

Act No. 35
Public Acts of 2015
Approved by the Governor
May 21, 2015
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May 21, 2015
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STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2015

Introduced by Reps. Pscholka, Theis, Bizon, Poleski, Victory, Yonker, Maturen, McCready, Iden, Bumstead,
Price, Inman, Crawford, Outman, Muxlow, Barrett and Nesbitt

ENROLLED HOUSE BILL No. 4163

AN ACT 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:

TITLE

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

Sec. 3. (1) "Elevator" means the machinery, construction, apparatus, and equipment of an incline lift, escalator, moving walk, or device serving 2 or more landings used in raising and lowering a car, cage, or platform which is guided. The term includes a passenger elevator, freight elevator, gravity elevator, workmen's elevator, dumbwaiter, manlift, or other lifting or lowering apparatus that is guided. The term does not include:

- (a) An elevating device within the scope of 1911 PA 163, MCL 425.101 to 425.113.
- (b) A feeding machine or belted bucket, scoop, roller, or any similar type of freight conveyor.
- (c) A lubrication hoist or other similar mechanism.
- (d) A piling or stacking machine that is used within 1 story and does not penetrate a floor.
- (e) A residential stairway chairlift or residential platform lift.

(f) An outside material hoist used for raising or lowering construction materials while a building or structure is under construction within the scope of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(2) "Elevator contractor" means a person that is engaged in the business of constructing, installing, maintaining, repairing, or altering elevators, including the installing or maintaining of electric wiring, fixtures, apparatus, and appliances in connection with the operation or control of elevators.

(3) "Elevator contractor license" means a license issued by the director to an elevator contractor that authorizes the licensee to engage in the construction, installation, alteration, maintenance, or repair of elevators.

Sec. 4. (1) "General inspector" means an individual who holds a general certificate of competency and is employed by this state as an elevator inspector or in an elevator inspection supervisory capacity.

(2) "Incline lift" means an elevator that is designed and operated to transport individuals or material from 1 level to another. The term does not include the enclosure or building, an incline lift under the jurisdiction of the ski area safety board, or a residential stairway chairlift or residential platform lift.

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

(4) "Person" means an individual, corporation, limited liability company, partnership, association, governmental entity, or any other legal entity.

(5) "Residential stairway chairlift or residential platform lift" means an inclined stairway chairlift or inclined and vertical platform lift in or at a private residence that is intended only for transportation of an individual whose mobility is impaired, meets the requirements of section 14a, and is manufactured in compliance with the American society of mechanical engineers standard 18.1-2008 or any revision to that standard approved by the department. The term does not include an elevator, escalator, moving walkway, material lift, dumbwaiter, personnel hoist, powered platform and equipment for exterior and interior building maintenance, amusement device, or stage or orchestra lift or any portable equipment used to lift or transport individuals or material.

(6) "Special inspector" means an individual who holds a special certificate of competency and is commissioned under this act.

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

(8) "State construction code" means the code, as that term is defined in section 2a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1502a.

Sec. 14a. (1) An individual shall not install, construct, repair, alter, or maintain a residential stairway chairlift or residential platform lift unless that individual meets all of the following:

(a) He or she is 1 of the following:

(i) Certified by the manufacturer of the residential stairway chairlift or residential platform lift to install, construct, repair, alter, or maintain that chairlift or lift.

(ii) Licensed as an elevator contractor under this act.

(b) He or she has, or the person that employs or has engaged him or her as an agent has, liability insurance in the principal amount of at least \$1,000,000.00 for each occurrence and at least \$2,000,000.00 in the aggregate.

(c) Before commencing the work, obtains all permits required by the municipality in which the premises are located.

(d) In performing the work, complies with both of the following:

(i) The state construction code.

(ii) The American society of mechanical engineers standard 18.1-2008 or any revision to that standard approved by the department.

(2) An individual shall not install, construct, repair, alter, or maintain a residential stairway chairlift or residential platform lift unless the device meets all of the following:

(a) The device has a limited vertical travel, operating speed, and platform area.

(b) Operation of the device is under continuous control of the user or passenger.

(c) The device does not penetrate more than 1 floor.

(d) The device does not have a full passenger enclosure on the platform of the device.

(e) The device is not operated by means of hydraulic propulsion.

(f) The device is not rated to transport a load greater than 750 pounds.

(g) If the device is a residential platform lift, the device does not travel vertically more than 6 feet on a slope that is 90 degrees.

(3) A permit from the department under section 15(1) is not required to alter or install a residential stairway chairlift or residential platform lift.

Sec. 15. (1) A person shall not install or alter an elevator without first obtaining a permit from the department. The department shall only issue a permit to a person that is licensed by the director as an elevator contractor. Elevator hoistway enclosures shall meet the requirements of the standard. The licensee shall submit detailed plans and specifications of all elevator equipment and the elevator hoistway enclosure, in triplicate, to the department, and approval of those plans and specifications is required before the permit is issued. A person shall apply for a permit on a form provided by the department. The department shall not issue a permit if the appropriate fee is not paid. For emergency alterations, the permit shall be obtained within 72 hours from the time of alteration.

(2) In a municipality that maintains its own approved elevator inspection department, a person shall submit elevator installation or alteration plans and specifications to that department for its approval and, if approved, the municipality shall issue a permit for the installation or alteration of that elevator.

(3) The department shall issue an initial or renewal elevator contractor license or installation or alteration permit not later than 90 days after the applicant files a completed application. An application is considered received on the date the application is received by any agency or department of this state. If an application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled from the date the applicant is notified by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license or permit and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license or permit.

(4) If the department fails to issue or deny a license or permit within the time required by subsection (3), the department shall return the license or permit fee and shall reduce the license or permit fee for the applicant's next renewal application, if any, by 15%. A failure to issue a license or permit within the time required under this section does not allow the department to otherwise delay the processing of the application, and the department shall place that application, when completed, in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based on the fact that the license or permit fee was refunded or discounted under this subsection.

(5) The director of the department shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with occupational issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

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

(b) The number of applications denied.

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

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

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4162 of the 98th Legislature is enacted into law.

Enacting section 3. It is the intent of the legislature that the enactment of this amendatory act does not affect the department of licensing and regulatory affairs' examination or examination requirements for licensure as a residential builder under article 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

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Governor

Compiler's note: House Bill No. 4162, referred to in enacting section 2, was filed with the Secretary of State May 21, 2015, and became 2015 PA 34, Eff. Aug. 19, 2015.