

Legislative Analysis



VARIANCE FROM LITERAL ENFORCEMENT OF RULES CONCERNING ELEVATOR SAFETY MEASURES NOT OTHERWISE REQUIRED

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House Bill 4510 (H-1) as reported from committee

Sponsor: Rep. Diana Farrington

Committee: Government Operations

Complete to 5-1-19

SUMMARY:

House Bill 4510 would amend 1967 PA 227, which regulates the construction, installation, and inspection of elevators, to require the director of the Department of Licensing and Regulatory Affairs (LARA) to grant an exception or variation from the literal requirements of the act or its rules with regard to certain elevator safety measures.

Currently, the director of LARA is charged with enforcing the provisions of the act and the rules promulgated under it. If a literal enforcement of the rules will result in unnecessary hardship or involve practical difficulties, the director may, upon specific application, authorize variations or modifications of the rules that are not contrary to the public interest, observe the spirit of the rules, secure the public safety, and do substantial justice.

The bill would add a provision to require the director, upon specific application, to grant any exceptions or variations from the literal requirements of the act or rules that are necessary to authorize the alteration of an elevator safety measure that was not required at the time the elevator was built or at the time the application was made, if the director believed that granting the exception or variation would secure reasonable safety.

The bill would take effect 90 days after enactment.

MCL 408.802 and 408.809

FISCAL IMPACT:

The bill would not have a fiscal impact on the state or local units of government.

POSITIONS:

Representatives of the Amerilodge Group testified in support of the bill. (5-1-19)

The Michigan Restaurant and Lodging Association indicated support for the bill. (5-1-19)

Representatives of the following entities testified in opposition to the bill (5-1-19):

Department of Licensing and Regulatory Affairs

International Union of Elevator Constructors

The following entities indicated opposition to the bill (5-1-19):

Michigan Building Trades

Michigan AFL-CIO

Legislative Analyst: Rick Yuille
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.