

By: King of Hemphill

H.B. No. 3344

A BILL TO BE ENTITLED

1 AN ACT
2 relating to elevator inspection requirements in buildings with four
3 stories or less.

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

5 SECTION 1. Sections 754.015(a) and (c), Health and Safety
6 Code, are amended to read as follows:

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

8 (1) except as provided by Subdivision (2), an annual
9 inspection and certification of the equipment covered by standards
10 adopted under this chapter;

11 (2) to the extent authorized by rules adopted under
12 the Americans with Disabilities Act of 1990 (42 U.S.C. Section
13 12101 et seq.) and by other federal law, an elevator inspection at
14 least every five years of a building with not more than four stories
15 and for certification of each elevator in the building;

16 (3) enforcement of the [~~those~~] standards adopted under
17 this chapter;

18 (4) [~~(3)~~] registration, including certification, of
19 elevator inspectors;

20 (5) [~~(4)~~] registration of contractors;

21 (6) [~~(5)~~] the procedures by which a certificate of
22 compliance is issued and displayed;

23 (7) [~~(6)~~] notification to building owners,
24 architects, and other building industry professionals regarding

1 the necessity of annually inspecting equipment;

2 (8) [~~(7)~~] approval of continuing education programs
3 for registered elevator inspectors;

4 (9) [~~(8)~~] standards of conduct for individuals who are
5 registered under this chapter;

6 (10) [~~(9)~~] general liability insurance written by an
7 insurer authorized to engage in the business of insurance in this
8 state or an eligible surplus lines insurer, as defined by Section
9 [981.002](#), Insurance Code, as a condition of contractor registration
10 with coverage of not less than:

11 (A) \$1 million for each single occurrence of
12 bodily injury or death; and

13 (B) \$500,000 for each single occurrence of
14 property damage;

15 (11) [~~(10)~~] the submission and review of plans for the
16 installation or alteration of equipment;

17 (12) [~~(11)~~] continuing education requirements for
18 renewal of contractor registration;

19 (13) [~~(12)~~] maintenance control programs,
20 maintenance, repair, and parts manuals, and product-specific
21 inspection, testing, and maintenance procedures;

22 (14) [~~(13)~~] the method and manner of reporting
23 accidents and reportable conditions to the department; and

24 (15) [~~(14)~~] an owner's designation of an agent for
25 purposes of this chapter.

26 (c) The commission by rule may require a reinspection or
27 recertification of equipment if:

- 1 (1) the equipment has been altered;
- 2 (2) the equipment poses a significant threat to
3 passenger or worker safety; or
- 4 (3) an [~~annual~~] inspection report indicates an
5 existing violation has continued longer than permitted in a delay
6 granted by the executive director.

7 SECTION 2. Section 754.0235(a), Health and Safety Code, is
8 amended to read as follows:

9 (a) An emergency order issued in accordance with Section
10 754.0234 may also direct an owner to disconnect power to or lock out
11 equipment if:

12 (1) the department determines imminent and
13 significant danger to passenger or worker safety exists if action
14 is not taken immediately; [~~or~~]

15 (2) an annual inspection described by Section
16 754.015(a)(1) has not been performed in more than two years; or

17 (3) an inspection described by Section 754.015(a)(2)
18 has not been performed in more than six years.

19 SECTION 3. As soon as practicable after the effective date
20 of this Act, the Texas Commission of Licensing and Regulation shall
21 adopt rules necessary to implement the change in law made by this
22 Act.

23 SECTION 4. This Act takes effect September 1, 2023.