

BILL ANALYSIS

C.S.S.B. 1729

By: Carona

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Commission of Licensing and Regulation (commission) has adopted standards established by the American Society of Mechanical Engineers (ASME) and the American Society of Civil Engineers (ASCE) related to elevator safety. These standards are enforced by the Texas Department of Licensing and Regulation (TDLR) pursuant to Texas elevator safety code, Chapter 754, Texas Health and Safety Code.

C.S.S.B. 1729 clarifies the commission's authority to adopt, after review, revised versions of the ASME and ASCE Codes enforced by the TDLR and prohibits the commission from adopting a certain version of the ASME Code. Additionally, C.S.S.B. 1729 authorizes the executive director of TDLR to grant a variance, on an application of a person and in accordance with the procedures adopted by the commission, to allow the installation of new technology if it is equivalent or superior to standards adopted by the commission and authorizes the executive director of the TDLR to charge a reasonable fee, as set by the commission, for applying for a variance. C.S.S.B. 1729 also repeals the term "commissioner" from the Texas elevator safety code, which was made obsolete by the Texas Legislature in 2003.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 754.011(5), (6), and (8), Health and Safety Code as follows:

(5) redefines "ASCE Code 21" to mean the American Society of Civil Engineers Code 21 for people movers operated by cables, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the Texas Commission of Licensing and Regulation (commission), as required by law.

(6) redefines "ASME Code A17.1" to mean the American Society of Mechanical Engineers Safety Code for Elevators and Escalators (Bi-national standard with CSA B44-2007), ASME A17.1/CSA-B44, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the commission, as required by law.

(8) redefines "ASME Code A18.1" to mean the American Society of Mechanical Engineers Safety Code for Platform Lifts and Stairway Chairlifts A18.1, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the commission, as required by law.

SECTION 2. Amends Section 754.014, Health and Safety Code by adding Subsections (l) and (m) as follows:

(l) Authorizes standards adopted by the commission to include and be guided by revised versions of ASME Code A17.1, ASME Code A18.1, and ASCE Code 21, as appropriate. Prohibits the commission from adopting a version of ASME Code A17.3 revised after January 1, 2004.

(m) Authorizes the executive director of the Texas Department of Licensing & Regulation (executive director) on an application of a person and in accordance with procedures adopted by the commission, to grant a variance to allow the installation of new technology if the

new component, system, subsystem, function, or device is equivalent or superior to the standards adopted by the commission.

SECTION 3. Amends Section 754.015(d), Health and Safety Code, to authorize the executive director to charge a reasonable fee as set by the commission for applying for a variance.

SECTION 4. Repeals Section 754.011(11), Health and Safety Code.

SECTION 5. Effective date: Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1729 differs from the original by amending the definition of "ASCE Code 21" to mean the American Society of Civil Engineers Code 21 for people movers operated by cables, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the Texas Commission of Licensing & Regulation (commission), as required by law.

C.S.S.B. 1729 modifies the original by redefining "ASME Code A17.1" to mean the American Society of Mechanical Engineers Safety Code for Elevators and Escalators (Bi-national standard with CSA B44-2007), ASME A17.1/CSA-B44, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the commission, as required by law, instead of the 2005 American Society of Mechanical Engineers Safety Code A17.1.

C.S.S.B. 1729 differs from the original by amending the definition of "ASME Code A18.1" to mean the American Society of Mechanical Engineers Safety Code for Platform Lifts and Stairway Chairlifts A18.1, as it existed on January 1, 2004, or any subsequent revision of that code adopted after a review by the commission, as required by law.

C.S.S.B. 1729 differs from the original by amending Section 754.014, Health and Safety Code by adding Subsections (l) to authorize standards adopted by the commission to include and be guided by revised versions of ASME Code A17.1, ASME Code A18.1, and ASCE Code 21, as appropriate. Prohibits the commission from adopting a version of ASME Code A17.3 revised after January 1, 2004; and adding Subsection (m) to authorize the executive director of the Texas Department of Licensing & Regulation on an application of a person and in accordance with procedures adopted by the commission, to grant a variance to allow the installation of new technology if the new component, system, subsystem, function, or device is equivalent or superior to the standards adopted by the commission.

C.S.S.B. 1729 differs from the original by amending Section 754.015(d), Health and Safety Code to authorize the executive director of the Texas Department of Licensing & Regulation to charge a reasonable fee as set by the commission for applying for a variance.