8616, IDAHO CODE, TO PROVIDE FOR CERTAIN FEES; AMENDING CHAPTER  
4 86, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8624,  
5 IDAHO CODE, TO PROVIDE FOR THE POWERS AND DUTIES OF THE ADMINISTRATOR OF  
6 THE DIVISION OF BUILDING SAFETY; AMENDING CHAPTER 86, TITLE 39, IDAHO  
7 CODE, BY THE ADDITION OF A NEW SECTION 39-8625, IDAHO CODE, TO PROVIDE  
8 CERTAIN LICENSURE AND REGISTRATION REQUIREMENTS AND TO PROVIDE AN EX-  
9 CEPTION; AMENDING CHAPTER 86, TITLE 39, IDAHO CODE, BY THE ADDITION OF  
10 A NEW SECTION 39-8626, IDAHO CODE, TO PROVIDE FOR AN APPLICATION FOR  
11 ELEVATOR CONTRACTOR LICENSURE AND TO PROVIDE RELATED QUALIFICATIONS;  
12 AMENDING CHAPTER 86, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
13 TION 39-8627, IDAHO CODE, TO PROVIDE FOR AN APPLICATION FOR ELEVATOR  
14 MECHANIC LICENSURE AND TO PROVIDE RELATED QUALIFICATIONS; AMENDING  
15 CHAPTER 86, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
16 39-8628, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE AND RENEWAL OF LICENSES  
17 AND TO PROVIDE CONTINUING EDUCATION REQUIREMENTS; AMENDING CHAPTER 86,  
18 TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8629, IDAHO  
19 CODE, TO PROVIDE FOR AN EMERGENCY ELEVATOR MECHANIC LICENSE AND A TEMPO-  
20 RARY MECHANIC LICENSE; AND AMENDING CHAPTER 86, TITLE 39, IDAHO CODE, BY  
21 THE ADDITION OF A NEW SECTION 39-8630, IDAHO CODE, TO PROVIDE ELEVATOR  
22 CONTRACTOR INSURANCE REQUIREMENTS.  
23

24 Be It Enacted by the Legislature of the State of Idaho:

25 SECTION 1. That Section 39-8603, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 39-8603. DEFINITIONS. As used in this chapter, the terms defined in  
28 this section shall have the following meanings unless the context clearly  
29 indicates another meaning:

30 (1) "Administrator" means the administrator of the division of build-  
31 ing safety for the state of Idaho.

32 (2) "ANSI" means the American national standards institute.

33 (3) "ASME" means the American society of mechanical engineers.

34 (4) "Conveyance" includes elevators, escalators, moving walks, plat-  
35 form lifts, material lifts, and dumbwaiters.

36 (5) "Division" means the Idaho division of building safety.

37 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with  
38 a car of limited size that is used exclusively for carrying materials and  
39 that moves in guide rails and serves two (2) or more landings.

40 (7) "Elevator" means a hoisting or lowering machine equipped with a car  
41 or platform that moves in guides and services two (2) or more floors or land-  
42 ings of a building or structure.

1       (8) "Elevator apprentice" means an individual who is learning the trade  
2 of elevator mechanic.

3       (9) "Elevator contractor" means any person who possesses an elevator  
4 contractor license in accordance with the provisions of this chapter.

5       (10) "Elevator contractor license" means the license that is issued to  
6 an elevator contractor by the administrator pursuant to this chapter.

7       (11) "Elevator mechanic" means an individual who possesses an elevator  
8 mechanic license in accordance with the provisions of this chapter.

9       (12) "Elevator mechanic license" means the license issued by the admin-  
10 istrator to an individual pursuant to this chapter. An elevator mechanic li-  
11 cence shall entitle the holder thereof to install, construct, alter, ser-  
12 vice, repair, test, maintain and perform electrical work on an elevator or  
13 related conveyance.

14       (13) "Escalator" means a power-driven, inclined, continuous stairway  
15 used for raising and lowering passengers.

16       (14) "Inclined platform lift" means a powered hoisting and lowering  
17 mechanism designed to transport mobility-impaired persons on a guided plat-  
18 form that travels on an incline.

19       (15) "Installation" means a complete conveyance including any hoist-  
20 way, hoistway enclosures and related construction, and all machinery and  
21 equipment for its operation.

22       (a) "Existing installation, existing" means an installation that has  
23 been completed or upon which construction was commenced prior to July 1,  
24 2004.

25       (b) "New installation, new" means any installation not classified as  
26 an existing installation by definition, or an existing conveyance moved  
27 to a new location subsequent to July 1, 2004.

28       (16) "Maintenance" means a process of routine examination, lubrica-  
29 tion, cleaning, adjustment, and replacement of parts for the performance in  
30 accordance with applicable code requirements.

31       (17) "Major alteration" means any change to equipment or other main-  
32 tenance, repair or replacement where work is defined by any applicable code  
33 requirement.

34       (18) "Material lift" means a hoisting and lowering mechanism normally  
35 classified as an elevator, equipped with a car that moves within a guide sys-  
36 tem installed at an angle of greater than seventy degrees (70°) from the hor-  
37 izontal, serving two (2) or more landings, for the purpose of transporting  
38 materials which are manually or automatically loaded or unloaded.

39       (19) "Modernization" means the replacing or upgrading of any major op-  
40 erating component(s) of a conveyance.

41       (20) "Moving walks" means a type of passenger-carrying device on  
42 which passengers stand or walk and in which the passenger-carrying surface  
43 remains parallel to its direction of motion and is uninterrupted.

44       (21) "Owner" includes the designated agent or representative of the  
45 owner.

46       (22) "Person" means any individual, firm, copartnership, corporation,  
47 limited liability company, limited liability partnership, association or  
48 other organization or any such combination acting as a unit.

49       (16) "Platform lift" means a hoisting and lowering mechanism that moves  
50 within a guide system and serves two (2) or more landings, and may include

1 ~~vertical or inclined platform lifts used by persons who are mobility im-~~  
2 ~~paired.~~

3 (1723) "Private residence" means a separate dwelling or a separate  
4 apartment in a multiple dwelling occupied only by the members of a single  
5 family unit.

6 (1824) "Qualified elevator inspector" or "QEI" means a ~~person who is~~  
7 ~~currently certified by the National Association of Elevator Safety Author-~~  
8 ~~ities International (NAESA International) accredited certifying organiza-~~  
9 ~~tion as meeting the requirements of the NAESA International QEI-1 standard,~~  
10 ~~and who is employed by or under contract to the division of building safety~~  
11 qualified elevator inspector employed by the division of building safety as  
12 an elevator inspector. Inspectors and inspection supervisors shall be cer-  
13 tified in accordance with the latest edition of the ASME QEI-1 standard. The  
14 organization that certifies the inspectors and inspection supervisors shall  
15 be accredited by an independent, internationally or nationally recognized  
16 organization that accredits personnel certification bodies to ANSI/ISO/IEC  
17 17024, or its equivalent.

18 (1925) "Repair" means the process of rehabilitation, upgrading or re-  
19 placement of parts that are basically the same as the originals for the pur-  
20 pose of ensuring performance in accordance with the applicable code require-  
21 ments.

22 (206) "Replacement" means the substitution of a device or component in  
23 its entirety with a new unit that is basically the same as the original for  
24 the purpose of ensuring performance in accordance with the applicable code  
25 requirements.

26 (27) "Vertical platform lift" means a powered hoisting and lowering  
27 mechanism designed to transport mobility-impaired persons on a guided plat-  
28 form that travels vertically.

29 SECTION 2. That Section 39-8616, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 39-8616. FEES. The division shall have authority to charge certain  
32 fees in accordance with the fee schedule established by the division, which  
33 schedule shall not exceed the amounts set forth as follows and which amounts  
34 may be reduced by the division as set forth in duly promulgated administra-  
35 tive rules:

36 (1) Installation, alteration, modernization or relocation fee sched-  
37 ular. Fees include one (1) plan review and certificate to operate, and two (2)  
38 acceptance inspections (each inspection thereafter will incur a reinspec-  
39 tion fee):

- 40 (a) Certification fee:
  - 41 (i) Traction and roped hydraulic elevator .....\$~~17~~7500
  - 42 (ii) Moving walk/escalator .....\$~~17~~7500
  - 43 (iii) Hydraulic elevator .....\$~~17~~0500
  - 44 (iv) Platform lift/material lift/dumbwaiter .....\$3750
- 45 (b) Reinspection fee:
  - 46 (i) Traction and roped hydraulic elevator .....\$2500
  - 47 (ii) Moving walk/escalator .....\$2500
  - 48 (iii) Hydraulic elevator .....\$2500
  - 49 (iv) Platform lift/material lift/dumbwaiter .....\$1250

1	(2) Annual certificate to operate fee schedule. Fees include annual	
2	certificate to operate and periodic inspection (every five (5) years), and	
3	one (1) reinspection as may be necessary (each inspection thereafter will	
4	incur a reinspection fee):	
5	(a) Certification fee:	
6	(i) Traction and roped hydraulic elevator .....	\$225
7	(ii) Moving walk/escalator .....	\$225
8	(iii) Hydraulic elevator .....	\$125
9	(iv) Platform lift/material lift/dumbwaiter .....	\$100
10	(b) Reinspection fee:	
11	(i) Traction and roped hydraulic elevator .....	\$225
12	(ii) Moving walk/escalator .....	\$225
13	(iii) Hydraulic elevator .....	\$125
14	(iv) Platform lift/material lift/dumbwaiter .....	\$100
15	(3) Temporary certificate to operate fee schedule (same as annual) and	
16	one (1) reinspection fee as may be necessary (each inspection thereafter	
17	will incur a reinspection fee):	
18	(a) Temporary certification fee:	
19	(i) Traction and roped hydraulic elevator .....	\$225
20	(ii) Moving walk/escalator .....	\$225
21	(iii) Hydraulic elevator .....	\$125
22	(iv) Platform lift/material lift/dumbwaiter .....	\$100
23	(b) Reinspection fee:	
24	(i) Traction and roped hydraulic elevator .....	\$225
25	(ii) Moving walk/escalator .....	\$225
26	(iii) Hydraulic elevator .....	\$125
27	(iv) Platform lift/material lift/dumbwaiter .....	\$100
28	(4) Application for initial certification (nonrefundable):	
29	All conveyances .....	\$50
30	(5) <u>Elevator licensure:</u>	
31	(a) <u>Elevator contractor initial license .....</u>	<u>\$125</u>
32	(b) <u>Elevator contractor license renewal .....</u>	<u>\$100</u>
33	(c) <u>Elevator mechanic initial license .....</u>	<u>\$55</u>
34	(d) <u>Elevator mechanic license renewal .....</u>	<u>\$45</u>

35 SECTION 3. That Chapter 86, Title 39, Idaho Code, be, and the same is  
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
37 ignated as Section 39-8624, Idaho Code, and to read as follows:

38 39-8624. POWERS AND DUTIES OF THE ADMINISTRATOR. The administrator  
39 shall have the following powers and duties:

- 40 (1) Issue licenses in accordance with the provisions of this chapter;  
41 (2) Consult with engineering authorities and organizations concerned  
42 with standard safety codes; and  
43 (3) Grant exceptions and variances from the literal requirements of ap-  
44 plicable code, standards or regulations in cases where such variances would  
45 not jeopardize the public safety and welfare.

46 SECTION 4. That Chapter 86, Title 39, Idaho Code, be, and the same is  
47 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
48 ignated as Section 39-8625, Idaho Code, and to read as follows:

1           39-8625. LICENSURE AND REGISTRATION REQUIREMENTS -- EXCEPTION. (1) No  
2 individual shall erect, construct, alter, replace, maintain, test, remove  
3 or dismantle any conveyance contained within buildings or structures in the  
4 jurisdiction of this state unless that individual:

5           (a) Is an elevator mechanic and is employed by an elevator contractor;  
6 or

7           (b) Is registered as an elevator apprentice, is employed by an elevator  
8 contractor and performs the tasks set forth in this subsection under the  
9 supervision of an elevator mechanic.

10          (2) All connections of electrical wiring and any installation or mod-  
11 ification of electrical components and cabling beyond the mainline feeder  
12 terminals of the elevator controller shall be performed by an elevator me-  
13 chanic working in the employ of an elevator contractor. No other license  
14 shall be required for this work.

15          (3) A licensed elevator contractor is not required for removing or dis-  
16 mantling conveyances that have been destroyed as a result of a complete demo-  
17 lition of a secured building or structure, or where the hoistway or wellway  
18 has been demolished, back to the basic support structure whereby no access is  
19 permitted therein to endanger the safety and welfare of a person.

20          SECTION 5. That Chapter 86, Title 39, Idaho Code, be, and the same is  
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
22 ignated as Section 39-8626, Idaho Code, and to read as follows:

23          39-8626. APPLICATION FOR ELEVATOR CONTRACTOR LICENSURE -- QUALIFICA-  
24 TIONS. (1) Any person wishing to engage in the business of conveyance instal-  
25 lation, alteration, service, testing, replacement or maintenance within the  
26 state of Idaho shall be licensed by the division. The application form shall  
27 be developed by the division and require the following information:

28           (a) The name of the applicant;

29           (b) The principal business address of the applicant;

30           (c) If an individual or sole proprietor, the residential address of the  
31 applicant;

32           (d) If a partnership, the name and residential address of each partner;

33           (e) If a corporation, the name and residential address of the principal  
34 officer of said corporation and, if a corporation other than a domestic  
35 corporation, the name and address of the corporation and its registered  
36 agent within the state of Idaho who shall be authorized to accept ser-  
37 vice of process and official notices;

38           (f) The number of years the applicant has engaged in the business of in-  
39 stallling, inspecting, maintaining or servicing conveyances;

40           (g) The approximate number of persons, if any, to be employed by the  
41 applicant and satisfactory evidence that the employees are covered by  
42 worker's compensation insurance;

43           (h) Satisfactory evidence that the applicant is or will be covered by  
44 general liability, personal injury and property damage insurance; and

45           (i) Such other information as the administrator may require.

46          (2) Applicants shall be or employ one (1) or more licensed elevator me-  
47 chanics.

1 (3) No elevator contractor license shall be granted to any person who  
 2 has not demonstrated the requisite qualifications and abilities as provided  
 3 in this section and as determined by the administrator.

4 (4) Upon application, a license may be issued to a person holding a  
 5 valid license from a state having standards substantially equal to those of  
 6 the provisions of this chapter.

7 (5) Licensing of elevator contractors shall be exclusively a state  
 8 function. No local or other licensing shall be required to perform as an  
 9 elevator contractor.

10 SECTION 6. That Chapter 86, Title 39, Idaho Code, be, and the same is  
 11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 12 ignated as Section 39-8627, Idaho Code, and to read as follows:

13 39-8627. APPLICATION FOR ELEVATOR MECHANIC LICENSURE -- QUALIFICA-  
 14 TIONS. (1) Any individual wishing to engage in conveyance installation,  
 15 alteration, service, replacement or maintenance within the state of Idaho  
 16 shall be licensed by the division. The application form shall be developed  
 17 by the division and require the following information:

18 (a) The name of the applicant;

19 (b) The residential address of the applicant;

20 (c) The principal business address of the elevator contractor who em-  
 21 ploys the applicant;

22 (d) The record of the applicant's criminal convictions, if any, as ver-  
 23 ified by the Idaho state police; and

24 (e) Such other information as the administrator may require.

25 (2) To qualify for an elevator mechanic license, applicants shall pro-  
 26 vide the administrator one (1) of the following:

27 (a) Documented evidence of education credits and work experience of  
 28 not less than three (3) years in construction, maintenance, service  
 29 or repair, or any combination thereof, of conveyances as verified by  
 30 current or previous Idaho licensed elevator contractors and documented  
 31 evidence of satisfactory completion of a written examination adminis-  
 32 tered or approved by the division on the most recent applicable codes  
 33 and standards;

34 (b) Documented evidence of work experience as an elevator mechanic, or  
 35 as having worked without direct and immediate supervision for an Idaho  
 36 licensed elevator contractor, in conveyance installation, alteration,  
 37 service, replacement or maintenance of conveyances for not less than  
 38 three (3) years before the effective date of this section, provided that  
 39 the applicant demonstrating qualification under this paragraph shall  
 40 make application within one (1) year of the effective date of this sec-  
 41 tion;

42 (c) A certificate of completion representing the successful passage of  
 43 the mechanic examination of a nationally recognized training program  
 44 for the elevator industry, such as the national elevator industry edu-  
 45 cational program; or

46 (d) A certificate of completion of an apprenticeship program for ele-  
 47 vator mechanics approved by the bureau of apprenticeship and training,  
 48 United States department of labor.

1 (3) Upon application, a license may be issued to an individual holding  
2 a valid license from a state having standards substantially similar to those  
3 set forth in this section without examination.

4 (4) No elevator mechanic license shall be granted to any individual who  
5 has not satisfactorily demonstrated a qualification for such as set forth in  
6 this section.

7 (5) Licensing of elevator mechanics shall be exclusively a state func-  
8 tion. No local or other licensing shall be required to perform as an elevator  
9 mechanic.

10 SECTION 7. That Chapter 86, Title 39, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 39-8628, Idaho Code, and to read as follows:

13 39-8628. ISSUANCE AND RENEWAL OF LICENSES -- REGISTRATION -- CONTINU-  
14 ING EDUCATION. (1) The administrator shall issue licenses to elevator con-  
15 tractors and to elevator mechanics.

16 (2) Elevator contractor licenses shall be valid for one (1) year and re-  
17 newed annually upon meeting the requirements of section 39-8626, Idaho Code.

18 (3) Elevator mechanic licenses shall be valid for two (2) years and re-  
19 newed for a two (2) year period upon meeting the requirements of this section  
20 and section 39-8627, Idaho Code.

21 (4) The renewal of an elevator mechanic license shall be conditioned  
22 upon the submission of a certificate of completion of one (1) or more courses  
23 designed to ensure the continuing education on new and existing provisions  
24 of the applicable codes. Such course work shall consist of not less than  
25 eight (8) hours of instruction that shall be attended and completed within  
26 one (1) year immediately preceding any such license renewal.

27 (a) The courses shall be taught by instructors through continuing edu-  
28 cation providers approved by the administrator.

29 (b) A licensee who is unable to complete the continuing education  
30 course required pursuant to this subsection prior to the expiration of  
31 the person's license due to a temporary disability or active military  
32 service may apply to the administrator for a waiver on a form approved  
33 by the division. The application shall be signed under penalty of per-  
34 jury and shall be accompanied by a certified statement from a competent  
35 physician attesting to such temporary disability. Upon receipt of  
36 the certified statement, a waiver sticker, valid for ninety (90) days,  
37 shall be issued by the administrator and affixed to the mechanic li-  
38 cense.

39 (c) Approved continuing education providers shall, for a period of ten  
40 (10) years, keep uniform records of attendance of licensees, following  
41 a format approved by the division. Such records shall be available for  
42 inspection by the division at its request.

43 SECTION 8. That Chapter 86, Title 39, Idaho Code, be, and the same is  
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
45 ignated as Section 39-8629, Idaho Code, and to read as follows:

46 39-8629. EMERGENCY ELEVATOR MECHANIC LICENSE -- TEMPORARY MECHANIC  
47 LICENSE. (1) Whenever an emergency exists in the state due to disaster, an

1 act of God, work stoppage or the number of licensed elevator mechanics is in-  
2 sufficient to cope with the emergency, elevator contractors may certify that  
3 certain persons have an acceptable combination of documented experience and  
4 education to perform elevator work without direct and immediate supervision  
5 and shall apply for an emergency elevator mechanic license from the admin-  
6 istrator within five (5) business days after commencing the work requiring  
7 such a license. The administrator shall verify the certification and issue  
8 the emergency elevator mechanic license. Each emergency elevator mechanic  
9 license will be valid for forty-five (45) days from the date of issuance and  
10 for such particular conveyances or geographical areas as the administrator  
11 may designate. Emergency elevator mechanic licenses are renewable for the  
12 duration of the emergency and no fee shall be charged.

13 (2) An elevator contractor shall notify the administrator when there  
14 are no licensed personnel available to perform elevator work and request  
15 that the administrator issue temporary elevator mechanic licenses to per-  
16 sons certified by the elevator contractor to have an acceptable combination  
17 of documented experience and education to perform elevator work without  
18 direct and immediate supervision. The administrator will issue the tempo-  
19 rary mechanic licenses for a specified period of time. A temporary mechanic  
20 license shall be renewable if there continues to be no licensed personnel  
21 available to perform elevator work.

22 SECTION 9. That Chapter 86, Title 39, Idaho Code, be, and the same is  
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
24 ignated as Section 39-8630, Idaho Code, and to read as follows:

25 39-8630. ELEVATOR CONTRACTOR INSURANCE REQUIREMENTS. Elevator con-  
26 tractors shall submit proof to the administrator of an insurance policy or  
27 certified copy thereof, issued by an insurance company authorized to do  
28 business in the state of Idaho to provide general liability coverage.