



Rep. Angelo Saviano

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09400HB2198ham001

LRB094 03203 RAS 47219 a

1 AMENDMENT TO HOUSE BILL 2198

2 AMENDMENT NO. _____. Amend House Bill 2198 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Elevator Safety and Regulation Act is
5 amended by changing Sections 15, 20, 45, 55, 60, 95, 105, 110,
6 120, and 135 as follows:

7 (225 ILCS 312/15)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 15. Definitions. For the purpose of this Act:

10 "Administrator" means the Office of the State Fire Marshal.

11 "ANSI A10.4" means the safety requirements for personnel
12 hoists, an American National Standard.

13 "ASCE 21" means the American Society of Civil Engineers
14 Automated People Mover Standards.

15 "ASME A17.1" means the Safety Code for Elevators and
16 Escalators, an American National Standard.

17 "ASME A17.3" means the Safety Code for Existing Elevators
18 and Escalators, an American National Standard.

19 "ASME A18.1" means the Safety Standard for Platform Lifts
20 and Stairway Chairlifts, an American National Standard.

21 "Automated people mover" means an installation as defined
22 as an "automated people mover" in ASCE 21.

23 "Board" means the Elevator Safety Review Board.

24 "Certificate of operation" means a certificate issued by

1 the Administrator that indicates that the conveyance has passed
2 the required safety inspection and tests and fees have been
3 paid as set forth in this Act. The Administrator may issue a
4 temporary certificate of operation that permits the temporary
5 use of a non-compliant conveyance by the general public for a
6 limited time of 30 days while minor repairs are being
7 completed.

8 "Conveyance" means any elevator, dumbwaiter, escalator,
9 moving sidewalk, platform lifts, stairway chairlifts and
10 automated people movers.

11 "Elevator" means an installation defined as an "elevator"
12 in ASME A17.1.

13 "Elevator contractor" means any person, firm, or
14 corporation who possesses an elevator contractor's license in
15 accordance with the provisions of Sections 40 and 55 of this
16 Act and who is engaged in the business of erecting,
17 constructing, installing, altering, servicing, repairing, or
18 maintaining elevators or related conveyance covered by this
19 Act.

20 "Elevator contractor's license" means a license issued to
21 an elevator contractor who has proven his or her qualifications
22 and ability and has been authorized by the Elevator Safety
23 Review Board to possess this type of license. It shall entitle
24 the holder thereof to engage in the business of erecting,
25 constructing, installing, altering, servicing, testing,
26 repairing, or maintaining elevators or related conveyance
27 covered by this Act. The Administrator may issue a limited
28 elevator contractor's license authorizing a firm or company
29 that employs individuals to carry on a business of erecting,
30 constructing, installing, altering, servicing, repairing, or
31 maintaining platform lifts and stairway chairlifts within any
32 building or structure, including but not limited to private
33 residences.

34 "Elevator inspector" means any person who possesses an

1 elevator inspector's license in accordance with the provisions
2 of this Act or any person who performs the duties and functions
3 of an elevator inspector for any unit of local government with
4 a population greater than 500,000 prior to or on the effective
5 date of this Act.

6 "Elevator mechanic" means any person who possesses an
7 elevator mechanic's license in accordance with the provisions
8 of Sections 40 and 45 of this Act and who is engaged in
9 erecting, constructing, installing, altering, servicing,
10 repairing, or maintaining elevators or related conveyance
11 covered by this Act.

12 "Elevator mechanic's license" means a license issued to a
13 person who has proven his or her qualifications and ability and
14 has been authorized by the Elevator Safety Review Board to work
15 on conveyance equipment. It shall entitle the holder thereof to
16 install, construct, alter, service, repair, test, maintain,
17 and perform electrical work on elevators or related conveyance
18 covered by this Act.

19 "Escalator" means an installation defined as an
20 "escalator" in ASME A17.1.

21 "Existing installation" means an installation defined as
22 an "installation, existing" in ASME A17.1.

23 "Inspector's license" means a license issued to a person
24 who has proven his or her qualifications and ability and has
25 been authorized by the Elevator Safety Review Board to possess
26 this type of license. It shall entitle the holder thereof to
27 engage in the business of inspecting elevators or related
28 conveyance covered by this Act.

29 "License" means a written license, duly issued by the
30 Administrator, authorizing a person, firm, or company to carry
31 on the business of erecting, constructing, installing,
32 altering, servicing, repairing, maintaining, or performing
33 inspections of elevators or related conveyance covered by this
34 Act.

1 "Material alteration" means an "alteration" as defined by
2 the Board.

3 "Moving walk" means an installation ~~as~~ defined as a "moving
4 walk" in ASME A17.1.

5 "Private residence" means a separate dwelling or a separate
6 apartment in a multiple dwelling that is occupied by members of
7 a single-family unit.

8 "Repair" has the meaning defined by the Board, which does
9 not require a permit.

10 "Residential accessibility license" means a license issued
11 to a person who has proven his or her qualifications and
12 ability to, and has been authorized by, the Elevator Safety
13 Review Board to install, construct, alter, service, repair,
14 test, maintain, and perform electrical work on A18.1 equipment
15 in a private owner occupied residence.

16 "Temporarily dormant" means an elevator, dumbwaiter, or
17 escalator:

18 (1) with a power supply that has been disconnected by
19 removing fuses and placing a padlock on the mainline
20 disconnect switch in the "off" position;

21 (2) with a car that is parked and hoistway doors that
22 are in the closed and latched position;

23 (3) with a wire seal on the mainline disconnect switch
24 installed by a licensed elevator inspector;

25 (4) that shall not be used again until it has been put
26 in safe running order and is in condition for use;

27 (5) requiring annual inspections for the duration of
28 the temporarily dormant status by a licensed elevator
29 inspector;

30 (6) that has a "temporarily dormant" status that is
31 renewable on an annual basis, not to exceed a one-year
32 period;

33 (7) requiring the inspector to file a report with the
34 chief elevator inspector describing the current

1 conditions; and

2 (8) with a wire seal and padlock that shall not be
3 removed for any purpose without permission from the
4 elevator inspector.

5 (Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

6 (225 ILCS 312/20)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 20. License or registration required.

9 (a) After July 1, 2003, no person shall erect, construct,
10 wire, alter, replace, maintain, remove, or dismantle any
11 conveyance contained within buildings or structures in the
12 jurisdiction of this State unless he or she possesses an
13 elevator mechanic's license under this Act and unless he or she
14 works under the direct supervision of a person, firm, or
15 company having an elevator contractor's license in accordance
16 with Section 40 of this Act or exempted by that Section.
17 However, a licensed elevator contractor is not required for
18 removal or dismantling of conveyances that are destroyed as a
19 result of a complete demolition of a secured building or
20 structure or where the hoistway or wellway is demolished back
21 to the basic support structure and where no access is permitted
22 that would endanger the safety and welfare of a person.

23 (b) After July 1, 2003, no person shall inspect any
24 conveyance within buildings or structures, including, but not
25 limited, to private residences, unless he or she has an
26 inspector's license.

27 (c) After January 1, 2006, no person shall erect,
28 construct, wire, alter, replace, maintain, remove, or
29 dismantle any conveyance contained within buildings or
30 structures in the jurisdiction of this State unless he or she
31 is registered as an elevator industry apprentice or a helper by
32 the Administrator and works under the direct supervision of an
33 individual licensed under this Act as an elevator mechanic. The

1 Administrator shall set elevator industry apprenticeship and
2 helper qualifications and registration procedure by rule.

3 (Source: P.A. 92-873, eff. 6-1-03.)

4 (225 ILCS 312/45)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 45. Qualifications for elevator mechanic's license
7 and residential accessibility license; emergency and temporary
8 licensure.

9 (a) No license shall be granted to any person who has not
10 paid the required application fee.

11 (b) No license shall be granted to any person who has not
12 proven his or her qualifications and abilities.

13 (c) Applicants for an elevator mechanic's license must
14 demonstrate one of the following qualifications:

15 (1) an acceptable combination of documented experience
16 and education credits consisting of: (A) not less than 3
17 years work experience in the elevator industry, in
18 construction, maintenance, and service or repair, as
19 verified by current and previous employers licensed to do
20 business in this State; and (B) satisfactory completion of
21 a written examination administered by the Elevator Safety
22 Review Board or its designated provider on the adopted
23 rules, referenced codes, and standards;

24 (2) acceptable proof that he or she has worked as an
25 elevator constructor, maintenance, or repair person;
26 acceptable proof shall consist of documentation that he or
27 she worked without direct and immediate supervision for an
28 elevator contractor who has worked on elevators in this
29 State for a period of not less than 3 years immediately
30 prior to the effective date of this Act; the person must
31 make application within 3 months after the effective date
32 of the initial rules adopted by the Board under Section 35
33 of this Act that implement this Act ~~one year of the~~

1 ~~effective date of this Act;~~

2 (3) a certificate of successful completion of the
3 mechanic examination of a nationally recognized training
4 program for the elevator industry such as the National
5 Elevator Industry Educational Program or its equivalent;

6 (4) a certificate of completion of an elevator mechanic
7 apprenticeship program with standards substantially equal
8 to those of this Act and registered with the Bureau of
9 Apprenticeship and Training, U.S. Department of Labor, or a
10 State apprenticeship council; or

11 (5) a valid license from a state having standards
12 substantially equal to those of this State.

13 (d) A residential accessibility license shall be issued to
14 an individual who has demonstrated the qualifications set forth
15 in subdivision (1) of subsection (c) of this Section and who
16 performs A18.1 work in a private owner occupied residence.

17 (e) Whenever an emergency exists in the State due to
18 disaster or work stoppage and the number of persons in the
19 State holding licenses granted by the Board is insufficient to
20 cope with the emergency, the licensed elevator contractor shall
21 respond as necessary to ensure the safety of the public. Any
22 person certified by a licensed elevator contractor to have an
23 acceptable combination of documented experience and education
24 to perform elevator work without direct and immediate
25 supervision shall seek an emergency elevator mechanic's
26 license from the Administrator within 5 business days after
27 commencing work requiring a license. The Administrator shall
28 issue emergency elevator mechanic's licenses. The applicant
29 shall furnish proof of competency as the Administrator may
30 require. Each license shall recite that it is valid for a
31 period of 30 days from the date thereof and for such particular
32 elevators or geographical areas as the Administrator may
33 designate and otherwise shall entitle the licensee to the
34 rights and privileges of a elevator mechanic's license issued

1 under this Act. The Administrator shall renew an emergency
2 elevator mechanic's license during the existence of an
3 emergency. No fee may be charged for any emergency elevator
4 mechanic's license or renewal thereof.

5 (f) A licensed elevator contractor shall notify the
6 Administrator when there are no licensed personnel available to
7 perform elevator work. The licensed elevator contractor may
8 request that the Administrator issue temporary elevator
9 mechanic's licenses to persons certified by the licensed
10 elevator contractor to have an acceptable combination of
11 documented experience and education to perform elevator work
12 without direct and immediate supervision. Any person certified
13 by a licensed elevator contractor to have an acceptable
14 combination of documented experience and education to perform
15 elevator work without direct and immediate supervision shall
16 immediately seek a temporary elevator mechanic's license from
17 the Administrator and shall pay such fee as the Board shall
18 determine. Each license shall recite that it is valid for a
19 period of 30 days from the date of issuance and while employed
20 by the licensed elevator contractor that certified the
21 individual as qualified. It shall be renewable as long as the
22 shortage of license holders continues.

23 (Source: P.A. 92-873, eff. 6-1-03.)

24 (225 ILCS 312/55)

25 (Section scheduled to be repealed on January 1, 2013)

26 Sec. 55. Qualifications for elevator contractor's license.

27 (a) No license shall be granted to any person or firm
28 unless the appropriate application fee is paid.

29 (b) No license shall be granted to any person or firm who
30 has not proven the required qualifications and abilities. An
31 applicant must demonstrate one of the following
32 qualifications:

33 (1) five years work experience in the elevator industry

1 in construction, maintenance, and service or repair, as
2 verified by current and previous elevator contractor's
3 licenses to do business, or satisfactory completion of a
4 written examination administered by the Elevator Safety
5 Review Board or its designated provider on the most recent
6 referenced codes and standards; ~~or~~

7 (2) proof that the individual or firm holds a valid
8 license from a state having standards substantially equal
9 to those of this State; or-

10 (3) 5 years work experience in the elevator industry,
11 as verified by proof of insurance and submission of the
12 business address and contact information of a designated
13 officer within such business.

14 (c) This Section does not apply to a person or firm engaged
15 in business as an elevator contractor in a municipality with a
16 population over 500,000 that provides for the licensure of
17 elevator contractors for work performed within the corporate
18 boundaries of a municipality with a population over 500,000.

19 (Source: P.A. 92-873, eff. 6-1-03.)

20 (225 ILCS 312/60)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 60. Issuance and renewal of licenses; fees.

23 (a) Upon approval of an application, the Administrator may
24 issue a license that must be renewed every 2 years ~~biannually~~.
25 The renewal fee for the license shall be set by the Board.

26 (b) (Blank). ~~Whenever an emergency exists in the State due~~
27 ~~to disaster or work stoppage and the number of persons in the~~
28 ~~State holding licenses granted by the Board is insufficient to~~
29 ~~cope with the emergency, the licensed elevator contractor shall~~
30 ~~respond as necessary to assure the safety of the public. Any~~
31 ~~person certified by a licensed elevator contractor to have an~~
32 ~~acceptable combination of documented experience and education~~
33 ~~to perform elevator work without direct and immediate~~

1 ~~supervision shall seek an emergency elevator mechanic's~~
2 ~~license from the Administrator within 5 business days after~~
3 ~~commencing work requiring a license. The Administrator shall~~
4 ~~issue emergency elevator mechanic's licenses. The applicant~~
5 ~~shall furnish proof of competency as the Administrator may~~
6 ~~require. Each license shall recite that it is valid for a~~
7 ~~period of 30 days from the date thereof and for such particular~~
8 ~~elevators or geographical areas as the Administrator may~~
9 ~~designate and otherwise shall entitle the licensee to the~~
10 ~~rights and privileges of a elevator mechanic's license issued~~
11 ~~under this Act. The Administrator shall renew an emergency~~
12 ~~elevator mechanic's license during the existence of an~~
13 ~~emergency. No fee shall be charged for any emergency elevator~~
14 ~~mechanic's license or renewal thereof.~~

15 (c) (Blank). ~~A licensed elevator contractor shall notify~~
16 ~~the Administrator when there are no licensed personnel~~
17 ~~available to perform elevator work. The licensed elevator~~
18 ~~contractor may request that the Administrator issue temporary~~
19 ~~elevator mechanic's licenses to persons certified by the~~
20 ~~licensed elevator contractor to have an acceptable combination~~
21 ~~of documented experience and education to perform elevator work~~
22 ~~without direct and immediate supervision. Any person certified~~
23 ~~by a licensed elevator contractor to have an acceptable~~
24 ~~combination of documented experience and education to perform~~
25 ~~elevator work without direct and immediate supervision shall~~
26 ~~immediately seek a temporary elevator mechanic's license from~~
27 ~~the Administrator and shall pay such fee as the Board shall~~
28 ~~determine. Each license shall recite that it is valid for a~~
29 ~~period of 30 days from the date of issuance and while employed~~
30 ~~by the licensed elevator contractor that certified the~~
31 ~~individual as qualified. It shall be renewable as long as the~~
32 ~~shortage of license holders shall continue.~~

33 (d) The renewal of all licenses granted under the
34 provisions of this Section shall be conditioned upon the

1 submission of a certificate of completion of a course designed
2 to ensure the continuing education of licensees on new and
3 existing provisions of the rules of the Elevator Safety Review
4 Board. Such course shall consist of not less than 8 hours of
5 instruction that shall be attended and completed within one
6 year immediately preceding any such license renewal.

7 (e) The courses referred to in subsection (d) of this
8 Section shall be taught by instructors through continuing
9 education providers that may include, but shall not be limited
10 to, association seminars and labor training programs. The
11 Elevator Safety Review Board shall approve the continuing
12 education providers. All instructors shall be approved by the
13 Board and shall be exempt from the requirements of subsection
14 (d) of this Section with regard to their applications for
15 license renewal, provided that such applicant was qualified as
16 an instructor at any time during the one year immediately
17 preceding the scheduled date for such renewal.

18 (f) A licensee who is unable to complete the continuing
19 education course required under this Section prior to the
20 expiration of his or her license due to a temporary disability
21 may apply for a waiver from the Board. This shall be on a form
22 provided by the Board, which shall be signed under the penalty
23 of perjury and accompanied by a certified statement from a
24 competent physician attesting to such temporary disability.
25 Upon the termination of such temporary disability, the licensee
26 shall submit to the Board a certified statement from the same
27 physician, if practicable, attesting to the termination of the
28 temporary disability, at which time a waiver sticker, valid for
29 90 days, shall be issued to the licensee and affixed to his or
30 her license.

31 (g) Approved training providers shall keep for a period of
32 10 years uniform records of attendance of licensees following a
33 format approved by the Board. These records shall be available
34 for inspection by the Board at its request. Approved training

1 providers shall be responsible for the security of all
2 attendance records and certificates of completion, provided
3 that falsifying or knowingly allowing another to falsify
4 attendance records or certificates of completion shall
5 constitute grounds for suspension or revocation of the approval
6 required under this Section.

7 (Source: P.A. 92-873, eff. 6-1-03.)

8 (225 ILCS 312/95)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 95. New installations; annual inspections and
11 registrations.

12 (a) All new conveyance installations shall be performed by
13 a person, firm, or company to which a license to install or
14 service conveyances has been issued. Subsequent to
15 installation, the licensed person, firm, or company must
16 certify compliance with the applicable Sections of this Act.
17 Prior to any conveyance being used, the property owner or
18 lessee must obtain a certificate of operation from the
19 Administrator, unless the property is located within a
20 municipality with a population greater than 500,000. Except as
21 set forth in subsection (b) of this Section, a ~~A~~ fee as set
22 forth in this Act shall be paid for the certificate of
23 operation. It shall be the responsibility of the licensed
24 elevator contractor to complete and submit first time
25 registration for new installations. ~~The certificate of~~
26 ~~operation fee for newly installed platform lifts and stairway~~
27 ~~chair lifts for private residences shall be subsequent to an~~
28 ~~inspection by a licensed third party inspection firm.~~

29 (b) The certificate of operation for newly installed
30 platform lifts and stairway chair lifts for private residences
31 shall be subsequent to an inspection by a licensed third party
32 inspection firm. The certificate of operation fee for all new
33 and existing platform and stairway chair lifts for private

1 residences and any renewal certificate fees shall be waived.
2 ~~The Administrator or his or her designee shall inspect, in~~
3 ~~accordance with the requirements set forth in this Act, all~~
4 ~~newly installed and existing platform lifts and stairway chair~~
5 ~~lifts for private residences subsequent to an inspection by a~~
6 ~~person, firm, or company to which a license to inspect~~
7 ~~conveyances has been issued, unless the private residence is~~
8 ~~located within a municipality with a population greater than~~
9 ~~500,000.~~

10 (c) A certificate of operation referenced in subsection
11 ~~subsections (a) and (b)~~ of this Section is renewable annually,
12 except for certificates issued for platform and stairway
13 chairlifts for private residences, ~~which shall be valid for a~~
14 ~~period of 3 years~~. Certificates of operation must be clearly
15 displayed on or in each conveyance or in the machine room for
16 use for the benefit of code enforcement staff.

17 (Source: P.A. 92-873, eff. 6-1-03.)

18 (225 ILCS 312/105)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 105. Enforcement.

21 (a) It shall be the duty of the Elevator Safety Review
22 Board to develop an enforcement program to ensure compliance
23 with rules and requirements referenced in this Act. This shall
24 include, but shall not be limited to, rules for identification
25 of property locations that are subject to the rules and
26 requirements; issuing notifications to violating property
27 owners or operators, random on-site inspections, policies for
28 administrative penalties, and tests on existing installations;
29 witnessing periodic inspections and testing in order to ensure
30 satisfactory performance by licensed persons, firms, or
31 companies; and assisting in development of public awareness
32 programs.

33 (b) Any person may make a request for an investigation into

1 an alleged violation of this Act by giving notice to the
2 Administrator of such violation or danger. The notice shall be
3 in writing, shall set forth with reasonable particularity the
4 grounds for the notice, and shall be signed by the person
5 making the request. Upon the request of any person signing the
6 notice, the person's name shall not appear on any copy of the
7 notice or any record published, released, or made available.

8 (c) If, upon receipt of such notification, the
9 Administrator determines that there are reasonable grounds to
10 believe that such violation or danger exists, the Administrator
11 shall cause to be made an investigation in accordance with the
12 provisions of this Act as soon as practicable to determine if
13 such violation or danger exists. If the Administrator
14 determines that there are no reasonable grounds to believe that
15 a violation or danger exists, he or she shall notify the party
16 in writing of such determination.

17 (d) This Section does not apply within a municipality with
18 a population over 500,000.

19 (Source: P.A. 92-873, eff. 6-1-03.)

20 (225 ILCS 312/110)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 110. Liability.

23 (a) This Act shall not be construed to relieve or lessen
24 the responsibility or liability of any person, firm, or
25 corporation owning, operating, controlling, maintaining,
26 erecting, constructing, installing, altering, inspecting,
27 testing, or repairing any elevator or other related mechanisms
28 covered by this Act for damages to person or property caused by
29 any defect therein, nor does the State or any unit of local
30 government assume any such liability or responsibility
31 therefore or any liability to any person for whatever reason
32 whatsoever by the adoption of this Act or any acts or omissions
33 arising under this Act.

1 (b) Any owner or lessee who violates any of the provisions
2 of this Act shall be fined in an amount not to exceed \$1,500
3 per violation, per day.

4 (c) Compliance with this Act is not a defense to a legal
5 proceeding.

6 (Source: P.A. 92-873, eff. 6-1-03.)

7 (225 ILCS 312/120)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 120. Inspection and testing.

10 (a) It shall be the responsibility of the owner of all new
11 and existing conveyances located in any building or structure
12 to have the conveyance inspected annually by a person, firm, or
13 company to which a license to inspect conveyances has been
14 issued. Subsequent to inspection, the licensed person, firm, or
15 company must supply the property owner or lessee and the
16 Administrator with a written inspection report describing any
17 and all violations. Property owners shall have 30 days from the
18 date of the published inspection report to be in full
19 compliance by correcting the violations. The Administrator
20 shall determine whether or not such violations have been
21 corrected.

22 (b) It shall be the responsibility of the owner of all
23 conveyances to have a firm or company licensed as described in
24 this Act to ensure that the required inspection and test are
25 performed at intervals in compliance with ASME A17.1, ASME
26 A18.1, and ASCE 21.

27 (c) All tests shall be performed by a licensed elevator
28 mechanic.

29 (Source: P.A. 92-873, eff. 6-1-03.)

30 (225 ILCS 312/135)

31 (Section scheduled to be repealed on January 1, 2013)

32 Sec. 135. Elevators in private residences. The owner of a

1 conveyance located in his or her private residence may
2 register, pay the required fee, and have his or her existing
3 conveyance inspected. The Administrator shall provide annual
4 notice to the owner of the private residence where the
5 conveyance is located with relevant information about
6 conveyance safety requirements, including the need to have the
7 elevator periodically and timely inspected and made safe. Any
8 inspection performed shall be done solely at the request and
9 with the consent of the private residence owner. No penalty
10 provision of this Act shall apply to private residence owners.

11 (Source: P.A. 92-873, eff. 6-1-03.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."