

1-1 By: Hamilton (Senate Sponsor - Watson) H.B. No. 2643
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on Business
1-4 and Commerce; May 23, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 23, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2643 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to safety standards for elevators, escalators, and related
1-11 equipment.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 754.015(a), (b), and (d), Health and
1-14 Safety Code, are amended to read as follows:

1-15 (a) The commission by rule shall provide for:

1-16 (1) an annual inspection and certification of the
1-17 equipment covered by standards adopted under this subchapter;

1-18 (2) enforcement of those standards;

1-19 (3) registration of qualified inspectors and
1-20 contractors;

1-21 (4) the form of inspection documents, contractor
1-22 reports, and certificates of compliance;

1-23 (5) notification to building owners, architects, and
1-24 other building industry professionals regarding the necessity of
1-25 annually inspecting equipment;

1-26 (6) approval of continuing education programs for
1-27 registered QEI-1 certified inspectors; ~~and~~

1-28 (7) standards of conduct for individuals who are
1-29 registered under this subchapter;

1-30 (8) general liability insurance as a condition of
1-31 contractor registration with coverage of not less than:

1-32 (A) \$1 million for each single occurrence of
1-33 bodily injury or death; and

1-34 (B) \$500,000 for each single occurrence of
1-35 property damage;

1-36 (9) the submission and review of plans for the
1-37 installation or alteration of equipment; and

1-38 (10) continuing education requirements for renewal of
1-39 contractor registration.

1-40 (b) The commission by rule may not:

1-41 (1) require inspections of equipment to be made more
1-42 often than every 12 months, except as provided by Subsection (c);

1-43 (2) require persons to post a bond or furnish
1-44 insurance or to have minimum experience or education as a condition
1-45 of certification or registration, except as otherwise provided by
1-46 this chapter;

1-47 ~~(3) require building owners to submit to the~~
1-48 ~~department proposed plans for equipment installation or~~
1-49 ~~alteration;] or~~

1-50 (3) ~~[(4)]~~ prohibit a QEI-1 certified inspector who is
1-51 registered with the department from inspecting equipment.

1-52 (d) The executive director may charge a reasonable fee as
1-53 set by the commission for:

1-54 (1) registering or renewing registration of an
1-55 inspector;

1-56 (2) registering or renewing registration of a
1-57 contractor;

1-58 (3) applying for a certificate of compliance;

1-59 (4) filing an inspection report as required by Section
1-60 754.019(a)(3), 30 days or more after the date the report is due, for
1-61 each day the report remains not filed after the date the report is
1-62 due;

1-63 (5) submitting for review plans for the installation

2-1 or alteration of equipment;
 2-2 (6) reviewing and approving continuing education
 2-3 providers and courses for renewal of contractor registration;
 2-4 (7) applying for a waiver, variance, or delay; and
 2-5 (8) [~~6~~] attending a continuing education program
 2-6 sponsored by the department for registered QEI-1 inspectors.

2-7 SECTION 2. Section 754.0171(b), Health and Safety Code, is
 2-8 amended to read as follows:

2-9 (b) A contractor shall submit an application for
 2-10 registration or renewal of registration, as applicable, and pay
 2-11 appropriate fees to the department. The registration application
 2-12 form shall [may] require:

2-13 (1) information concerning the background,
 2-14 experience, and [~~or~~] identity of the applicant;

2-15 (2) designation of and information regarding the
 2-16 responsible party or parties under Section 754.0173; and

2-17 (3) documentation of fulfillment of the continuing
 2-18 education requirements for renewal of registration, if applicable.

2-19 SECTION 3. Subchapter B, Chapter 754, Health and Safety
 2-20 Code, is amended by adding Sections 754.0173 and 754.0174 to read as
 2-21 follows:

2-22 Sec. 754.0173. DESIGNATION OF RESPONSIBLE PARTY OR PARTIES.

2-23 (a) Each contractor who registers with the department must
 2-24 designate at least one but not more than two responsible parties.

2-25 (b) A responsible party designated under this section must:

2-26 (1) have a minimum of three years of elevator
 2-27 contractor experience related to elevator installation, repair,
 2-28 and maintenance; and

2-29 (2) comply with continuing education requirements as
 2-30 determined by commission rule in order for an elevator contractor
 2-31 to renew an elevator contractor registration.

2-32 (c) The commission shall adopt rules regarding
 2-33 documentation of the completion of the continuing education to
 2-34 accompany the application for registration.

2-35 (d) A responsible party may be added to or removed from the
 2-36 registration at any time by providing written notice to the
 2-37 department. If a responsible party is added to a registration, the
 2-38 written notice must include evidence that the responsible party
 2-39 meets the requirements of this section.

2-40 Sec. 754.0174. CONTINUING EDUCATION FOR RENEWAL OF
 2-41 CONTRACTOR REGISTRATIONS. (a) Each contractor's responsible party
 2-42 must complete continuing education requirements set by commission
 2-43 rule before the contractor may renew the contractor's registration.

2-44 (b) A provider of continuing education under this section
 2-45 must:

2-46 (1) register with the department; and

2-47 (2) comply with rules adopted by the commission
 2-48 relating to continuing education for a designated responsible
 2-49 party.

2-50 SECTION 4. The Texas Commission of Licensing and Regulation
 2-51 shall adopt the rules required by Sections 754.015(a)(8), (9), and
 2-52 (10), Health and Safety Code, as added by this Act, not later than
 2-53 June 1, 2012.

2-54 SECTION 5. (a) The rules adopted under Section
 2-55 754.015(a)(8), Health and Safety Code, as added by this Act, apply
 2-56 only to an application or renewal application for registration of a
 2-57 contractor filed on or after September 1, 2012. An application or
 2-58 renewal application for registration of a contractor filed before
 2-59 that date is governed by the law in effect immediately before the
 2-60 effective date of this Act, and the former law is continued in
 2-61 effect for that purpose.

2-62 (b) The rules adopted under Section 754.015(a)(9), Health
 2-63 and Safety Code, as added by this Act, apply only to installation or
 2-64 alteration of equipment performed under a contract or work order
 2-65 entered into or issued on or after September 1, 2012. Installation
 2-66 or alteration of equipment performed under a contract or work order
 2-67 entered into or issued before September 1, 2012, is governed by the
 2-68 law in effect immediately before the effective date of this Act, and
 2-69 the former law is continued in effect for that purpose.

3-1 (c) Section 754.0173, Health and Safety Code, as added by
3-2 this Act, applies only to a registration issued or renewed on or
3-3 after September 1, 2012. A registration issued or renewed before
3-4 September 1, 2012, is covered by the law in effect immediately
3-5 before the effective date of this Act, and the former law is
3-6 continued in effect for that purpose.

3-7 (d) Section 754.0174, Health and Safety Code, as added by
3-8 this Act, and the rules adopted under Section 754.015(a)(10),
3-9 Health and Safety Code, as added by this Act, apply only to a
3-10 registration that is renewed on or after January 1, 2013. A
3-11 registration that is renewed before January 1, 2013, is covered by
3-12 the law in effect immediately before the effective date of this Act,
3-13 and the former law is continued in effect for that purpose.

3-14 SECTION 6. This Act takes effect immediately if it receives
3-15 a vote of two-thirds of all the members elected to each house, as
3-16 provided by Section 39, Article III, Texas Constitution. If this
3-17 Act does not receive the vote necessary for immediate effect, this
3-18 Act takes effect September 1, 2011.

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