

By: Hamilton

H.B. No. 2643

Substitute the following for H.B. No. 2643:

By: Harless

C.S.H.B. No. 2643

A BILL TO BE ENTITLED

1 AN ACT

2 relating to safety standards for elevators, escalators, and related
3 equipment.

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

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

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

8 (1) an annual inspection and certification of the
9 equipment covered by standards adopted under this subchapter;

10 (2) enforcement of those standards;

11 (3) registration of qualified inspectors and
12 contractors;

13 (4) the form of inspection documents, contractor
14 reports, and certificates of compliance;

15 (5) notification to building owners, architects, and
16 other building industry professionals regarding the necessity of
17 annually inspecting equipment;

18 (6) approval of continuing education programs for
19 registered QEI-1 certified inspectors; ~~and~~

20 (7) standards of conduct for individuals who are
21 registered under this subchapter;

22 (8) general liability insurance as a condition of
23 contractor registration with coverage of not less than:

24 (A) \$1 million for each single occurrence of

1 bodily injury or death; and

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

4 (9) the submission and review of proposed plans for
5 installation or alteration of equipment; and

6 (10) continuing education requirements for renewal of
7 contractor registration.

8 (b) The commission by rule may not:

9 (1) require inspections of equipment to be made more
10 often than every 12 months, except as provided by Subsection (c);

11 (2) require persons to post a bond or furnish
12 insurance or to have minimum experience or education as a condition
13 of certification or registration, except as otherwise provided by
14 this chapter;

15 [~~(3) require building owners to submit to the~~
16 ~~department proposed plans for equipment installation or~~
17 ~~alteration,] or~~

18 (3) [(4)] prohibit a QEI-1 certified inspector who is
19 registered with the department from inspecting equipment.

20 (d) The executive director may charge a reasonable fee as
21 set by the commission for:

22 (1) registering or renewing registration of an
23 inspector;

24 (2) registering or renewing registration of a
25 contractor;

26 (3) applying for a certificate of compliance;

27 (4) filing an inspection report as required by Section

1 754.019(a)(3), 30 days or more after the date the report is due, for
2 each day the report remains not filed after the date the report is
3 due;

4 (5) submitting for review proposals to install or
5 alter equipment;

6 (6) reviewing and approving continuing education
7 providers and courses for renewal of contractor registration;

8 (7) applying for a waiver, variance, or delay; and

9 (8) ~~(6)~~ attending a continuing education program
10 sponsored by the department for registered QEI-1 inspectors.

11 SECTION 2. Section 754.0171(b), Health and Safety Code, is
12 amended to read as follows:

13 (b) A contractor shall submit an application for
14 registration or renewal of registration, as applicable, and pay
15 appropriate fees to the department. The registration application
16 form shall ~~may~~ require:

17 (1) information concerning the background,
18 experience, and ~~or~~ identity of the applicant;

19 (2) designation of and information regarding the
20 responsible party or parties under Section 754.0173; and

21 (3) documentation of fulfillment of the continuing
22 education requirements for renewal of registration, if applicable.

23 SECTION 3. Subchapter B, Chapter 754, Health and Safety
24 Code, is amended by adding Sections 754.0173 and 754.0174 to read as
25 follows:

26 Sec. 754.0173. DESIGNATION OF RESPONSIBLE PARTY OR PARTIES.

27 (a) Each contractor who registers with the department must

1 designate at least one but not more than two responsible parties.

2 (b) A responsible party designated under this section must:

3 (1) have a minimum of three years of elevator
4 contractor experience related to elevator installation, repair,
5 and maintenance; and

6 (2) comply with the education, training, and
7 continuing education requirements as determined by commission rule
8 in order for an elevator contractor to renew an elevator contractor
9 registration.

10 (c) The commission shall adopt rules regarding
11 documentation of the required training and completion of the
12 continuing education to accompany the application for
13 registration.

14 (d) A responsible party may be added to or removed from the
15 registration at any time by providing written notice to the
16 department. If a responsible party is added to a registration, the
17 written notice must include evidence that the responsible party
18 meets the requirements of this section.

19 Sec. 754.0174. CONTINUING EDUCATION FOR RENEWAL OF
20 CONTRACTOR REGISTRATIONS. (a) Each contractor's responsible party
21 must complete continuing education requirements set by commission
22 rule before the contractor may renew the contractor's registration.

23 (b) A provider of continuing education under this section
24 must:

25 (1) register with the department; and

26 (2) comply with rules adopted by the commission
27 relating to continuing education for elevator contractors and a

1 contractor's designated responsible party.

2 SECTION 4. (a) The Texas Commission of Licensing and
3 Regulation shall adopt the rules required by Section 754.015(a)(8),
4 Health and Safety Code, as added by this Act, not later than January
5 1, 2012.

6 (b) The Texas Commission of Licensing and Regulation shall
7 adopt the rules required by Sections 754.015(a)(9) and (10), Health
8 and Safety Code, as added by this Act, not later than June 1, 2012.

9 SECTION 5. (a) The rules adopted under Section
10 754.015(a)(8), Health and Safety Code, as added by this Act, apply
11 only to an application or renewal application for registration of a
12 contractor filed on or after March 31, 2012. An application or
13 renewal application for registration of a contractor filed before
14 that date is governed by the law in effect immediately before the
15 effective date of this Act, and the former law is continued in
16 effect for that purpose.

17 (b) The rules adopted under Section 754.015(a)(9), Health
18 and Safety Code, as added by this Act, apply only to installation or
19 alteration of equipment performed under a contract or work order
20 entered into or issued on or after September 1, 2012. Installation
21 or alteration of equipment performed under a contract or work order
22 entered into or issued before September 1, 2012, is governed by the
23 law in effect immediately before the effective date of this Act, and
24 the former law is continued in effect for that purpose.

25 (c) Section 754.0173, Health and Safety Code, as added by
26 this Act, applies only to a registration issued or renewed on or
27 after September 1, 2011. A registration issued or renewed before

1 September 1, 2011, is covered by the law in effect immediately
2 before the effective date of this Act, and the former law is
3 continued in effect for that purpose.

4 (d) Section 754.0174, Health and Safety Code, as added by
5 this Act, and the rules adopted under Section 754.015(a)(10),
6 Health and Safety Code, as added by this Act, apply only to a
7 renewal of registration issued on or after January 1, 2013. A
8 renewal of registration issued before January 1, 2013, is covered
9 by the law in effect immediately before the effective date of this
10 Act, and the former law is continued in effect for that purpose.

11 SECTION 6. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2011.