

SUBSTITUTE FOR
HOUSE BILL NO. 4970

A bill to amend 1967 PA 227, entitled

"An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts,"

by amending the title and sections 3, 4, and 15 (MCL 408.803, 408.804, and 408.815), section 15 as amended by 2004 PA 269, and by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to regulate the inspection, construction, installation,
3 alteration, maintenance, repair and operation of elevators and the
4 licensing of elevator contractors; **TO REGULATE THE CONSTRUCTION,**
5 **INSTALLATION, ALTERATION, MAINTENANCE, AND REPAIR OF CERTAIN**

1 **RESIDENTIAL LIFTS;** to prescribe the functions of the director of
 2 ~~labor;~~ **THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS;** to
 3 create, and prescribe the functions of, the elevator safety board;
 4 to provide penalties for violations of the act; and to repeal
 5 ~~certain~~ acts and parts of acts.

6 Sec. 3. (1) "Elevator" means the machinery, construction,
 7 apparatus, and equipment of an incline lift, escalator, moving
 8 walk, or device serving 2 or more landings used in raising and
 9 lowering a car, cage, or platform which is guided. ~~It~~ **THE TERM**
 10 includes a passenger elevator, freight elevator, gravity elevator,
 11 workmen's elevator, dumbwaiter, manlift, ~~and~~ **OR** other lifting or
 12 lowering apparatus ~~which~~ **THAT** is guided. ~~It~~ **THE TERM** does not
 13 include:

14 (a) An elevating device within the scope of ~~the mining act,~~
 15 ~~Act No. 163 of the Public Acts of 1911, as amended, being sections~~
 16 ~~425.101 to 425.113 of the Compiled Laws of 1948.~~ **1911 PA 163, MCL**
 17 **425.101 TO 425.113.**

18 (b) A feeding machine or belted bucket, scoop, roller, or any
 19 similar type of freight conveyor.

20 (c) A lubrication hoist or other similar mechanism.

21 (d) A piling or stacking machine **THAT IS** used within 1 story ~~7~~
 22 and **DOES** not ~~penetrating~~ **PENETRATE** a floor.

23 (e) ~~A device in a private residence other than one carrying~~
 24 ~~persons.~~ **RESIDENTIAL STAIRWAY CHAIRLIFT OR RESIDENTIAL PLATFORM**
 25 **LIFT.**

26 (f) An outside material hoist used for raising or lowering
 27 construction materials while a building or structure is under

1 construction within the scope of the ~~construction safety act, Act~~
2 ~~No. 89 of the Public Acts of 1963, as amended, being sections~~
3 ~~408.711 to 408.724 of the Compiled Laws of 1948.~~ **MICHIGAN**
4 **OCCUPATIONAL SAFETY AND HEALTH ACT, 1974 PA 154, MCL 408.1001 TO**
5 **408.1094.**

6 (2) "Elevator contractor" means a person ~~, firm or corporation~~
7 **THAT IS** engaged in the business of constructing, installing,
8 maintaining, repairing, or altering elevators, including the
9 installing or maintaining of electric wiring, fixtures, apparatus,
10 and appliances in connection with the operation or control
11 ~~thereof.~~ **OF ELEVATORS.**

12 (3) "Elevator contractor license" means a license issued by
13 the director to an elevator contractor ~~covering~~ **THAT AUTHORIZES THE**
14 **LICENSEE TO ENGAGE IN** the construction, installation, alteration,
15 maintenance, or repair ~~by him~~ of elevators.

16 Sec. 4. (1) "General inspector" means ~~a person holding~~ **AN**
17 **INDIVIDUAL WHO HOLDS** a general certificate of competency and **IS**
18 employed by this state as an elevator inspector or in an elevator
19 inspection supervisory capacity.

20 (2) "Incline lift" means an elevator **THAT IS** designed and
21 ~~operated for the conveyance of persons~~ **TO TRANSPORT INDIVIDUALS** or
22 material from 1 level to another. ~~It~~ **THE TERM** does not include the
23 enclosure or building, ~~or~~ an incline lift under the jurisdiction of
24 the ski area safety board, **OR A RESIDENTIAL STAIRWAY CHAIRLIFT OR**
25 **RESIDENTIAL PLATFORM LIFT.**

26 (3) "Inspector" means a general or special inspector.

27 (4) **"PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED**

House Bill No. 4970 (H-1) as amended October 30, 2013

1 LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, GOVERNMENTAL ENTITY,
2 OR ANY OTHER LEGAL ENTITY.

3 (5) "RESIDENTIAL STAIRWAY CHAIRLIFT OR RESIDENTIAL PLATFORM
4 LIFT" MEANS AN INCLINED STAIRWAY CHAIRLIFT OR INCLINED AND VERTICAL
5 PLATFORM LIFT THAT IS INTENDED ONLY FOR TRANSPORTATION OF AN
6 INDIVIDUAL WHOSE MOBILITY IS IMPAIRED AND THAT MEETS THE
7 REQUIREMENTS OF SECTION 14A. THE TERM DOES NOT INCLUDE AN ELEVATOR,
8 ESCALATOR, MOVING WALKWAY, MATERIAL LIFT, DUMBWAITER, PERSONNEL
9 HOIST, POWERED PLATFORM AND EQUIPMENT FOR EXTERIOR AND INTERIOR
10 BUILDING MAINTENANCE, AMUSEMENT DEVICE, OR STAGE OR ORCHESTRA LIFT
11 OR ANY PORTABLE EQUIPMENT USED TO LIFT OR TRANSPORT INDIVIDUALS OR
12 MATERIAL.

13 (6) ~~(4)~~—"Special inspector" means ~~a person~~ AN INDIVIDUAL who
14 holds a special certificate of competency and is commissioned ~~as~~
15 ~~provided in~~ UNDER this act.

16 (7) ~~(5)~~—"Standard" means the American standard safety code for
17 elevators, dumbwaiters, escalators, and moving walks, A 17.1-1965.

18 [(8) "STATE CONSTRUCTION CODE" MEANS THE CODE, AS THAT TERM IS
19 DEFINED IN SECTION 2A OF THE STILLE-DEROSSETT-HALE SINGLE STATE
20 CONSTRUCTION CODE ACT, MCL 125.1502A.]

21 SEC. 14A. (1) AN INDIVIDUAL SHALL NOT INSTALL, CONSTRUCT,
22 REPAIR, ALTER, OR MAINTAIN A RESIDENTIAL STAIRWAY CHAIRLIFT OR
23 RESIDENTIAL PLATFORM LIFT UNLESS THAT INDIVIDUAL FIRST OBTAINS ALL
24 PERMITS REQUIRED BY THE MUNICIPALITY IN WHICH THE PREMISES ARE
25 LOCATED[, COMPLIES WITH THE STATE CONSTRUCTION CODE,] AND MEETS 1 OF THE
26 FOLLOWING:

27 (A) IS LICENSED AS A RESIDENTIAL BUILDER UNDER ARTICLE 24 OF
THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2401 TO 339.2412, AND
IS CERTIFIED BY THE MANUFACTURER OF THE RESIDENTIAL STAIRWAY
CHAIRLIFT OR RESIDENTIAL PLATFORM LIFT TO INSTALL, CONSTRUCT,
REPAIR, ALTER, OR MAINTAIN THAT CHAIRLIFT OR LIFT.

1 (B) IS LICENSED AS AN ELEVATOR CONTRACTOR UNDER THIS ACT.

2 (2) ALL OF THE FOLLOWING APPLY TO A RESIDENTIAL STAIRWAY
3 CHAIRLIFT OR RESIDENTIAL PLATFORM LIFT:

4 (A) THE DEVICE SHALL HAVE A LIMITED VERTICAL TRAVEL, OPERATING
5 SPEED, AND PLATFORM AREA.

6 (B) OPERATION OF THE DEVICE SHALL BE UNDER CONTINUOUS CONTROL
7 OF THE USER.

8 (C) THE DEVICE SHALL NOT PENETRATE MORE THAN 1 FLOOR.

9 (D) THE DEVICE SHALL NOT HAVE A FULL PASSENGER ENCLOSURE ON
10 THE PLATFORM OF THE DEVICE.

11 (3) A PERMIT FROM THE DEPARTMENT UNDER SECTION 15(1) IS NOT
12 REQUIRED TO ALTER OR INSTALL A RESIDENTIAL STAIRWAY CHAIRLIFT OR
13 RESIDENTIAL PLATFORM LIFT.

14 Sec. 15. (1) A person ~~, firm, or corporation~~ shall not install
15 or alter an elevator without first ~~having obtained~~ **OBTAINING** a
16 permit from the department. ~~A permit shall be issued only to a~~
17 ~~person, firm, or corporation~~ **THE DEPARTMENT SHALL ONLY ISSUE A**
18 **PERMIT TO A PERSON THAT IS** licensed by the director as an elevator
19 contractor. Elevator hoistway enclosures shall meet the
20 requirements of the standard. ~~A permit to install a stair climber~~
21 ~~type of incline lift in other than a private residence shall not be~~
22 ~~issued unless special permission is granted by the director.~~

23 ~~Detailed~~ **THE LICENSEE SHALL SUBMIT DETAILED** plans and
24 specifications of all elevator equipment and the elevator hoistway
25 enclosure, in triplicate, ~~shall be submitted by the licensee to the~~
26 department, and ~~shall be approved by the department~~ **APPROVAL OF**
27 **THOSE PLANS AND SPECIFICATIONS IS REQUIRED** before the permit is

1 ~~issued. Permit applications shall be made on forms furnished A~~
2 **PERSON SHALL APPLY FOR A PERMIT ON A FORM PROVIDED** by the
3 department. ~~The applicable fee shall be paid before issuance of the~~
4 ~~permit. THE DEPARTMENT SHALL NOT ISSUE A PERMIT IF THE APPROPRIATE~~
5 **FEE IS NOT PAID.** For emergency alterations, the permit shall be
6 obtained within 72 hours from the time of alteration.

7 (2) In a municipality ~~maintaining~~ **THAT MAINTAINS** its own
8 approved elevator inspection department, **A PERSON SHALL SUBMIT**
9 **ELEVATOR** installation or alteration plans and specifications ~~shall~~
10 ~~be submitted to that department for its approval and, if approved,~~
11 **THE MUNICIPALITY SHALL ISSUE** a permit for the installation or
12 alteration of that elevator. ~~shall be issued by the municipality.~~

13 (3) ~~Beginning the effective date of the amendatory act that~~
14 ~~added this subsection, the~~ **THE** department shall issue an initial or
15 renewal elevator contractor license or installation or alteration
16 permit not later than 90 days after the applicant files a completed
17 application. ~~Receipt of the~~ **AN** application is considered **RECEIVED**
18 **ON** the date the application is received by any agency or department
19 of ~~the~~ **THIS** state. ~~of Michigan. If the~~ **AN** application is considered
20 incomplete by the department, the department shall notify the
21 applicant in writing, or make the information electronically
22 available, within 30 days after receipt of the incomplete
23 application, describing the deficiency and requesting the
24 additional information. The 90-day period is tolled ~~upon~~
25 ~~notification~~ **FROM THE DATE THE APPLICANT IS NOTIFIED** by the
26 department of a deficiency until the date the requested information
27 is received by the department. The determination of the

1 completeness of an application does not operate as an approval of
2 the application for the license or permit and does not confer
3 eligibility of an applicant determined otherwise ineligible for
4 issuance of a license or permit.

5 (4) If the department fails to issue or deny a license or
6 permit within the time required by subsection (3), the department
7 shall return the license or permit fee and shall reduce the license
8 or permit fee for the applicant's next renewal application, if any,
9 by 15%. ~~The~~ **A** failure to issue a license or permit within the time
10 required under this section does not allow the department to
11 otherwise delay the processing of the application, and **THE**
12 **DEPARTMENT SHALL PLACE** that application, ~~upon completion, shall be~~
13 ~~placed~~ **WHEN COMPLETED**, in sequence with other completed
14 applications received at that same time. The department shall not
15 discriminate against an applicant in the processing of the
16 application based ~~upon~~ **ON** the fact that the license or permit fee
17 was refunded or discounted under this subsection.

18 (5) ~~Beginning October 1, 2005, the~~ **THE** director of the
19 department shall submit a report by December 1 of each year to the
20 standing committees and appropriations subcommittees of the senate
21 and house of representatives concerned with occupational issues.
22 The director shall include all of the following information in the
23 report concerning the preceding fiscal year:

24 (a) The number of initial and renewal applications the
25 department received and completed within the 90-day time period
26 described in subsection (3).

27 (b) The number of applications denied.

1 (c) The number of applicants not issued a license or permit
2 within the 90-day time period and the amount of money returned to
3 licensees or permittees under subsection (4).

4 (6) As used in this section, "completed application" means an
5 application complete on its face and submitted with any applicable
6 licensing or permit fees as well as any other information, records,
7 approval, security, or similar item required by law or rule from a
8 local unit of government, a federal agency, or a private entity but
9 not from another department or agency of ~~the~~**THIS** state. of

10 ~~Michigan.~~

11 Enacting section 1. This amendatory act does not take effect
12 unless House Bill No. 4971 of the 97th Legislature is enacted into
13 law.