

By: Turner of Tarrant

H.B. No. 4086

A BILL TO BE ENTITLED

AN ACT

relating to standards for and regulation of elevators, escalators,  
and similar equipment in single-family dwellings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 754.013, Health and Safety Code, is  
amended to read as follows:

Sec. 754.013. BOARD DUTIES. To protect public safety and to  
identify and correct potential hazards, the board shall advise the  
commission on:

(1) the adoption of appropriate standards for the  
installation, maintenance, alteration, operation, testing, and  
inspection of equipment;

(2) the status of equipment used by the public in this  
state;

(3) sources of information relating to equipment  
safety;

(4) public awareness programs related to equipment  
[~~elevator~~] safety, including programs for sellers and buyers of  
single-family dwellings with equipment [~~elevators, chairlifts, or~~  
~~platform lifts~~]; and

(5) any other matter considered relevant by the  
commission.

SECTION 2. Section 754.0141, Health and Safety Code, is  
amended to read as follows:

1           Sec. 754.0141. STANDARDS FOR EQUIPMENT IN SINGLE-FAMILY  
2 DWELLINGS; REQUIRED INFORMATION. (a) Equipment [~~Elevators,~~  
3 ~~chairlifts, or platform lifts~~] installed in a single-family  
4 dwelling on or after January 1, 2004, must comply with the ASME Code  
5 A17.1 or A18.1, as applicable. Equipment installed or altered in a  
6 single-family dwelling [~~, and~~] must be inspected by a registered  
7 elevator inspector after the installation or alteration is  
8 complete. The inspector shall provide the dwelling owner a copy of  
9 the inspection report.

10           (b) The commission shall adopt rules containing minimum  
11 safety standards for:

12                   (1) [~~that must be used by~~] registered elevator  
13 inspectors to use when inspecting equipment installed in  
14 single-family dwellings; and

15                   (2) registered contractors to use when installing,  
16 altering, testing, or removing from service any unit of equipment  
17 [~~elevators, chairlifts, and platform lifts~~] installed in  
18 single-family dwellings.

19           **(b-1) The rules adopted under Subsection (b) must require a**  
20 **registered contractor to submit to the department for the**  
21 **department's review plans for installing or altering any equipment**  
22 **in a single-family dwelling.**

23           (c) A municipality may withhold a certificate of occupancy  
24 for a dwelling or for the installation or alteration of equipment  
25 [~~the elevator or chairlift~~] until the owner provides a copy of the  
26 inspection report to the municipality.

27           (d) A registered elevator inspector or registered

1 contractor who removes from service [~~is not required to report to~~  
2 ~~the department any information concerning~~] equipment in a  
3 single-family dwelling shall provide documentation of the removal  
4 to the dwelling owner and the department [~~or the contractor's work~~  
5 ~~on the equipment~~].

6 (e) On completing installation or alteration of equipment  
7 in a single-family dwelling, a registered contractor shall provide  
8 the dwelling owner with relevant information, in writing, about  
9 use, safety, and maintenance of the equipment, including the  
10 advisability of having the equipment annually [~~periodically and~~  
11 ~~timely~~] inspected by a registered elevator inspector.

12 (f) An inspection by a registered elevator inspector of  
13 equipment in a single-family dwelling may be performed only at the  
14 request and with the consent of the owner. The owner of a  
15 single-family dwelling is not subject to Section [754.019](#), [754.0231](#),  
16 [754.0232](#), [754.0233](#), [754.0234](#), or [754.0235](#).

17 (g) A registered contractor who installs or alters an  
18 elevator in a single-family dwelling shall:

19 (1) ensure the space between the hoistway face of the  
20 landing door or gate and the hoistway face of the car door or gate  
21 does not exceed four inches; and

22 (2) as necessary install a space guard or equivalent  
23 product that ensures the space requirement of Subdivision (1) is  
24 satisfied.

25 SECTION 3. Section [754.015](#)(a), Health and Safety Code, is  
26 amended to read as follows:

27 (a) The commission by rule shall provide for:

- 1           (1) an annual inspection and certification of the  
2 equipment covered by standards adopted under this chapter;
- 3           (2) enforcement of those standards;
- 4           (3) registration, including certification, of  
5 elevator inspectors;
- 6           (4) registration of contractors;
- 7           (5) the procedures by which a certificate of  
8 compliance is issued and displayed;
- 9           (6) notification to building owners, architects, and  
10 other building industry professionals regarding the necessity of  
11 annually inspecting equipment;
- 12           (7) approval of continuing education programs for  
13 registered elevator inspectors;
- 14           (8) standards of conduct for individuals who are  
15 registered under this chapter;
- 16           (9) general liability insurance written by an insurer  
17 authorized to engage in the business of insurance in this state or  
18 an eligible surplus lines insurer, as defined by Section 981.002,  
19 Insurance Code, as a condition of contractor registration with  
20 coverage of not less than:
  - 21               (A) \$1 million for each single occurrence of  
22 bodily injury or death; and
  - 23               (B) \$500,000 for each single occurrence of  
24 property damage;
- 25           (10) the submission and review of plans for the  
26 installation or alteration of equipment, including equipment in a  
27 single-family dwelling;

1           (11) continuing education requirements for renewal of  
2 contractor registration;

3           (12) maintenance control programs, maintenance,  
4 repair, and parts manuals, and product-specific inspection,  
5 testing, and maintenance procedures;

6           (13) the method and manner of reporting accidents and  
7 reportable conditions to the department; and

8           (14) an owner's designation of an agent for purposes of  
9 this chapter.

10          SECTION 4. Section 754.026, Health and Safety Code, is  
11 amended to read as follows:

12          Sec. 754.026. DISCLOSURE OF E-MAIL ADDRESS. (a) Except as  
13 provided by Subsection (b) and notwithstanding ~~[Notwithstanding]~~  
14 any other law, an e-mail address provided to the department  
15 relating to an inspection or review of plans under this chapter is  
16 not confidential and is subject to disclosure under Chapter 552,  
17 Government Code.

18          (b) Subsection (a) does not apply to an e-mail address  
19 provided to the department relating to an inspection or review of  
20 plans for single-family dwellings.

21          SECTION 5. Effective January 1, 2022, Section 754.0111(b),  
22 Health and Safety Code, is repealed.

23          SECTION 6. Except as otherwise provided by this Act, this  
24 Act takes effect September 1, 2021.