

HOUSE BILL No. 4163

February 10, 2015, Introduced by Reps. Pscholka, Theis, Bizon, Poleski, Victory, Yonker, Maturen, McCready, Iden, Bumstead, Price, Inman, Crawford, Outman, Muxlow, Barrett and Nesbitt and referred to the Committee on Commerce and Trade.

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:

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**

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**

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 IN OR AT A PRIVATE RESIDENCE THAT IS INTENDED ONLY
6 FOR TRANSPORTATION OF AN INDIVIDUAL WHOSE MOBILITY IS IMPAIRED,
7 MEETS THE REQUIREMENTS OF SECTION 14A, AND IS MANUFACTURED IN
8 COMPLIANCE WITH THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS
9 STANDARD 18.1-2008. THE TERM DOES NOT INCLUDE AN ELEVATOR,
10 ESCALATOR, MOVING WALKWAY, MATERIAL LIFT, DUMBWAITER, PERSONNEL
11 HOIST, POWERED PLATFORM AND EQUIPMENT FOR EXTERIOR AND INTERIOR
12 BUILDING MAINTENANCE, AMUSEMENT DEVICE, OR STAGE OR ORCHESTRA LIFT
13 OR ANY PORTABLE EQUIPMENT USED TO LIFT OR TRANSPORT INDIVIDUALS OR
14 MATERIAL.

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

18 (7) ~~(5)~~—"Standard" means the American standard safety code for
19 elevators, dumbwaiters, escalators, and moving walks, A 17.1-1965.

20 (8) "STATE CONSTRUCTION CODE" MEANS THE CODE, AS THAT TERM IS
21 DEFINED IN SECTION 2A OF THE STILLE-DEROSSETT-HALE SINGLE STATE
22 CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1502A.

23 SEC. 14A. (1) AN INDIVIDUAL SHALL NOT INSTALL, CONSTRUCT,
24 REPAIR, ALTER, OR MAINTAIN A RESIDENTIAL STAIRWAY CHAIRLIFT OR
25 RESIDENTIAL PLATFORM LIFT UNLESS THAT INDIVIDUAL MEETS ALL OF THE
26 FOLLOWING:

27 (A) HE OR SHE IS 1 OF THE FOLLOWING:

1 (i) CERTIFIED BY THE MANUFACTURER OF THE RESIDENTIAL STAIRWAY
2 CHAIRLIFT OR RESIDENTIAL PLATFORM LIFT TO INSTALL, CONSTRUCT,
3 REPAIR, ALTER, OR MAINTAIN THAT CHAIRLIFT OR LIFT.

4 (ii) LICENSED AS AN ELEVATOR CONTRACTOR UNDER THIS ACT.

5 (B) HE OR SHE HAS, OR THE PERSON THAT EMPLOYS OR HAS ENGAGED
6 HIM OR HER AS AN AGENT HAS, LIABILITY INSURANCE IN THE PRINCIPAL
7 AMOUNT OF AT LEAST \$1,000,000.00 FOR EACH OCCURRENCE AND AT LEAST
8 \$2,000,000.00 IN THE AGGREGATE.

9 (C) BEFORE COMMENCING THE WORK, OBTAINS ALL PERMITS REQUIRED
10 BY THE MUNICIPALITY IN WHICH THE PREMISES ARE LOCATED.

11 (D) IN PERFORMING THE WORK, COMPLIES WITH BOTH OF THE
12 FOLLOWING:

13 (i) THE STATE CONSTRUCTION CODE.

14 (ii) THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS STANDARD
15 18.1-2008.

16 (2) AN INDIVIDUAL SHALL NOT INSTALL, CONSTRUCT, REPAIR, ALTER,
17 OR MAINTAIN A RESIDENTIAL STAIRWAY CHAIRLIFT OR RESIDENTIAL
18 PLATFORM LIFT UNLESS THE DEVICE MEETS ALL OF THE FOLLOWING:

19 (A) THE DEVICE HAS A LIMITED VERTICAL TRAVEL, OPERATING SPEED,
20 AND PLATFORM AREA.

21 (B) OPERATION OF THE DEVICE IS UNDER CONTINUOUS CONTROL OF THE
22 USER OR PASSENGER.

23 (C) THE DEVICE DOES NOT PENETRATE MORE THAN 1 FLOOR.

24 (D) THE DEVICE DOES NOT HAVE A FULL PASSENGER ENCLOSURE ON THE
25 PLATFORM OF THE DEVICE.

26 (E) THE DEVICE IS NOT OPERATED BY MEANS OF HYDRAULIC
27 PROPULSION.

1 (F) THE DEVICE IS NOT RATED TO TRANSPORT A LOAD GREATER THAN
2 750 POUNDS.

3 (G) IF THE DEVICE IS A RESIDENTIAL PLATFORM LIFT, THE DEVICE
4 DOES NOT TRAVEL VERTICALLY MORE THAN 6 FEET ON A SLOPE THAT IS 90
5 DEGREES.

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

9 Sec. 15. (1) A person ~~, firm, or corporation~~ shall not install
10 or alter an elevator without first ~~having obtained~~ **OBTAINING** a
11 permit from the department. ~~A permit shall be issued only to a~~
12 ~~person, firm, or corporation~~ **THE DEPARTMENT SHALL ONLY ISSUE A**
13 **PERMIT TO A PERSON THAT IS** licensed by the director as an elevator
14 contractor. Elevator hoistway enclosures shall meet the
15 requirements of the standard. ~~A permit to install a stair climber~~
16 ~~type of incline lift in other than a private residence shall not be~~
17 ~~issued unless special permission is granted by the director.~~
18 ~~Detailed~~ **THE LICENSEE SHALL SUBMIT DETAILED** plans and
19 specifications of all elevator equipment and the elevator hoistway
20 enclosure, in triplicate, ~~shall be submitted by the licensee to the~~
21 ~~department, and shall be approved by the department~~ **APPROVAL OF**
22 **THOSE PLANS AND SPECIFICATIONS IS REQUIRED** before the permit is
23 issued. ~~Permit applications shall be made on forms furnished~~ **A**
24 **PERSON SHALL APPLY FOR A PERMIT ON A FORM PROVIDED** by the
25 department. ~~The applicable fee shall be paid before issuance of the~~
26 ~~permit.~~ **THE DEPARTMENT SHALL NOT ISSUE A PERMIT IF THE APPROPRIATE**
27 **FEE IS NOT PAID.** For emergency alterations, the permit shall be

1 obtained within 72 hours from the time of alteration.

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

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

27 (4) If the department fails to issue or deny a license or

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

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

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

22 (b) The number of applications denied.

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

26 (6) As used in this section, "completed application" means an
27 application complete on its face and submitted with any applicable

1 licensing or permit fees as well as any other information, records,
2 approval, security, or similar item required by law or rule from a
3 local unit of government, a federal agency, or a private entity but
4 not from another department or agency of ~~the~~**THIS** state. ~~of~~
5 ~~Michigan.~~

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. ____ or House Bill No. 4162 (request no.
8 00334'15 a) of the 98th Legislature is enacted into law.

9 Enacting section 2. It is the intent of the legislature that
10 the enactment of this amendatory act does not affect the department
11 of licensing and regulatory affairs' examination or examination
12 requirements for licensure as a residential builder under article
13 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412.