



Sen. Don Harmon

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LRB099 04092 AMC 30971 a

1 AMENDMENT TO SENATE BILL 718

2 AMENDMENT NO. _____. Amend Senate Bill 718 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, 35, 105, 120, and 140 as
6 follows:

7 (225 ILCS 312/15)

8 (Section scheduled to be repealed on January 1, 2023)

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

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

11 "Alteration" means any change to equipment, including its
12 parts, components, or subsystems, other than maintenance,
13 repair, or replacement of the equipment, including its parts,
14 components, or subsystems.

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

1 "ASCE 21" means the American Society of Civil Engineers
2 Automated People Mover Standards.

3 "ASME A17.1" means the Safety Code for Elevators and
4 Escalators, an American National Standard, and CSA B44, the
5 National Standard of Canada.

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

8 "ASME A17.7" means the Performance-Based Safety Code for
9 Elevators and Escalators, an American National Standard, and
10 CSA B44.7, the National Standard of Canada.

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

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

15 "Board" means the Elevator Safety Review Board.

16 "Certificate of operation" means a certificate issued by
17 the Administrator or the Local Administrator that indicates
18 that the conveyance has passed the required safety inspection
19 and tests and fees have been paid as set forth in this Act.

20 "Conveyance" means any elevator, dumbwaiter, escalator,
21 moving sidewalk, platform lifts, stairway chairlifts and
22 automated people movers.

23 "Elevator" means an installation defined as an "elevator"
24 in ASME A17.1.

25 "Elevator contractor" means any person, firm, or
26 corporation who possesses an elevator contractor's license in

1 accordance with the provisions of Sections 40 and 55 of this
2 Act and who is engaged in the business of erecting,
3 constructing, installing, altering, servicing, repairing, or
4 maintaining elevators or related conveyance covered by this
5 Act.

6 "Elevator contractor's license" means a license issued to
7 an elevator contractor who has proven his or her qualifications
8 and ability and has been authorized by the Administrator
9 ~~Elevator Safety Review Board~~ to work on conveyance equipment.

10 It shall entitle the holder thereof to engage in the business
11 of constructing, installing, altering, servicing, testing,
12 repairing, or maintaining and performing electrical work on
13 elevators or related conveyances covered by this Act within any
14 building or structure, including, but not limited to, private
15 residences. The Administrator may issue a limited elevator
16 contractor's license authorizing a firm or company that employs
17 individuals to carry on a business of erecting, constructing,
18 installing, altering, servicing, repairing, or maintaining a
19 specific type of conveyance within any building or structure,
20 excluding private residences.

21 "Elevator helper" means an individual registered with the
22 Administrator who works under the general direction of a
23 licensed elevator mechanic. Licensure is not required for an
24 elevator helper.

25 "Elevator industry apprentice" means an individual who is
26 enrolled in an apprenticeship program approved by the Bureau of

1 Apprenticeship and Training of the U.S. Department of Labor and
2 who is registered by the Administrator and works under the
3 general direction of a licensed elevator mechanic. Licensure is
4 not required for an elevator industry apprentice.

5 "Elevator inspector" means any inspector, as that term is
6 defined in ASME QEI, who possesses an elevator inspector's
7 license in accordance with the provisions of this Act.

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

14 "Elevator mechanic's license" means a license issued to a
15 person who has proven his or her qualifications and ability and
16 has been authorized by the Administrator ~~Elevator Safety Review~~
17 ~~Board~~ to work on conveyance equipment. It shall entitle the
18 holder thereof to install, construct, alter, service, repair,
19 test, maintain, and perform electrical work on elevators or
20 related conveyance covered by this Act. The Administrator may
21 issue a limited elevator mechanic's license authorizing an
22 individual to carry on a business of erecting, constructing,
23 installing, altering, servicing, repairing, or maintaining a
24 specific type of conveyance within any building or structure.

25 "Escalator" means an installation defined as an
26 "escalator" in ASME A17.1.

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

3 "Inspector's license" or "inspection company license"
4 means a license issued to an ASME QEI certified elevator
5 inspector or inspection company that has proven the inspector's
6 or the company's qualifications and ability and has been
7 authorized by the Administrator ~~Elevator Safety Review Board~~ to
8 possess this type of license. It shall entitle the holder
9 thereof to engage in the business of inspecting elevators or
10 related conveyance covered by this Act.

11 "License" means a written license, duly issued by the
12 Administrator, authorizing a person, firm, or company to carry
13 on the business of erecting, constructing, installing,
14 altering, servicing, repairing, maintaining, or performing
15 inspections of elevators or related conveyance covered by this
16 Act. New and renewed licenses issued after January 1, 2010 will
17 include a photo of the licensee.

18 "Local Administrator" means the municipality or
19 municipalities or county or counties that entered into a local
20 elevator agreement with the Administrator to operate its own
21 elevator safety program in accordance with this Act and the
22 adopted administrative rules.

23 "Material alteration" means an "alteration", as defined in
24 the referenced standards.

25 "Moving walk" means an installation defined as a "moving
26 walk" in ASME A17.1.

1 "Owner" means the owner of the conveyance, which could be
2 an individual, a group of individuals, an association, trust,
3 partnership, corporation, or person doing business under an
4 assumed name. The owner may delegate his, her, or its authority
5 to manage the day-to-day operations of the conveyance to
6 another party, but may not delegate his, her, or its
7 responsibilities and duties under this Act and the
8 administrative rules.

9 "Private residence" means a separate dwelling or a separate
10 apartment or condominium unit in a multiple-family dwelling
11 that is occupied by members of a single-family unit.

12 "Repair" has the meaning set forth in the referenced
13 standards. "Repair" does not require a permit.

14 "Temporarily dormant" means an elevator, dumbwaiter, or
15 escalator:

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

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

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

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

25 (5) requiring annual inspections for the duration of
26 the temporarily dormant status by a licensed elevator

1 inspector;

2 (6) that has a "temporarily dormant" status that is
3 renewable on an annual basis, not to exceed a 5-year
4 period;

5 (7) requiring the inspector to file a report with the
6 Administrator describing the current conditions; and

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

10 "Temporary certificate of operation" means a temporary
11 certificate of operation issued by the Administrator or the
12 Local Administrator that permits the temporary use of a
13 non-compliant conveyance by the general public for a limited
14 time of 30 days while minor repairs are being completed.

15 All other building transportation terms are as defined in
16 the latest edition of ASME A17.1 and ASME A18.1.

17 "Temporary limited authority" means an authorization
18 issued, for a period not to exceed one year, by the
19 Administrator to an individual that the Administrator deems
20 qualified to perform work on a specific type of conveyance.

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

22 (225 ILCS 312/35)

23 (Section scheduled to be repealed on January 1, 2023)

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

25 (a) The Board shall consult with engineering authorities

1 and organizations and adopt rules consistent with the
2 provisions of this Act for the administration and enforcement
3 of this Act. The Board may prescribe forms to be issued in
4 connection with the administration and enforcement of this Act.
5 The rules shall establish standards and criteria consistent
6 with this Act for licensing of elevator mechanics, inspectors,
7 and installers of elevators, including the provisions of the
8 Safety Code for Elevators and Escalators (ASME A17.1), the
9 provisions of the Performance-Based Safety Code for Elevators
10 and Escalators (ASME A17.7), the Standard for the Qualification
11 of Elevator Inspectors (ASME QEI-1), the Automated People Mover
12 Standards (ASCE 21), the Safety Requirements for Personnel
13 Hoists and Employee Elevators (ANSI A10.4), and the Safety
14 Standard for Platform Lifts and Stairway Chairlifts (ASME
15 A18.1). The Board shall adopt or amend and adopt the latest
16 editions of the standards referenced in this subsection within
17 12 months after the effective date of the standards.

18 The Board shall make determinations authorized by this Act
19 regarding variances, interpretations, and the installation of
20 new technology. Such determinations shall have a binding
21 precedential effect throughout the State regarding equipment,
22 structure, or the enforcement of codes unless limited by the
23 Board to the fact-specific issues.

24 (b) The Administrator or Local Administrator shall have the
25 authority to grant exceptions and variances from the literal
26 requirements of applicable State codes, standards, and

1 regulations in cases where such variances would not jeopardize
2 the public safety and welfare. The Administrator has the right
3 to review and object to any exceptions or variances granted by
4 the Local Administrator. The Board shall have the authority to
5 hear appeals, for any denial by the Local Administrator or for
6 any denial or objection by the Administrator. The Board shall
7 hold hearings, and decide upon such within 30 days of the
8 appeal.

9 (c) The Board shall establish fee schedules for licenses,
10 and registrations issued by the Administrator. The Board shall
11 also establish fee schedules for permits and ~~and~~ certificates~~,~~
12 ~~and inspections~~ for conveyances not under a Local
13 Administrator. The fees shall be set at an amount necessary to
14 cover the actual costs and expenses to operate the Board and to
15 conduct the duties as described in this Act.

16 (d) The Board shall be authorized to recommend the
17 amendments of applicable legislation, when appropriate, to
18 legislators.

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

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

26 (g) (Blank).

1 (h) Notwithstanding anything else in this Section, the
2 following upgrade requirements of the 2007 edition of the
3 Safety Code for Elevators and Escalators (ASME A17.1) and the
4 2005 edition of the Safety Code for Existing Elevators (ASME
5 A17.3) must be completed by January 1, 2015, but the
6 Administrator or Local Administrator may not require their
7 completion prior to January 1, 2013:

8 (i) (blank);

9 (ii) car illumination;

10 (iii) emergency operation and signaling devices;

11 (iv) phase reversal and failure protection;

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

13 (vi) stop switch pits; and

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

16 (h-5) Notwithstanding anything else in this Section, the
17 upgrade requirements for the restricted opening of hoistway
18 doors or car doors on passenger elevators as provided for in
19 the 2007 edition of the Safety Code for Elevators and
20 Escalators (ASME A17.1) and the 2005 edition of the Safety Code
21 for Existing Elevators (ASME A17.3) must be completed by
22 January 1, 2014.

23 (i) In the event that a conveyance regulated by this Act is
24 altered, the alteration shall comply with ASME A17.1.
25 Notwithstanding anything else in this Section, the
26 firefighter's emergency operation, and the hydraulic elevator

1 cylinder, including the associated safety devices outlined in
2 Section 4.3.3(b) of ASME A17.3-2005, are not required to be
3 upgraded unless: (1) there is an alteration, (2) the equipment
4 fails, or (3) failing to replace the equipment jeopardizes the
5 public safety and welfare as determined by the Local
6 Administrator or the Board.

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

10 (k) The Board shall prescribe an inspection form, which
11 shall be the only inspection form used by a licensed inspector
12 in the inspection of a conveyance under this Act.

13 (Source: P.A. 96-54, eff. 7-23-09; 97-310, eff. 8-11-11;
14 97-1048, eff. 8-22-12.)

15 (225 ILCS 312/105)

16 (Section scheduled to be repealed on January 1, 2023)

17 Sec. 105. Enforcement; Investigation.

18 (a) It shall be the duty of the Administrator to develop an
19 enforcement program to ensure compliance with rules and
20 requirements referenced in this Act. This shall include, but
21 shall not be limited to, rules for identification of property
22 locations that are subject to the rules and requirements;
23 issuing notifications to violating property owners or
24 operators, random on-site inspections, and tests on existing
25 installations; witnessing periodic inspections and testing in

1 order to ensure satisfactory performance by licensed persons,
2 firms, or companies; and assisting in development of public
3 awareness programs.

4 (b) Any person may make a request for an investigation into
5 an alleged violation of this Act by giving notice to the
6 Administrator or Local Administrator of such violation or
7 danger. The notice shall be in writing, shall set forth with
8 reasonable particularity the grounds for the notice, and shall
9 be signed by the person making the request. Upon the request of
10 any person signing the notice, the person's name shall not
11 appear on any copy of the notice or any record published,
12 released, or made available. If the Local Administrator
13 determines that there are reasonable grounds to believe that
14 such violation or danger exists, the Local Administrator shall
15 forward the request for an investigation to the Administrator.

16 (c) If, upon receipt of such notification, the
17 Administrator determines that there are reasonable grounds to
18 believe that such violation or danger exists, the Administrator
19 shall cause to be made or permit the Local Administrator to
20 conduct an investigation in accordance with the provisions of
21 this Act as soon as practicable to determine if such violation
22 or danger exists. If the Administrator determines that there
23 are no reasonable grounds to believe that a violation or danger
24 exists, he or she shall notify the party in writing of such
25 determination.

26 (d) (Blank).

1 (e) An injury caused by the malfunction of a conveyance
2 shall be reported to the Administrator by the property owner,
3 the lessee, or the party otherwise responsible for the premises
4 where the conveyance is located and the injury occurred. The
5 injury shall be reported within 2 business days of its
6 occurrence and may be reported either in writing or
7 electronically.

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

9 (225 ILCS 312/120)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 120. Inspection and testing.

12 (a) Except as provided in subsection (c) of Section 95 of
13 this Act, it shall be the responsibility of the owner of all
14 new and existing conveyances located in any building or
15 structure to have the conveyance inspected annually by a
16 person, firm, or company to which a license to inspect
17 conveyances has been issued. The person, firm, or company
18 conducting the inspection shall use the inspection form
19 prescribed by the Board pursuant to subsection (k) of Section
20 35 of this Act. Subsequent to inspection, the licensed person,
21 firm, or company must supply the property owner or lessee ~~and~~
22 ~~the Administrator~~ with a written inspection report describing
23 any and all code violations. Property owners shall have 30 days
24 from the date of the published inspection report to be in full
25 compliance by correcting the violations. The Administrator

1 shall determine, upon receiving a final inspection report from
2 the property owner or lessee, whether such violations have been
3 corrected and may extend the compliance dates for good cause,
4 provided that such violations are minor and pose no threat to
5 public safety.

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

11 (c) All tests shall be performed by a licensed elevator
12 mechanic.

13 (Source: P.A. 97-310, eff. 8-11-11.)

14 (225 ILCS 312/140)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 140. Local Administrator; home rule.

17 (a) The Administrator may enter into a local elevator
18 agreement with municipalities or counties under which the Local
19 Administrator shall (i) issue construction permits and
20 certificates of operation, (ii) provide for inspection of
21 elevators, including temporary operation inspections, (iii)
22 grant exceptions and variances from the literal requirements of
23 applicable State codes, standards, and regulations in cases
24 where such variances would not jeopardize the public safety and
25 welfare, and (iv) enforce the applicable provisions of the Act,

1 and levy fines in accordance with the Municipal Code or
2 Counties Code. The Local Administrator may choose to require
3 that inspections be performed by its own inspectors or by
4 private certified elevator inspectors. The Local Administrator
5 may assess a reasonable fee for permits, exceptions, variances,
6 certification of operation, or inspections performed by its
7 inspectors. Each agreement shall include a provision that the
8 Local Administrator shall maintain for inspection by the
9 Administrator copies of all applications for permits issued,
10 grants or denials of exceptions or variances, copies of each
11 inspection report issued, and proper records showing the number
12 of certificates of operation issued. Each agreement shall also
13 include a provision that each required inspection be conducted
14 by a certified elevator inspector and any other provisions
15 deemed necessary by the Administrator. Any safety standards or
16 regulations adopted by a municipality or county under this
17 subsection must be at least as stringent as those provided for
18 in this Act and the rules adopted under this Act.

19 (b) A home rule unit may not regulate the inspection or
20 licensure of, or otherwise regulate, elevators and devices
21 described in Section 10 of this Act in a manner less
22 restrictive than the regulation by the State of those matters
23 under this Act. This subsection is a limitation under
24 subsection (i) of Section 6 of Article VII of the Illinois
25 Constitution on the concurrent exercise by home rule units of
26 powers and functions exercised by the State.

1 (c) (Blank).

2 (d) The Administrator shall be notified of any exception or
3 variance granted. The Administrator may object to such
4 exception or variance within 7 business days of receipt of the
5 notice. Should the Administrator and Local Administrator not
6 reach agreement on the exception or variance, the matter shall
7 be directed to the Board to hear and decide.

8 (e) The Local Administrator shall issue the inspection form
9 prescribed by the Board pursuant to subsection (k) of Section
10 35 of this Act or an inspection form identical to the form
11 prescribed by the Board, which shall be the only inspection
12 form used by a person, firm, or company licensed to inspect
13 conveyances under this Section. A Local Administrator that
14 chooses to require that inspections be performed by its own
15 inspectors shall also use the inspection form prescribed by the
16 Board or an inspection form that is identical to the form
17 prescribed by the Board.

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