

HOUSE BILL No. 6032

July 22, 1992, Introduced by Rep. Randall and referred to the Committee on Labor.

A bill to amend the title and sections 8 and 16 of Act No. 227 of the Public Acts of 1967, 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,"

section 8 as amended by Act No. 282 of the Public Acts of 1980, being sections 408.808 and 408.816 of the Michigan Compiled Laws; and to add section 16a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 8 and 16 of Act No. 227
2 of the Public Acts of 1967, section 8 as amended by Act No. 282
3 of the Public Acts of 1980, being sections 408.808 and 408.816 of
4 the Michigan Compiled Laws, are amended and section 16a is added
5 to read as follows:

1 TITLE

2 An act to regulate the inspection, construction, installa-
3 tion, alteration, maintenance, repair and operation of elevators
4 and the licensing of elevator contractors; to ~~prescribe the~~
5 ~~functions of the director of labor~~ PROVIDE FOR CERTAIN POWERS
6 AND DUTIES FOR CERTAIN STATE OFFICERS AND AGENCIES; to create,
7 and prescribe the functions of, the elevator safety board; TO
8 PRESCRIBE CERTAIN FEES; TO CREATE CERTAIN FUNDS AND PROVIDE FOR
9 THE DISPOSITION OF THE FUNDS; to provide penalties AND REMEDIES
10 for violations of the act; and to repeal certain acts and parts
11 of acts.

12 Sec. 8. (1) The board shall have the following powers and
13 duties:

14 (a) To promulgate rules for the inspection, design, con-
15 struction, installation, alteration, maintenance, and use of ele-
16 vators in this state pursuant to THE ADMINISTRATIVE PROCEDURES
17 ACT OF 1969, Act No. 306 of the Public Acts of 1969, as amended,
18 being sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled
19 Laws.

20 (b) To prepare examinations, interview applicants to deter-
21 mine their qualifications, examine qualified applicants for ele-
22 vator contractor licenses or certificates of competency, and cer-
23 tify to the director the names of persons who successfully pass
24 the examination given by the board.

25 (c) When submitted by the director, to grant exceptions or
26 variations from the literal requirements of this act or rules
27 promulgated by the board when it is clearly evident that

1 exceptions or variations are necessary to prevent undue hardship
2 or when existing conditions prevent compliance with the literal
3 requirements, if the board believes reasonable safety will be
4 secured by granting the exception or variation.

5 (d) To hear and decide appeals referred to the board by the
6 director when requested to do so by a person, firm, or corpora-
7 tion aggrieved by an order or act of the department, or its
8 authorized representatives, and to adopt rules of procedure for
9 appeals.

10 (e) To conduct hearings to determine whether an elevator
11 contractor license or certificate of competency or commission
12 should be suspended or revoked and to make recommendation to the
13 director.

14 ~~(2) The board, with the advice of the director, shall~~
15 ~~promulgate rules pursuant to Act No. 306 of the Public Acts of~~
16 ~~1969, as amended, being sections 24.201 to 24.315 of the Michigan~~
17 ~~Compiled Laws, to establish the fee schedules for licenses, per-~~
18 ~~mits, certificates, and inspections. The fees shall reflect the~~
19 ~~actual costs and expenses for the department of labor in issuing~~
20 ~~licenses, permits, certificates, and conducting inspections. The~~
21 ~~fees currently established by the board shall be in effect until~~
22 ~~the board promulgates rules to establish the fee schedules.~~

23 (2) ~~(3)~~ The business which the elevator safety board may
24 perform shall be conducted at a public meeting of the board held
25 in compliance with THE OPEN MEETINGS ACT, Act No. 267 of the
26 Public Acts of 1976, as amended, being sections 15.261 to 15.275
27 of the Michigan Compiled Laws. Public notice of the time, date,

1 and place of the meeting shall be given in the manner required by
2 Act No. 267 of the Public Acts of 1976, as amended.

3 Sec. 16. (1) Fees for the ~~following matters shall be~~
4 ~~determined by the board~~ ACTIVITIES REGULATED BY THE BOARD ARE AS
5 FOLLOWS:

6 (A) Commission TO INSPECT ELEVATORS:

7 (i) INITIAL COMMISSION..... \$ 25.00

8 (ii) RENEWAL COMMISSION..... 25.00

9 (B) Certificate of competency examination..... 35.00

10 (C) Elevator contractor license AND RENEWAL..... 75.00

11 (D) ~~Contractor~~ ELEVATOR CONTRACTOR examination.... 45.00

12 ~~Permit, each elevator or device~~

13 (E) INSTALLATION PERMIT FOR A DUMBWAITER OR A PASSENGER,

14 FREIGHT, OR 1-PERSON ELEVATOR AS FOLLOWS:

15 (i) BASE..... \$150.00

16 PLUS \$20.00 FOR EACH HOISTWAY OPENING

17 (ii) ESCALATOR..... 160.00

18 (iii) PERSONNEL HOIST, INITIAL INSPECTION..... 350.00

19 (iv) PERSONNEL HOIST TOWER RISE..... 150.00

20 (v) BELT PERSON LIFT..... 175.00

21 (vi) SPECIAL ELEVATING DEVICE..... 175.00

22 (vii) BARRIER FREE LIFTING DEVICE..... 175.00

23 (viii) PRIVATE RESIDENCE INCLINED LIFT AND PRIVATE

24 RESIDENCE WHEELCHAIR ELEVATING DEVICE..... 75.00

25 (ix) WHEELCHAIR ELEVATING DEVICE AND INCLINED LIFT

26 IN BUILDINGS OTHER THAN PRIVATE RESIDENCE..... 100.00

1 A FINAL INSPECTION FEE IS INCLUDED IN THE INSTALLATION PERMIT
 2 FEE. IF A SCHEDULED FINAL INSPECTION IS CANCELED WITHOUT 24
 3 HOURS' NOTICE TO THE DEPARTMENT, OR IF THE ELEVATOR IS NOT COM-
 4 PLETE AT THE TIME OF INSPECTION, AN ADDITIONAL FEE OF \$300.00
 5 SHALL BE CHARGED TO THE ELEVATOR CONTRACTOR.

6 (F) MAJOR ALTERATION PERMITS AS FOLLOWS:

7 (i) FIRST ALTERATION (INCLUDING 1 FINAL INSPECTION). \$100.00
 8 (ii) EACH ADDITIONAL ALTERATION..... 40.00
 9 (iii) MAXIMUM ALTERATION FEE..... 250.00

10 (G) ~~Certificate~~ ANNUAL CERTIFICATE of operation AS
 11 FOLLOWS:

12 (i) PRIVATE RESIDENCE..... \$25.00
 13 (ii) OTHER THAN PRIVATE RESIDENCE..... 30.00
 14 (iii) TEMPORARY CERTIFICATE OF OPERATION..... 125.00

15 ~~Appeal for hearing before board~~

16 (H) ~~Inspection~~ ANNUAL INSPECTION AND FOLLOWUP

17 INSPECTION by general inspector..... \$100.00

18 ~~Special~~

19 (2) THE DEPARTMENT MAY PROVIDE, UPON WRITTEN REQUEST, SPE-
 20 CIAL SERVICES NOT OTHERWISE PROVIDED FOR IN THIS SECTION. THE
 21 DEPARTMENT SHALL COLLECT \$40.00 PER HOUR FOR SUCH SERVICES,
 22 INCLUDING TRAVELING TIME.

23 (3) ~~(2)~~ Fees shall be paid ~~by cash, money order or certi-~~
 24 ~~fied check~~ to the director. ~~Money orders or checks shall be~~
 25 ~~made payable to "Treasurer State of Michigan".~~ Fees received by
 26 the director shall be transmitted to the state treasurer for
 27 deposit in the ~~general fund~~ STATE ELEVATOR INSPECTION FUND

1 CREATED IN SECTION 16A. ~~These funds shall be disbursed only as~~
2 ~~appropriated by the legislature.~~

3 SEC.16A. (1) A STATE ELEVATOR INSPECTION FUND IS CREATED IN
4 THE DEPARTMENT OF TREASURY. THE DIRECTOR SHALL SUPERVISE AND
5 ADMINISTER THE FUND. FEES RECEIVED BY THE DIRECTOR UNDER SECTION
6 16 OF THIS ACT AND ACT NO. 333 OF THE PUBLIC ACTS OF 1976, BEING
7 SECTIONS 338.2151 TO 338.2160 OF THE MICHIGAN COMPILED LAWS,
8 SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE
9 STATE ELEVATOR INSPECTION FUND AND SHALL BE APPROPRIATED BY THE
10 LEGISLATURE FOR THE OPERATION OF THE ELEVATOR INSPECTION PROGRAM
11 AND FOR INDIRECT OVERHEAD EXPENSES OF THE DEPARTMENT.

12 (2) THE STATE TREASURER SHALL BE THE CUSTODIAN OF THE FUND
13 AND MAY INVEST THE SURPLUS OF THE FUND IN INVESTMENTS THAT IN THE
14 STATE TREASURER'S JUDGMENT ARE IN THE BEST INTEREST OF THE FUND.
15 EARNINGS FROM THOSE INVESTMENTS SHALL BE CREDITED TO THE FUND.
16 THE STATE TREASURER SHALL NOTIFY THE DIRECTOR AND THE LEGISLATURE
17 OF INTEREST CREDITED AND THE BALANCE OF THE FUND AS OF
18 SEPTEMBER 30 OF EACH YEAR.

19 (3) FUNDS THAT ARE UNEXPENDED AT THE END OF EACH FISCAL YEAR
20 SHALL REMAIN IN THE STATE ELEVATOR INSPECTION FUND AND SHALL NOT
21 REVERT TO THE GENERAL FUND.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. ⁶⁰³¹_____ (request
24 no. 05559'92) of the 86th Legislature is enacted into law.