



Sen. John M. Sullivan

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LRB097 10106 CEL 54210 a

1 AMENDMENT TO SENATE BILL 2037

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2037 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 35, 95, and 120 as follows:

6 (225 ILCS 312/35)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 35. Powers and duties of the Board and Administrator.

9 (a) The Board shall consult with engineering authorities  
10 and organizations and adopt rules consistent with the  
11 provisions of this Act for the administration and enforcement  
12 of this Act. The Board may prescribe forms to be issued in  
13 connection with the administration and enforcement of this Act.  
14 The rules shall establish standards and criteria consistent  
15 with this Act for licensing of elevator mechanics, inspectors,  
16 and installers of elevators, including the provisions of the

1 Safety Code for Elevators and Escalators (ASME A17.1), the  
2 provisions of the Performance-Based Safety Code for Elevators  
3 and Escalators (ASME A17.7), the Standard for the Qualification  
4 of Elevator Inspectors (ASME QEI-1), the Automated People Mover  
5 Standards (ASCE 21), the Safety Requirements for Personnel  
6 Hoists and Employee Elevators (ANSI A10.4), and the Safety  
7 Standard for Platform Lifts and Stairway Chairlifts (ASME  
8 A18.1). The Board shall adopt or amend and adopt the latest  
9 editions of the standards referenced in this subsection within  
10 12 months after the effective date of the standards.

11 The Board shall make determinations authorized by this Act  
12 regarding variances, interpretations, and the installation of  
13 new technology. Such determinations shall have a binding  
14 precedential effect throughout the State regarding equipment,  
15 structure, or the enforcement of codes unless limited by the  
16 Board to the fact-specific issues.

17 (b) The Administrator or Local Administrator shall have the  
18 authority to grant exceptions and variances from the literal  
19 requirements of applicable State codes, standards, and  
20 regulations in cases where such variances would not jeopardize  
21 the public safety and welfare. The Administrator has the right  
22 to review and object to any exceptions or variances granted by  
23 the Local Administrator. The Board shall have the authority to  
24 hear appeals, for any denial by the Local Administrator or for  
25 any denial or objection by the Administrator. The Board shall  
26 hold hearings, and decide upon such within 30 days of the

1 appeal.

2 (c) The Board shall establish fee schedules for licenses,  
3 and registrations issued by the Administrator. The Board shall  
4 also establish fee schedules for permits, certificates, and  
5 inspections for conveyances not under a Local Administrator.  
6 The fees shall be set at an amount necessary to cover the  
7 actual costs and expenses to operate the Board and to conduct  
8 the duties as described in this Act.

9 (d) The Board shall be authorized to recommend the  
10 amendments of applicable legislation, when appropriate, to  
11 legislators.

12 (e) The Administrator may solicit the advice and expert  
13 knowledge of the Board on any matter relating to the  
14 administration and enforcement of this Act.

15 (f) The Administrator may employ professional, technical,  
16 investigative, or clerical help, on either a full-time or  
17 part-time basis, as may be necessary for the enforcement of  
18 this Act.

19 (g) (Blank).

20 (h) Notwithstanding anything else in this Section, the  
21 following upgrade requirements of the 2007 edition of the  
22 Safety Code for Elevators and Escalators (ASME A17.1) and the  
23 2005 edition of the Safety Code for Existing Elevators (ASME  
24 A17.3) must be completed by January 1, 2015, but the  
25 Administrator or Local Administrator may not require their  
26 completion prior to January 1, 2013:

1 (i) restricted opening of hoistway doors or car doors  
2 on passenger elevators;

3 (ii) car illumination;

4 (iii) emergency operation and signaling devices;

5 (iv) phase reversal and failure protection;

6 (v) reopening device for power operated doors or gates;

7 (vi) stop switch pits; and

8 (vii) pit ladder installation in accordance with  
9 Section 2.2.4.2 of ASME A17.1-2007.

10 (i) In the event that a conveyance regulated by this Act is  
11 altered, the alteration shall comply with ASME A17.1.  
12 Notwithstanding anything else in this Section, the  
13 firefighter's emergency operation, and the hydraulic elevator  
14 cylinder, including the associated safety devices outlined in  
15 Section 4.3.3(b) of ASME A17.3-2005, are not required to be  
16 upgraded unless: (1) there is an alteration, (2) the equipment  
17 fails, or (3) failing to replace the equipment jeopardizes the  
18 public safety and welfare as determined by the Local  
19 Administrator or the Board.

20 (j) The Administrator may choose to require the inspection  
21 of any conveyance to be performed by its own inspectors or by  
22 third-party licensed inspectors employed by the Administrator.

23 (Source: P.A. 95-573, eff. 8-31-07; 96-54, eff. 7-23-09.)

24 (225 ILCS 312/95)

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

1           Sec. 95. New installations; annual inspections and  
2 registrations.

3           (a) All new conveyance installations regulated by this Act  
4 shall be performed by a person, firm, or company to which a  
5 license to install or service conveyances has been issued.  
6 Subsequent to installation, the licensed person, firm, or  
7 company must certify compliance with the applicable Sections of  
8 this Act. Prior to any conveyance being used, the property  
9 owner or lessee must obtain a certificate of operation from the  
10 Administrator or Local Administrator. A fee as authorized by  
11 Section 35 of this Act or as set by the Local Administrator  
12 shall be paid for the certificate of operation. It shall be the  
13 responsibility of the owner to complete and submit first time  
14 registration for new installations.

15           (b) (Blank).

16           (c) A certificate of operation is renewable annually,  
17 except that a certificate of operation is renewable every 3  
18 years for a conveyance (i) that is located in a building owned  
19 and occupied by any church, synagogue, or other building,  
20 structure, or place used primarily for religious worship and is  
21 the only conveyance in the building, (ii) that is under the  
22 jurisdiction of the Administrator, (iii) that is limited in use  
23 to 2 levels, and (iv) for which the church, synagogue, or other  
24 building, structure, or place used primarily for religious  
25 worship has an annual maintenance examination that includes the  
26 applicable category tests. For these occupancies, on-site

1 witnessing of the category test shall be witnessed every 3  
2 years. Records of the applicable maintenance checks and  
3 elevator category test results shall be maintained on-site by  
4 the building owner. The certificates of operation or copy  
5 thereof, must be clearly displayed in the conveyance for the  
6 benefit of code enforcement staff.

7 (Source: P.A. 96-54, eff. 7-23-09.)

8 (225 ILCS 312/120)

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

10 Sec. 120. Inspection and testing.

11 (a) Except as provided in subsection (c) of Section 95 of  
12 this Act, it ~~is~~ shall be the responsibility of the owner of all  
13 new and existing conveyances located in any building or  
14 structure to have the conveyance inspected annually by a  
15 person, firm, or company to which a license to inspect  
16 conveyances has been issued. Subsequent to inspection, the  
17 licensed person, firm, or company must supply the property  
18 owner or lessee and the Administrator with a written inspection  
19 report describing any and all code violations. Property owners  
20 shall have 30 days from the date of the published inspection  
21 report to be in full compliance by correcting the violations.  
22 The Administrator shall determine whether such violations have  
23 been corrected and may extend the compliance dates for good  
24 cause, provided that such violations are minor and pose no  
25 threat to public safety.

1           (b) It shall be the responsibility of the owner of all  
2 conveyances to have a licensed elevator contractor, as defined  
3 in this Act, ensure that the required tests are performed at  
4 intervals in compliance with the ASME A 17.1, ASME A 18.1 and  
5 ASCE 21.

6           (c) All tests shall be performed by a licensed elevator  
7 mechanic.

8           (Source: P.A. 94-698, eff. 11-22-05; 95-573, eff. 8-31-07.)

9           Section 99. Effective date. This Act takes effect upon  
10 becoming law."