

1 AN ACT in relation to professional regulation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Elevator Safety and Regulation Act.

6 Section 5. Purpose. The purpose of this Act is to
7 provide for the public safety of life and limb and to promote
8 public safety awareness. The use of unsafe and defective
9 lifting devices imposes a substantial probability of serious
10 and preventable injury to employees and the public exposed to
11 unsafe conditions. The prevention of these injuries and
12 protection of employees and the public from unsafe conditions
13 is in the best interest of the people of this State. Elevator
14 personnel performing work covered by this Act shall, by
15 documented training or experience or both, be familiar with
16 the operation and safety functions of the components and
17 equipment. Training and experience shall include, but not be
18 limited to, recognizing the safety hazards and performing the
19 procedures to which they are assigned in conformance with the
20 requirements of the Act. This Act shall establish the minimum
21 standards for elevator personnel.

22 This Act is not intended to interfere with the powers of
23 municipalities or the home rule powers of a municipality with
24 a population over 500,000, including the power to license and
25 regulate any profession or occupation.

26 The provisions of this Act are not intended to prevent
27 the use of systems, methods, or devices of equivalent or
28 superior quality, strength, fire resistance, code
29 effectiveness, durability, and safety to those required by
30 the Act, provided that there is technical documentation to
31 demonstrate the equivalency of the system, method, or device,

1 as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

2 Section 10. Applicability.

3 (a) This Act covers the design, construction, operation,
4 inspection, testing, maintenance, alteration, and repair of
5 the following equipment, its associated parts, and its
6 hoistways (except as modified by subsection (c) of this
7 Section):

8 (1) Hoisting and lowering mechanisms equipped with a
9 car or platform, which move between 2 or more landings.
10 This equipment includes, but is not limited to, the
11 following (also see ASME A17.1, ASME A17.3, ASME A18.1,
12 and ANSI A10.4):

13 (A) Elevators.

14 (B) Platform lifts and stairway chair lifts.

15 (2) Power driven stairways and walkways for carrying
16 persons between landings. This equipment includes, but is
17 not limited to, the following (also see ASME A17.1 and
18 ASME A17.3):

19 (A) Escalators.

20 (B) Moving walks.

21 (3) Hoisting and lowering mechanisms equipped with a
22 car, which serves 2 or more landings and is restricted to
23 the carrying of material by its limited size or limited
24 access to the car. This equipment includes, but is not
25 limited to, the following (also see ASME A17.1 and ASME
26 A17.3):

27 (A) Dumbwaiters.

28 (B) Material lifts and dumbwaiters with
29 automatic transfer devices.

30 (b) This Act covers the design, construction, operation,
31 inspection, maintenance, alteration, and repair of automatic
32 guided transit vehicles on guideways with an exclusive
33 right-of-way. This equipment includes, but is not limited to,

1 automated people movers (also see ASCE 21).

2 (c) This Act does not apply to the following equipment:

3 (1) Material hoists.

4 (2) Belt manlifts.

5 (3) Mobile scaffolds, towers, and platforms, except
6 those covered by ANSI A10.4.

7 (4) Powered platforms and equipment for exterior and
8 interior maintenance.

9 (5) Conveyors and related equipment.

10 (6) Cranes, derricks, hoists, hooks, jacks, and
11 slings.

12 (7) Industrial trucks.

13 (8) Portable equipment, except for portable
14 escalators.

15 (9) Tiering or piling machines used to move
16 materials to and from storage located and operating
17 entirely within one story.

18 (10) Equipment for feeding or positioning materials
19 at machine tools, printing presses, etc.

20 (11) Skip or furnace hoists.

21 (12) Wharf ramps.

22 (13) Railroad car lifts or dumpers.

23 (14) Line jacks, false cars, shafters, moving
24 platforms, and similar equipment used for installing an
25 elevator by a contractor licensed in this State.

26 (15) Railway and Transit Systems.

27 Section 15. Definitions. For the purpose of this Act:

28 "Administrator" means the Office of the State Fire
29 Marshal.

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

32 "ASCE 21" means the American Society of Civil Engineers
33 Automated People Mover Standards.

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

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

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

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

9 "Board" means the Elevator Safety Review Board.

10 "Certificate of operation" means a certificate issued by
11 the Administrator that indicates that the conveyance has
12 passed the required safety inspection and tests and fees have
13 been paid as set forth in this Act. The Administrator may
14 issue a temporary certificate of operation that permits the
15 temporary use of a non-compliant conveyance by the general
16 public for a limited time of 30 days while minor repairs are
17 being completed.

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

21 "Elevator" means an installation defined as an "elevator"
22 in ASME A17.1.

23 "Elevator contractor" means any person, firm, or
24 corporation who possesses an elevator contractor's license in
25 accordance with the provisions of Sections 40 and 55 of this
26 Act and who is engaged in the business of erecting,
27 constructing, installing, altering, servicing, repairing, or
28 maintaining elevators or related conveyance covered by this
29 Act.

30 "Elevator contractor's license" means a license issued
31 to an elevator contractor who has proven his or her
32 qualifications and ability and has been authorized by the
33 Elevator Safety Review Board to possess this type of license.
34 It shall entitle the holder thereof to engage in the business

1 of erecting, constructing, installing, altering, servicing,
2 testing, repairing, or maintaining elevators or related
3 conveyance covered by this Act. The Administrator may issue
4 a limited elevator contractor's license authorizing a firm or
5 company that employs individuals to carry on a business of
6 erecting, constructing, installing, altering, servicing,
7 repairing, or maintaining platform lifts and stairway
8 chairlifts within any building or structure, including but
9 not limited to private residences.

10 "Elevator inspector" means any person who possesses an
11 elevator inspector's license in accordance with the
12 provisions of this Act or any person who performs the duties
13 and functions of an elevator inspector for any unit of local
14 government with a population greater than 500,000 prior to or
15 on the effective date of this Act.

16 "Elevator mechanic" means any person who possesses an
17 elevator mechanic's license in accordance with the provisions
18 of Sections 40 and 45 of this Act and who is engaged in
19 erecting, constructing, installing, altering, servicing,
20 repairing, or maintaining elevators or related conveyance
21 covered by this Act.

22 "Elevator mechanic's license" means a license issued to a
23 person who has proven his or her qualifications and ability
24 and has been authorized by the Elevator Safety Review Board
25 to work on conveyance equipment. It shall entitle the holder
26 thereof to install, construct, alter, service, repair, test,
27 maintain, and perform electrical work on elevators or related
28 conveyance covered by this Act.

29 "Escalator" means an installation defined as an
30 "escalator" in ASME A17.1.

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

33 "Inspector's license" means a license issued to a person
34 who has proven his or her qualifications and ability and has

1 been authorized by the Elevator Safety Review Board to
2 possess this type of license. It shall entitle the holder
3 thereof to engage in the business of inspecting elevators or
4 related conveyance covered by this Act.

5 "License" means a written license, duly issued by the
6 Administrator, authorizing a person, firm, or company to
7 carry on the business of erecting, constructing, installing,
8 altering, servicing, repairing, maintaining, or performing
9 inspections of elevators or related conveyance covered by
10 this Act.

11 "Material alteration" means an "alteration" as defined by
12 the Board.

13 "Moving walk" means an installation as defined a "moving
14 walk" in ASME A17.1.

15 "Private residence" means a separate dwelling or a
16 separate apartment in a multiple dwelling that is occupied by
17 members of a single-family unit.

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

20 "Temporarily dormant" means an elevator, dumbwaiter, or
21 escalator:

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

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

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

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

31 (5) requiring annual inspections for the duration of
32 the temporarily dormant status by a licensed elevator
33 inspector;

34 (6) that has a "temporarily dormant" status that is

1 renewable on an annual basis, not to exceed a one-year
2 period;

3 (7) requiring the inspector to file a report with
4 the chief elevator inspector describing the current
5 conditions; and

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

9 Section 20. License required.

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

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

29 Section 25. Elevator Safety Review Board.

30 (a) There is hereby created within the Office of the
31 State Fire Marshal the Elevator Safety Review Board,
32 consisting of 13 members. The Administrator shall appoint 3

1 members who shall be representatives of a fire service
2 communities. The Governor shall appoint the remaining 10
3 members of the Board as follows: one representative from a
4 major elevator manufacturing company or its authorized
5 representative; one representative from an elevator servicing
6 company; one representative of the architectural design
7 profession; one representative of the general public; one
8 representative of a municipality in this State with a
9 population over 500,000; one representative of a municipality
10 in this State with a population under 25,000; one
11 representative of a municipality in this State with a
12 population of 25,000 or over but under 50,000; one
13 representative of a municipality in this State with a
14 population of 50,000 or over but under 500,000; one
15 representative of a building owner or manager; and one
16 representative of labor involved in the installation,
17 maintenance, and repair of elevators.

18 (b) The members constituting the Board shall be appointed
19 for initial terms as follows:

20 (1) Of the members appointed by the Administrator, 2
21 shall serve for a term of 2 years, and one for a term of
22 4 years.

23 (2) Of the members appointed by the Governor, 2
24 shall serve for a term of one year, 2 for terms of 2
25 years, 2 for terms of 3 years, and 4 for terms of 4
26 years.

27 At the expiration of their initial terms of office, the
28 members or their successors shall be appointed for terms of 4
29 years each. Upon the expiration of a member's term of office,
30 the officer who appointed that member shall reappoint that
31 member or appoint a successor who is a representative of the
32 same interests with which his or her predecessor was
33 identified. The Administrator and the Governor may at any
34 time remove any of their respective appointees for

1 inefficiency or neglect of duty in office. Upon the death or
2 incapacity of a member, the officer who appointed that member
3 shall fill the vacancy for the remainder of the vacated term
4 by appointing a member who is a representative of the same
5 interests with which his or her predecessor was identified.
6 The members shall serve without salary, but shall receive
7 from the State expenses necessarily incurred by them in
8 performance of their duties. The Governor shall appoint one
9 of the members to serve as chairperson. The chairperson
10 shall be the deciding vote in the event of a tie vote.

11 Section 30. Meeting of the Board. The Board shall meet
12 and organize within 10 days after the appointment of its
13 members and at such meeting shall elect one secretary of the
14 Board to serve during the term to be fixed by the rules
15 adopted by the Board. The Board shall meet regularly once
16 each quarter or as often as deemed necessary by the
17 Administrator at a time and place to be fixed by it and at
18 such times as it is deemed necessary for the consideration of
19 code regulations, appeals, variances, and for the transaction
20 of any other business as properly may come before it. Special
21 meetings shall be called as provided in Board rules.

22 Section 35. Powers and duties of the Board.

23 (a) The Board shall consult with engineering authorities
24 and organizations and adopt rules consistent with the
25 provisions of this Act for the administration and enforcement
26 of this Act. The Board may prescribe forms to be issued in
27 connection with the administration and enforcement of this
28 Act. The rules shall establish standards and criteria
29 consistent with this Act for licensing of elevator mechanics,
30 inspectors, and installers of elevators, including the
31 provisions of the Safety Code for Elevators and Escalators
32 (ASME A17.1), the Safety Code for Existing Elevators (ASME

1 A18.1), the Standard for the Qualification of Elevator
2 Inspectors (ASME QEI-1), the Automated People Mover Standards
3 (ASCE 21), and the safety requirements for personnel hoists
4 (ANSI A10.4).

5 (b) The Board shall have the authority to grant
6 exceptions and variances from the literal requirements of
7 applicable State codes, standards, and regulations in cases
8 where such variances would not jeopardize the public safety
9 and welfare. The Board shall have the authority to hear
10 appeals, hold hearings, and decide upon such within 30 days
11 of the appeal.

12 (c) The Board shall establish fee schedules for licenses,
13 permits, certificates, and inspections. The fees shall be set
14 at an amount necessary to cover the actual costs and expenses
15 to operate the Board and to conduct the duties as described
16 in this Act.

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

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

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

27 (g) The Board shall not have authority within
28 municipalities with a population over 500,000 that have a
29 municipal code that covers the design, construction,
30 operation, inspection, testing, maintenance, alteration, and
31 repair of elevators, dumbwaiters, escalators, and moving
32 walks.

33 Section 40. Application for contractor's license.

1 (a) Any person, firm, or company wishing to engage in the
2 business of installing, altering, repairing, servicing,
3 replacing, or maintaining elevators, dumbwaiters, escalators,
4 or moving walks within this State shall make application for
5 a license with the Administrator.

6 (b) All applications shall contain the following
7 information:

8 (1) if the applicant is a person, the name,
9 residence, and business address of the applicant;

10 (2) if the applicant is a partnership, the name,
11 residence, and business address of each partner;

12 (3) if the applicant is a domestic corporation, the
13 name and business address of the corporation and the name
14 and residence address of the principal officer of the
15 corporation;

16 (4) if the applicant is a corporation other than a
17 domestic corporation, the name and address of an agent
18 locally located who shall be authorized to accept service
19 of process and official notices;

20 (5) the number of years the applicant has engaged in
21 the business of installing, inspecting, maintaining, or
22 servicing elevators or platform lifts or both;

23 (6) if applying for an elevator contractor's
24 license, the approximate number of persons, if any, to be
25 employed by the elevator contractor applicant and, if
26 applicable, satisfactory evidence that the employees are
27 or will be covered by workers' compensation insurance;

28 (7) satisfactory evidence that the applicant is or
29 will be covered by general liability, personal injury,
30 and property damage insurance;

31 (8) any criminal record of convictions; and

32 (9) any other information as the Administrator may
33 require.

34 (c) This Section does not apply to a person, firm, or

1 company located in a municipality with a population over
2 500,000 that provides for the licensure of contractors for
3 work performed within the corporate boundaries of a
4 municipality with a population over 500,000.

5 Section 45. Qualifications for elevator mechanic's
6 license.

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

9 (b) No license shall be granted to any person who has not
10 proven his or her qualifications and abilities. Applicants
11 for an elevator mechanic's license must demonstrate one of
12 the following qualifications:

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

22 (2) acceptable proof that he or she has worked as an
23 elevator constructor, maintenance, or repair person;
24 acceptable proof shall consist of documentation that he
25 or she worked without direct and immediate supervision
26 for an elevator contractor who has worked on elevators in
27 this State for a period of not less than 3 years
28 immediately prior to the effective date of this Act; the
29 person must make application within one year of the
30 effective date of this Act;

31 (3) a certificate of successful completion of the
32 mechanic examination of a nationally recognized training
33 program for the elevator industry such as the National

- 1 Elevator Industry Educational Program or its equivalent;
- 2 (4) a certificate of completion of an elevator
- 3 mechanic apprenticeship program with standards
- 4 substantially equal to those of this Act and registered
- 5 with the Bureau of Apprenticeship and Training, U.S.
- 6 Department of Labor, or a State apprenticeship council;
- 7 or
- 8 (5) a valid license from a state having standards
- 9 substantially equal to those of this State.

10 Section 50. Qualifications for elevator inspector's
 11 license.

12 (a) No inspector's license shall be granted to any person
 13 who has not paid the required application fee.

14 (b) No inspector's license shall be granted to any
 15 person, unless he or she proves to the satisfaction of the
 16 Administrator that he or she meets the current ASME QEI-1,
 17 Standards for the Qualifications of Elevator Inspectors.

18 (c) Notwithstanding the provisions of subsections (a)
 19 and (b) of this Section, the Administrator shall grant an
 20 elevator inspector's license to a person engaged in the
 21 practice of inspecting elevators in a municipality with a
 22 population over 500,000 who is engaged in business as an
 23 elevator inspector on the effective date of this Act.

24 Section 55. Qualifications for elevator contractor's
 25 license.

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

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

- 32 (1) five years work experience in the elevator

1 industry in construction, maintenance, and service or
2 repair, as verified by current and previous elevator
3 contractor's licenses to do business, or satisfactory
4 completion of a written examination administered by the
5 Elevator Safety Review Board 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.

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

16 Section 60. Issuance and renewal of licenses; fees.

17 (a) Upon approval of an application, the Administrator
18 may issue a license that must be renewed biannually. The
19 renewal fee for the license shall be set by the Board.

20 (b) Whenever an emergency exists in the State due to
21 disaster or work stoppage and the number of persons in the
22 State holding licenses granted by the Board is insufficient
23 to cope with the emergency, the licensed elevator contractor
24 shall respond as necessary to assure the safety of the
25 public. Any person certified by a licensed elevator
26 contractor to have an acceptable combination of documented
27 experience and education to perform elevator work without
28 direct and immediate supervision shall seek an emergency
29 elevator mechanic's license from the Administrator within 5
30 business days after commencing work requiring a license. The
31 Administrator shall issue emergency elevator mechanic's
32 licenses. The applicant shall furnish proof of competency as
33 the Administrator may require. Each license shall recite that

1 it is valid for a period of 30 days from the date thereof and
2 for such particular elevators or geographical areas as the
3 Administrator may designate and otherwise shall entitle the
4 licensee to the rights and privileges of a elevator
5 mechanic's license issued under this Act. The Administrator
6 shall renew an emergency elevator mechanic's license during
7 the existence of an emergency. No fee shall be charged for
8 any emergency elevator mechanic's license or renewal thereof.

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

28 (d) The renewal of all licenses granted under the
29 provisions of this Section shall be conditioned upon the
30 submission of a certificate of completion of a course
31 designed to ensure the continuing education of licensees on
32 new and existing provisions of the rules of the Elevator
33 Safety Review Board. Such course shall consist of not less
34 than 8 hours of instruction that shall be attended and

1 completed within one year immediately preceding any such
2 license renewal.

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

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

27 (g) Approved training providers shall keep for a period
28 of 10 years uniform records of attendance of licensees
29 following a format approved by the Board. These records
30 shall be available for inspection by the Board at its
31 request. Approved training providers shall be responsible for
32 the security of all attendance records and certificates of
33 completion, provided that falsifying or knowingly allowing
34 another to falsify attendance records or certificates of

1 completion shall constitute grounds for suspension or
2 revocation of the approval required under this Section.

3 Section 65. Penalties; suspension and revocation of
4 licenses. A license issued pursuant to this Act may be
5 suspended, revoked, or subjected to a penalty by the
6 Administrator upon verification that any one or more of the
7 following reasons exist:

8 (1) any false statement as to material matter in the
9 application;

10 (2) fraud, misrepresentation, or bribery in securing
11 a license;

12 (3) failure to notify the Administrator and the
13 owner or lessee of an elevator or related mechanisms of
14 any condition not in compliance with this Act; or

15 (4) violation of any provisions of this Act or the
16 rules promulgated hereunder.

17 Section 67. Fire Prevention Fund. All fees and fines
18 received by the Administrator under this Act shall be
19 deposited into the Fire Prevention Fund. All fees and fines
20 deposited pursuant to this Section shall be used for the
21 duties and administration of this Act.

22 Section 70. Administrative Procedure Act. The Illinois
23 Administrative Procedure Act is hereby expressly adopted and
24 incorporated herein as if all of the provisions of that Act
25 were included in this Act, except that the provision of
26 subsection (d) of Section 10-65 of the Illinois
27 Administrative Procedure Act that provides that at hearings
28 the licensee has the right to show compliance with all lawful
29 requirements for retention, or continuation or renewal of the
30 license, is specifically excluded. For the purposes of this
31 Act, the notice required under Section 10-25 of the Illinois

1 Administrative Procedure Act is deemed sufficient when mailed
2 to the last known address of a party.

3 Section 75. Administrative Review Law. All final
4 administrative decisions of the Administrator or the Board
5 are subject to judicial review under the Administrative
6 Review Law and its rules. The term "administrative decision"
7 is defined as in Section 3-101 of the Code of Civil
8 Procedure.

9 Proceedings for judicial review shall be commenced in the
10 circuit court of the county in which the party applying for
11 review resides, but if the party is not a resident of this
12 State, the venue shall be in Sangamon County.

13 Section 80. Registration of existing elevators, platform
14 lifts, dumbwaiters, escalators, moving walks, and any other
15 conveyance. Within 6 months after the date of the appointment
16 of the Board, the owner or lessee of every existing
17 conveyance shall register with the Administrator each
18 elevator, dumbwaiter, platform lift, escalator, or other
19 device described in Section 10 of this Act and provide the
20 type, rated load and speed, name of manufacturer, its
21 location, the purpose for which it is used, and such
22 additional information as the Administrator may require.
23 Elevators, dumbwaiters, platform lifts, escalators, moving
24 walks, or other conveyances of which construction has begun
25 subsequent to the date of the creation of the Board shall be
26 registered at the time they are completed and placed in
27 service.

28 Section 85. Compliance. It shall be the responsibility
29 of individuals, firms, or companies licensed as described in
30 this Act to ensure that installation or service and
31 maintenance of elevators and devices described in Section 10

1 of this Act is performed in compliance with the provisions
2 contained in this Act and local regulations.

3 Section 90. Permits.

4 (a) No conveyance covered by this Act shall be erected,
5 constructed, installed, or altered within buildings or
6 structures within this State unless a permit has been
7 obtained from the Administrator or a municipality or other
8 unit of local government. If the permit is obtained from a
9 municipality or other unit of local government, the
10 municipality or other unit of local government that issued
11 the permit shall keep the permit on file for a period of not
12 less than one year from the date of issuance and send a copy
13 to the Administrator for inspection. Where any material
14 alteration is made, the device shall conform to applicable
15 requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI
16 A10.4. No permit required under this Section shall be issued
17 except to a person, firm, or corporation holding a current
18 elevator contractor's license, duly issued pursuant to this
19 Act. A copy of the permit shall be kept at the construction
20 site at all times while the work is in progress.

21 (b) The permit fee shall be as set by the Board. Permit
22 fees collected are non-refundable.

23 (c) Each application for a permit shall be accompanied by
24 applicable fees and by copies of specifications and
25 accurately scaled and fully dimensioned plans showing the
26 location of the installation in relation to the plans and
27 elevation of the building, the location of the machinery room
28 and the equipment to be installed, relocated, or altered, and
29 all structural supporting members, including foundations.
30 The applicant shall also specify all materials to be employed
31 and all loads to be supported or conveyed. These plans and
32 specifications shall be sufficiently complete to illustrate
33 all details of construction and design.

1 (d) Permits may be revoked for the following reasons:

2 (1) Any false statements or misrepresentation as to
3 the material facts in the application, plans, or
4 specifications on which the permit was based.

5 (2) The permit was issued in error and should not
6 have been issued in accordance with the code.

7 (3) The work detailed under the permit is not being
8 performed in accordance with the provisions of the
9 application, plans, or specifications or with the code or
10 conditions of the permit.

11 (4) The elevator contractor to whom the permit was
12 issued fails or refuses to comply with a "stop work"
13 order.

14 (5) If the work authorized by a permit is not
15 commenced within 6 months after the date of issuance, or
16 within a shorter period of time as the Administrator or
17 his or her duly authorized representative in his or her
18 discretion may specify at the time the permit is issued.

19 (6) If the work is suspended or abandoned for a
20 period of 60 days, or shorter period of time as the
21 Administrator or his or her duly authorized
22 representative in his or her discretion may specify at
23 the time the permit is issued, after the work has been
24 started. For good cause, the Administrator or his or her
25 representative may allow an extension of this period at
26 his or her discretion.

27 (e) This Section does not apply to conveyances located
28 in a municipality with a population over 500,000 that
29 provides for permits of such conveyances.

30 Section 95. New installations; annual inspections and
31 registrations.

32 (a) All new conveyance installations shall be performed
33 by a person, firm, or company to which a license to install

1 or service conveyances has been issued. Subsequent to
2 installation, the licensed person, firm, or company must
3 certify compliance with the applicable Sections of this Act.
4 Prior to any conveyance being used, the property owner or
5 lessee must obtain a certificate of operation from the
6 Administrator, unless the property is located within a
7 municipality with a population greater than 500,000. A fee as
8 set forth in this Act shall be paid for the certificate of
9 operation. It shall be the responsibility of the licensed
10 elevator contractor to complete and submit first time
11 registration for new installations. The certificate of
12 operation fee for newly installed platform lifts and stairway
13 chair lifts for private residences shall be subsequent to an
14 inspection by a licensed third party inspection firm.

15 (b) The certificate of operation fee for all new and
16 existing platform and stairway chair lifts for private
17 residences and any renewal certificate fees shall be waived.
18 The Administrator or his or her designee shall inspect, in
19 accordance with the requirements set forth in this Act, all
20 newly installed and existing platform lifts and stairway
21 chair lifts for private residences subsequent to an
22 inspection by a person, firm, or company to which a license
23 to inspect conveyances has been issued, unless the private
24 residence is located within a municipality with a population
25 greater than 500,000.

26 (c) A certificate of operation referenced in subsections
27 (a) and (b) of this Section is renewable annually, except for
28 certificates issued for platform and stairway chairlifts for
29 private residences, which shall be valid for a period of 3
30 years. Certificates of operation must be clearly displayed on
31 or in each conveyance or in the machine room for use for the
32 benefit of code enforcement staff.

33 Section 100. Insurance requirements.

1 (a) Elevator contractors shall submit to the
2 Administrator an insurance policy or certified copy thereof,
3 issued by an insurance company authorized to do business in
4 the State, to provide general liability coverage of at least
5 \$2,000,000 for injury or death of any one person and
6 \$2,000,000 for injury or death of any number of persons in
7 any one occurrence, with coverage of at least \$1,000,000 for
8 property damage in any one occurrence and statutory workers
9 compensation insurance coverage.

10 (b) Private elevator inspectors shall submit to the
11 Administrator an insurance policy or certified copy thereof,
12 issued by an insurance company authorized to do business in
13 the State, to provide general liability coverage of at least
14 \$2,000,000 for injury or death of any one person and
15 \$2,000,000 for injury or death of any number of persons in
16 any one occurrence, with coverage of at least \$1,000,000 for
17 property damage in any one occurrence and statutory workers
18 compensation insurance coverage.

19 (c) These policies, or duly certified copies thereof, or
20 an appropriate certificate of insurance, approved as to form
21 by the Department of Insurance, shall be delivered to the
22 Administrator before or at the time of the issuance of a
23 license. In the event of a material alteration or
24 cancellation of a policy, at least 10 days notice thereof
25 shall be given to the Administrator.

26 Section 105. Enforcement.

27 (a) It shall be the duty of the Elevator Safety Review
28 Board to develop an enforcement program to ensure compliance
29 with rules and requirements referenced in this Act. This
30 shall include, but shall not be limited to, rules for
31 identification of property locations that are subject to the
32 rules and requirements; issuing notifications to violating
33 property owners or operators, random on-site inspections, and

1 tests on existing installations; witnessing periodic
2 inspections and testing in order to ensure satisfactory
3 performance by licensed persons, firms, or companies; and
4 assisting in development of public awareness programs.

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

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

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

25 Section 110. Liability.

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

1 responsibility therefore or any liability to any person for
2 whatever reason whatsoever by the adoption of this Act or any
3 acts or omissions arising under this Act.

4 (b) Any owner or lessee who violates any of the
5 provisions of this Act shall be fined in an amount not to
6 exceed \$1,500.

7 (c) Compliance with this Act is not a defense to a legal
8 proceeding.

9 Section 115. Provisions not retroactive. The provisions
10 of this Act are not retroactive unless otherwise stated, and
11 equipment shall be required to comply with the applicable
12 code at the date of its installation or within the period
13 determined by the Board for compliance with ASME A17.3,
14 whichever is more stringent. If, upon the inspection of any
15 device covered by this Act, the equipment is found in
16 dangerous condition or there is an immediate hazard to those
17 riding or using such equipment or if the design or the method
18 of operation in combination with devices used is considered
19 inherently dangerous in the opinion of the Administrator, he
20 or she shall notify the owner of the condition and shall
21 order such alterations or additions as may be deemed
22 necessary to eliminate the dangerous condition.

23 Section 120. Inspection and testing.

24 (a) It shall be the responsibility of the owner of all
25 new and existing conveyances located in any building or
26 structure to have the conveyance inspected annually by a
27 person, firm, or company to which a license to inspect
28 conveyances has been issued. Subsequent to inspection, the
29 licensed person, firm, or company must supply the property
30 owner or lessee and the Administrator with a written
31 inspection report describing any and all violations. Property
32 owners shall have 30 days from the date of the published

1 inspection report to be in full compliance by correcting the
2 violations.

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

8 (c) All tests shall be performed by a licensed elevator
9 mechanic.

10 Section 125. State law, code, or regulation. Whenever a
11 provision in this Act is found to be inconsistent with any
12 provision of another applicable State law, code, or rule, the
13 State law shall prevail. This Act, unless specifically stated
14 otherwise, is not intended to establish more stringent or
15 more restrictive standards than standards set forth in other
16 applicable State laws.

17 Section 130. Accidents. The owner of each conveyance
18 shall notify the Administrator of any accident causing
19 personal injury or property damage in excess of \$1,000 that
20 involves a conveyance, on or before the close of business the
21 next business day following the accident. The Administrator
22 shall investigate and report to the Board the cause of any
23 conveyance accident that may occur in the State, the injuries
24 sustained, and any other data that may be of benefit in
25 preventing other similar accidents.

26 Section 135. Elevators in private residences. The owner
27 of a conveyance located in his or her private residence may
28 register, pay the required fee, and have his or her existing
29 conveyance inspected. The Administrator shall provide notice
30 to the owner of the private residence where the conveyance is
31 located with relevant information about conveyance safety

1 requirements, including the need to have the elevator
2 periodically and timely inspected and made safe. Any
3 inspection performed shall be done solely at the request and
4 with the consent of the private residence owner. No penalty
5 provision of this Act shall apply to private residence
6 owners.

7 Section 140. Local regulation; home rule.

8 (a) A municipality within its corporate limits and a
9 county within unincorporated areas within its boundaries may
10 inspect, license, or otherwise regulate elevators and devices
11 described in Section 10 of this Act, but any safety standards
12 or regulations adopted by a municipality or county under this
13 subsection must be at least as stringent as those provided
14 for in this Act and the rules adopted under this Act. A
15 municipality or county that inspects, licenses, or otherwise
16 regulates elevators and devices described in Section 10 of
17 this Act may impose reasonable fees to cover the cost of the
18 inspection, licensure, or other regulation.

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

28 (c) This Act does not limit the home rule powers of a
29 municipality with a population over 500,000, and this Act
30 shall not apply within such a municipality if that
31 application would be inconsistent with an ordinance adopted
32 under those home rule powers.

1 Section 900. The Regulatory Sunset Act is amended by
2 adding Section 4.23 as follows:

3 (5 ILCS 80/4.23 new)

4 Sec. 4.23. Act repealed on January 1, 2013. The
5 following Act is repealed on January 1, 2013:

6 The Elevator Safety and Regulation Act.