

# HOUSE BILL No. 4970

September 12, 2013, Introduced by Reps. Pscholka, Nesbitt, MacMaster, Genetski, Crawford, McCready, McMillin, Poleski, Muxlow, Yonker, Goike, Bumstead and Foster and referred to the Committee on Regulatory Reform.

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 sections 3, 4, 12, and 15 (MCL 408.803, 408.804, 408.812, and 408.815), section 15 as amended by 2004 PA 269.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) "Elevator" means the machinery, construction,  
2       apparatus, and equipment of an incline lift, escalator, moving  
3       walk, or device serving 2 or more landings used in raising and  
4       lowering a car, cage, or platform which is guided. ~~It~~ **THE TERM**  
5       includes a **RESIDENTIAL LIFT**, passenger elevator, freight elevator,  
6       gravity elevator, workmen's elevator, dumbwaiter, manlift, ~~and~~ **OR**  
7       other lifting or lowering apparatus ~~which~~ **THAT** is guided. ~~It~~ **THE**

1 **TERM** does not include:

2 (a) An elevating device within the scope of ~~the mining act,~~  
 3 ~~Act No. 163 of the Public Acts of 1911, as amended, being sections~~  
 4 ~~425.101 to 425.113 of the Compiled Laws of 1948.~~ **1911 PA 163, MCL**  
 5 **425.101 TO 425.113.**

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

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

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

11 (e) A device in a private residence other than one ~~carrying~~  
 12 ~~persons.~~ **THAT CARRIES INDIVIDUALS.**

13 (f) An outside material hoist used for raising or lowering  
 14 construction materials while a building or structure is under  
 15 construction within the scope of the ~~construction safety act, Act~~  
 16 ~~No. 89 of the Public Acts of 1963, as amended, being sections~~  
 17 ~~408.711 to 408.724 of the Compiled Laws of 1948.~~ **MICHIGAN**  
 18 **OCCUPATIONAL SAFETY AND HEALTH ACT, 1974 PA 154, MCL 408.1001 TO**  
 19 **408.1094.**

20 (2) "Elevator contractor" means a person ~~, firm or corporation~~  
 21 **THAT IS** engaged in the business of constructing, installing,  
 22 maintaining, repairing, or altering elevators, including the  
 23 installing, or maintaining of electric wiring, fixtures, apparatus,  
 24 and appliances in connection with the operation or control  
 25 ~~thereof.~~ **OF ELEVATORS. FOR PURPOSES OF SECTIONS 8, 13, 14, 15, AND**  
 26 **16, ELEVATOR CONTRACTOR INCLUDES A RESIDENTIAL LIFT CONTRACTOR.**

27 (3) "Elevator contractor license" means a license issued by

1 the director to an elevator contractor ~~covering~~ **THAT AUTHORIZES THE**  
2 **LICENSEE TO ENGAGE IN** the construction, installation, alteration,  
3 maintenance, or repair ~~by him~~ of elevators. **FOR PURPOSES OF**  
4 **SECTIONS 8, 13, 14, 15, AND 16, ELEVATOR CONTRACTOR LICENSE**  
5 **INCLUDES A RESIDENTIAL LIFT CONTRACTOR LICENSE.**

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

10 (2) "Incline lift" means an elevator **THAT IS** designed and  
11 operated ~~for the conveyance of persons~~ **TO TRANSPORT INDIVIDUALS** or  
12 material from 1 level to another. ~~It~~ **THE TERM INCLUDES A**  
13 **RESIDENTIAL LIFT. THE TERM** does not include the enclosure or  
14 building, or an incline lift under the jurisdiction of the ski area  
15 safety board.

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

17 (4) **"PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED**  
18 **LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, GOVERNMENTAL ENTITY,**  
19 **OR ANY OTHER LEGAL ENTITY.**

20 (5) **"RESIDENTIAL LIFT" MEANS A PLATFORM, CHAIR, OR STAIRWAY**  
21 **LIFT THAT IS DESIGNED AND OPERATED TO TRANSPORT INDIVIDUALS FROM 1**  
22 **LEVEL TO ANOTHER AND IS INSTALLED IN A RESIDENTIAL DWELLING.**

23 (6) **"RESIDENTIAL LIFT CONTRACTOR" MEANS A PERSON THAT IS**  
24 **ENGAGED IN THE BUSINESS OF CONSTRUCTING, INSTALLING, MAINTAINING,**  
25 **REPAIRING, OR ALTERING RESIDENTIAL LIFTS, INCLUDING THE INSTALLING**  
26 **OR MAINTAINING OF DEVICES, ELECTRIC WIRING, FIXTURES, APPARATUS,**  
27 **AND APPLIANCES IN CONNECTION WITH THE OPERATION OR CONTROL OF**

1 RESIDENTIAL LIFTS.

2 (7) "RESIDENTIAL LIFT CONTRACTOR LICENSE" MEANS A LICENSE  
3 ISSUED BY THE DIRECTOR TO A RESIDENTIAL LIFT CONTRACTOR THAT  
4 AUTHORIZES THE LICENSEE TO ENGAGE SOLELY IN THE CONSTRUCTION,  
5 INSTALLATION, ALTERATION, MAINTENANCE, OR REPAIR OF RESIDENTIAL  
6 LIFTS.

7 (8) ~~(4)~~ "Special inspector" means ~~a person~~ **AN INDIVIDUAL** who  
8 holds a special certificate of competency and is commissioned ~~as~~  
9 ~~provided in~~ **UNDER** this act.

10 (9) ~~(5)~~ "Standard" means the American standard safety code for  
11 elevators, dumbwaiters, escalators, and moving walks, A 17.1-1965.

12 Sec. 12. (1) A person ~~, firm or corporation who is to~~ **SHALL**  
13 **NOT** install, construct, repair, alter, and maintain an elevator  
14 ~~shall secure from the director an elevator contractor license. The~~  
15 ~~license shall be issued by the director, after his receipt of~~ **IN**  
16 **THIS STATE IF THAT PERSON DOES NOT HAVE AN ELEVATOR CONTRACTOR**  
17 **LICENSE, OR, IF THE ELEVATOR IS A RESIDENTIAL LIFT, AN ELEVATOR**  
18 **CONTRACTOR LICENSE OR A RESIDENTIAL LIFT CONTRACTOR LICENSE, ISSUED**  
19 **BY THE DIRECTOR UNDER THIS ACT.**

20 (2) **THE DIRECTOR SHALL ISSUE AN ELEVATOR CONTRACTOR LICENSE TO**  
21 **A PERSON UNDER THIS ACT IF THE DIRECTOR RECEIVES** an acceptable  
22 application in writing; ~~and of~~ **RECEIVES** the **APPROPRIATE** fee; ~~to a~~  
23 ~~person, firm or corporation found~~ **FINDS THAT THE PERSON IS**  
24 qualified to perform ~~such~~ **THAT** work; ~~, and who is certified by the~~  
25 ~~board as having~~ **AND RECEIVES A CERTIFICATION FROM THE BOARD THAT**  
26 **THE APPLICANT HAS** successfully passed the examination given by the  
27 board. ~~The~~ **AN** application is not acceptable to the ~~board~~ **DIRECTOR**

1 until the applicant ~~has shown~~ **SHOWS** by sworn affidavit that ~~he or~~  
 2 ~~the person qualified for the applicant~~ **HE OR SHE** has had at least 5  
 3 years' experience as an elevator constructor or journeyman, or **THE**  
 4 equivalent. ~~A license shall expire~~ **THIS SUBSECTION DOES NOT APPLY**  
 5 **TO AN APPLICATION FOR A RESIDENTIAL LIFT CONTRACTOR LICENSE.**

6 (3) **AN ELEVATOR CONTRACTOR LICENSE OR RESIDENTIAL LIFT**  
 7 **CONTRACTOR LICENSE ISSUED UNDER THIS ACT EXPIRES** on December 31 of  
 8 the year in which it is issued.

9 (4) The **ELEVATOR** contractor licensing requirements under this  
 10 section for maintenance and repair work ~~, as defined in this act,~~  
 11 ~~shall~~ **DO** not apply to any ~~firm, person, or corporation maintaining~~  
 12 **THAT MAINTAINS** elevators in ~~their leased or owned premises +~~  
 13 ~~Provided, That such~~ **THE PERSON LEASES OR OWNS, IF THOSE** elevators  
 14 are not used by the general public, and ~~that~~ the work is performed  
 15 by ~~their~~ **THE PERSON'S** permanent employees in accordance with  
 16 approved procedures and practices.

17 (5) **THE DIRECTOR SHALL ISSUE A RESIDENTIAL LIFT CONTRACTOR**  
 18 **LICENSE THAT AUTHORIZES THE LICENSEE TO INSTALL, CONSTRUCT, REPAIR,**  
 19 **ALTER, AND MAINTAIN ONLY RESIDENTIAL LIFTS IF ALL OF THE FOLLOWING**  
 20 **ARE MET:**

21 (A) **THE DIRECTOR RECEIVES A COMPLETED APPLICATION, IN THE FORM**  
 22 **PRESCRIBED BY THE DIRECTOR, AND THE APPROPRIATE FEE AS DETERMINED**  
 23 **BY THE DIRECTOR, FOR THE LICENSE.**

24 (B) **THE APPLICANT IS LICENSED AS A RESIDENTIAL MAINTENANCE AND**  
 25 **ALTERATION CONTRACTOR UNDER ARTICLE 24 OF THE OCCUPATIONAL CODE,**  
 26 **1980 PA 299, MCL 339.2401 TO 339.2412.**

27 (C) **THE APPLICANT HOLDS A CERTIFICATION FROM THE MANUFACTURER**

1 OF THE RESIDENTIAL LIFTS, AS DETERMINED BY THE DIRECTOR, OR THE  
2 DIRECTOR OTHERWISE FINDS THAT THE APPLICANT IS QUALIFIED TO  
3 INSTALL, CONSTRUCT, REPAIR, ALTER, AND MAINTAIN RESIDENTIAL LIFTS.

4 Sec. 15. (1) ~~A person, firm, or corporation~~ **EXCEPT AS PROVIDED**  
5 **IN SUBSECTION (5), A PERSON** shall not install or alter an elevator  
6 without first ~~having obtained~~ **OBTAINING** a permit from the  
7 department. ~~A permit shall be issued only to a person, firm, or~~  
8 ~~corporation~~ **THE DEPARTMENT SHALL ONLY ISSUE A PERMIT TO A PERSON**  
9 **THAT IS** licensed by the director as an elevator contractor.

10 Elevator hoistway enclosures shall meet the requirements of the  
11 standard. ~~A~~ **THE DEPARTMENT SHALL NOT ISSUE A** permit to install a  
12 stair climber type of incline lift in other than a private  
13 residence ~~shall not be issued unless~~ special permission is granted  
14 by the director. ~~Detailed~~ **THE LICENSEE SHALL SUBMIT DETAILED** plans  
15 and specifications of all elevator equipment and the elevator  
16 hoistway enclosure, in triplicate, ~~shall be submitted by the~~  
17 ~~licensee to the department, and shall be approved by the department~~  
18 **APPROVAL OF THOSE PLANS AND SPECIFICATIONS IS REQUIRED** before the  
19 permit is issued. ~~Permit applications shall be made on forms~~  
20 ~~furnished~~ **A PERSON SHALL APPLY FOR A PERMIT ON A FORM PROVIDED** by  
21 the department. ~~The applicable fee shall be paid before issuance of~~  
22 ~~the permit.~~ **THE DEPARTMENT SHALL NOT ISSUE A PERMIT IF THE**  
23 **APPROPRIATE FEE IS NOT PAID.** For emergency alterations, the permit  
24 shall be obtained within 72 hours from the time of alteration.

25 (2) In a municipality ~~maintaining~~ **THAT MAINTAINS** its own  
26 approved elevator inspection department, **A PERSON SHALL SUBMIT**  
27 **ELEVATOR** installation or alteration plans and specifications ~~shall~~

1 ~~be submitted to that department for its approval and, if approved,~~  
2 **THE MUNICIPALITY SHALL ISSUE** a permit for the installation or  
3 alteration of that elevator. ~~shall be issued by the municipality.~~

4 (3) ~~Beginning the effective date of the amendatory act that~~  
5 ~~added this subsection, the~~ **THE** department shall issue an initial or  
6 renewal elevator contractor license or installation or alteration  
7 permit not later than 90 days after the applicant files a completed  
8 application. ~~Receipt of the~~ **AN** application is considered **RECEIVED**  
9 **ON** the date the application is received by any agency or department  
10 of ~~the~~ **THIS** state. ~~of Michigan. If the~~ **AN** application is considered  
11 incomplete by the department, the department shall notify the  
12 applicant in writing, or make the information electronically  
13 available, within 30 days after receipt of the incomplete  
14 application, describing the deficiency and requesting the  
15 additional information. The 90-day period is tolled ~~upon~~  
16 ~~notification~~ **FROM THE DATE THE APPLICANT IS NOTIFIED** by the  
17 department of a deficiency until the date the requested information  
18 is received by the department. The determination of the  
19 completeness of an application does not operate as an approval of  
20 the application for the license or permit and does not confer  
21 eligibility of an applicant determined otherwise ineligible for  
22 issuance of a license or permit.

23 (4) If the department fails to issue or deny a license or  
24 permit within the time required by subsection (3), the department  
25 shall return the license or permit fee and shall reduce the license  
26 or permit fee for the applicant's next renewal application, if any,  
27 by 15%. ~~The~~ **A** failure to issue a license or permit within the time

1 required under this section does not allow the department to  
 2 otherwise delay the processing of the application, and **THE**  
 3 **DEPARTMENT SHALL PLACE** that application, ~~upon completion, shall be~~  
 4 ~~placed~~ **WHEN COMPLETED**, in sequence with other completed  
 5 applications received at that same time. The department shall not  
 6 discriminate against an applicant in the processing of the  
 7 application based ~~upon~~ **ON** the fact that the license or permit fee  
 8 was refunded or discounted under this subsection.

9 (5) A RESIDENTIAL LIFT CONTRACTOR IS NOT REQUIRED TO OBTAIN A  
 10 PERMIT FROM THE DEPARTMENT UNDER SUBSECTION (1) TO ALTER OR INSTALL  
 11 A RESIDENTIAL LIFT IN A RESIDENTIAL DWELLING IF THE CONTRACTOR  
 12 HOLDS A RESIDENTIAL LIFT CONTRACTOR LICENSE AND OBTAINS ALL PERMITS  
 13 REQUIRED BY THE MUNICIPALITY IN WHICH THE RESIDENTIAL DWELLING IS  
 14 LOCATED FOR THE ALTERATION OR INSTALLATION BEFORE THE RESIDENTIAL  
 15 LIFT IS USED.

16 (6) ~~(5) Beginning October 1, 2005, the~~ **THE** director of the  
 17 department shall submit a report by December 1 of each year to the  
 18 standing committees and appropriations subcommittees of the senate  
 19 and house of representatives concerned with occupational issues.  
 20 The director shall include all of the following information in the  
 21 report concerning the preceding fiscal year:

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

25 (b) The number of applications denied.

26 (c) The number of applicants not issued a license or permit  
 27 within the 90-day time period and the amount of money returned to



1 licensees or permittees under subsection (4).

2 (7) ~~(6)~~—As used in this section, "completed application" means  
3 an application complete on its face and submitted with any  
4 applicable licensing or permit fees as well as any other  
5 information, records, approval, security, or similar item required  
6 by law or rule from a local unit of government, a federal agency,  
7 or a private entity but not from another department or agency of  
8 ~~the~~ **THIS** state. ~~of Michigan.~~

9 Enacting section 1. This amendatory act does not take effect  
10 unless Senate Bill No. \_\_\_\_ or House Bill No. 4971(request no.  
11 01517'13 a \*) of the 97th Legislature is enacted into law.