

1-1 By: Carona S.B. No. 540  
1-2 (In the Senate - Filed February 13, 2013; February 20, 2013,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 March 6, 2013, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; March 6, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Carona	X			
1-9	Taylor	X			
1-10	Eltife	X			
1-11	Estes	X			
1-12	Hancock	X			
1-13	Lucio	X			
1-14	Van de Putte	X			
1-15	Watson	X			
1-16	Whitmire	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the regulation, registration, and certification of  
1-20 inspectors for elevators, escalators, and related equipment.  
1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-22 SECTION 1. Subsection (a), Section 754.012, Health and  
1-23 Safety Code, is amended to read as follows:  
1-24 (a) The elevator advisory board is composed of nine members  
1-25 appointed by the presiding officer of the commission, with the  
1-26 commission's approval, as follows:  
1-27 (1) a representative of the insurance industry or a  
1-28 registered ~~[certified]~~ elevator inspector;  
1-29 (2) a representative of equipment constructors;  
1-30 (3) a representative of owners or managers of a  
1-31 building having fewer than six stories and having equipment;  
1-32 (4) a representative of owners or managers of a  
1-33 building having six stories or more and having equipment;  
1-34 (5) a representative of independent equipment  
1-35 maintenance companies;  
1-36 (6) a representative of equipment manufacturers;  
1-37 (7) a licensed or registered engineer or architect;  
1-38 (8) a public member; and  
1-39 (9) a public member with a physical disability.  
1-40 SECTION 2. Subsections (a), (b), (c), (e), and (f), Section  
1-41 754.0141, Health and Safety Code, are amended to read as follows:  
1-42 (a) Elevators, chairlifts, or platform lifts installed in a  
1-43 single-family dwelling on or after January 1, 2004, must comply  
1-44 with the ASME Code A17.1 or A18.1, as applicable, and must be  
1-45 inspected by a registered elevator ~~[OEI-1 certified]~~ inspector  
1-46 after the installation is complete. The inspector shall provide  
1-47 the dwelling owner a copy of the inspection report.  
1-48 (b) The commission shall~~[, before January 1, 2004,]~~ adopt  
1-49 rules containing minimum safety standards that must be used by  
1-50 registered elevator ~~[OEI-1 certified]~~ inspectors when inspecting  
1-51 elevators, chairlifts, and platform lifts installed in  
1-52 single-family dwellings.  
1-53 (c) A municipality may withhold a certificate of occupancy  
1-54 for a dwelling or for the installation of the elevator or chairlift  
1-55 until the owner provides a copy of the ~~[OEI-1]~~ inspection report to  
1-56 the municipality.  
1-57 (e) On completing installation of equipment in a  
1-58 single-family dwelling, a contractor shall provide the dwelling  
1-59 owner with relevant information, in writing, about use, safety, and  
1-60 maintenance of the equipment, including the advisability of having  
1-61 the equipment periodically and timely inspected by a registered

2-1 elevator ~~[OEI-1 certified]~~ inspector.

2-2 (f) An inspection by a registered elevator ~~[OEI-1~~  
 2-3 ~~certified]~~ inspector of equipment in a single-family dwelling may  
 2-4 be performed only at the request and with the consent of the owner.  
 2-5 The owner of a single-family dwelling is not subject to Section  
 2-6 754.022, 754.023, or 754.024.

2-7 SECTION 3. Subsections (a), (b), and (d), Section 754.015,  
 2-8 Health and Safety Code, are amended to read as follows:

2-9 (a) The commission by rule shall provide for:

2-10 (1) an annual inspection and certification of the  
 2-11 equipment covered by standards adopted under this subchapter;

2-12 (2) enforcement of those standards;

2-13 (3) registration, including certification, of  
 2-14 elevator ~~[qualified]~~ inspectors ~~[and contractors];~~

2-15 (4) registration of contractors;

2-16 (5) the form of inspection documents, contractor  
 2-17 reports, and certificates of compliance;

2-18 (6) ~~[(5)]~~ notification to building owners,  
 2-19 architects, and other building industry professionals regarding  
 2-20 the necessity of annually inspecting equipment;

2-21 (7) ~~[(6)]~~ approval of continuing education programs  
 2-22 for registered elevator ~~[OEI-1 certified]~~ inspectors;

2-23 (8) ~~[(7)]~~ standards of conduct for individuals who are  
 2-24 registered under this subchapter;

2-25 (9) ~~[(8)]~~ general liability insurance as a condition  
 2-26 of contractor registration with coverage of not less than:

2-27 (A) \$1 million for each single occurrence of  
 2-28 bodily injury or death; and

2-29 (B) \$500,000 for each single occurrence of  
 2-30 property damage;

2-31 (10) ~~[(9)]~~ the submission and review of plans for the  
 2-32 installation or alteration of equipment; and

2-33 (11) ~~[(10)]~~ continuing education requirements for  
 2-34 renewal of contractor registration.

2-35 (b) The commission by rule may not:

2-36 (1) require inspections of equipment to be made more  
 2-37 often than every 12 months, except as provided by Subsection (c); or

2-38 (2) require persons to post a bond or furnish  
 2-39 insurance or to have minimum experience or education as a condition  
 2-40 of certification or registration, except as otherwise provided by  
 2-41 this chapter ~~[, or~~

2-42 ~~[(3) prohibit a OEI-1 certified inspector who is~~  
 2-43 ~~registered with the department from inspecting equipment].~~

2-44 (d) The executive director may charge a reasonable fee as  
 2-45 set by the commission for:

2-46 (1) registering or renewing registration of an  
 2-47 elevator inspector;

2-48 (2) registering or renewing registration of a  
 2-49 contractor;

2-50 (3) applying for a certificate of compliance;

2-51 (4) filing an inspection report as required by Section  
 2-52 754.019(a)(3), 30 days or more after the date the report is due, for  
 2-53 each day the report remains not filed after the date the report is  
 2-54 due;

2-55 (5) submitting for review plans for the installation  
 2-56 or alteration of equipment;

2-57 (6) reviewing and approving continuing education  
 2-58 providers and courses for renewal of elevator inspector and  
 2-59 contractor registrations ~~[registration];~~

2-60 (7) applying for a waiver, variance, or delay; and

2-61 (8) attending a continuing education program  
 2-62 sponsored by the department for registered elevator ~~[OEI-1]~~  
 2-63 inspectors.

2-64 SECTION 4. Subsections (b) and (c), Section 754.016, Health  
 2-65 and Safety Code, are amended to read as follows:

2-66 (b) A registered elevator ~~[An]~~ inspector shall date and sign  
 2-67 an inspection report and shall issue the report to the building  
 2-68 owner not later than the 10th calendar day after the date of  
 2-69 inspection.

(c) The executive director shall date and sign a certificate of compliance and shall issue the certificate to the building owner. The certificate of compliance shall state:

(1) that the equipment has been inspected by a registered elevator ~~[certified]~~ inspector and found by the inspector to be in compliance, except for any delays or waivers granted by the executive director and stated in the certificate;

(2) the date of the last inspection and the due date for the next inspection; and

(3) contact information at the department to report a violation of this subchapter.

SECTION 5. The heading to Section 754.017, Health and Safety Code, is amended to read as follows:

Sec. 754.017. REGISTERED ELEVATOR ~~[CERTIFIED]~~ INSPECTORS.

SECTION 6. Subsections (a), (b), and (d), Section 754.017, Health and Safety Code, are amended to read as follows:

(a) In order to inspect equipment, an individual must:

(1) be registered with the department;

(2) attend educational programs approved by the department;

(3) be certified as an ~~[a—OEI-1]~~ inspector in accordance with the rules adopted by the commission ~~[by an organization accredited by the American Society of Mechanical Engineers]; [and]~~

(4) comply with the continuing education requirements established by commission rule for registration renewal; and

(5) pay all applicable fees.

(b) A person assisting a registered elevator ~~[certified]~~ inspector and working under the direct, on-site supervision of the inspector is not required to be ~~registered~~ ~~[certified]~~.

(d) A registered elevator ~~[certified]~~ inspector may not inspect equipment if the inspector or the inspector's employer has a financial or personal conflict of interest or the appearance of impropriety related to the inspection of that equipment ~~[may not be required to attend more than seven hours of continuing education during each licensing period]~~.

SECTION 7. The heading to Section 754.0174, Health and Safety Code, is amended to read as follows:

Sec. 754.0174. CONTINUING EDUCATION FOR RENEWAL OF ELEVATOR INSPECTOR AND CONTRACTOR REGISTRATIONS.

SECTION 8. Section 754.0174, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Each registered elevator inspector must complete continuing education requirements set by commission rule before the inspector may renew the inspector's registration.

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

(1) register with the department; and

(2) comply with rules adopted by the commission relating to continuing education for a registered elevator inspector or designated responsible party, as applicable.

SECTION 9. Subsections (a) and (b), Section 754.019, Health and Safety Code, are amended to read as follows:

(a) The owner of real property on which equipment covered by this subchapter is located shall:

(1) have the equipment inspected annually by a registered elevator ~~[certified]~~ inspector;

(2) obtain an inspection report from the inspector evidencing that all equipment in a building on the real property was inspected in accordance with this subchapter and rules adopted under this subchapter;

(3) file with the executive director each inspection report, and all applicable fees, not later than the 60th day after the date on which an inspection is made under this subchapter;

(4) display the certificate of compliance:

(A) in a publicly visible area of the building, as determined by commission rule under Section 754.016, if the certificate relates to an elevator;

(B) in the escalator box if the certificate relates to an escalator; or

(C) in a place designated by the executive director if the certificate relates to equipment other than an elevator or escalator; and

(5) display the inspection report at the locations designated in Subdivision (4) until a certificate of compliance is issued.

(b) When an inspection report is filed, the owner shall submit to the executive director, as applicable:

(1) verification that any deficiencies in the registered elevator inspector's report have been remedied or that a bona fide contract to remedy the deficiencies has been entered into; or

(2) any application for delay or waiver of an applicable standard.

SECTION 10. Section 754.020, Health and Safety Code, is amended to read as follows:

Sec. 754.020. CHIEF ELEVATOR INSPECTOR. The executive director may appoint a chief elevator inspector to administer the equipment inspection and registration program. The chief elevator inspector:

(1) may not have a financial or commercial interest in the manufacture, maintenance, repair, inspection, installation, or sale of equipment; and

(2) must possess the ~~[a-CEI-1]~~ certification or obtain the certification required under Section 754.017 within six months after becoming chief elevator inspector.

SECTION 11. Section 754.021, Health and Safety Code, is amended to read as follows:

Sec. 754.021. LIST OF REGISTERED ELEVATOR INSPECTORS AND CONTRACTORS. The executive director shall:

(1) compile a list of elevator ~~[certified]~~ inspectors and contractors who are registered with the department; and

(2) employ personnel who are necessary to enforce this subchapter.

SECTION 12. Subsection (k), Section 754.023, Health and Safety Code, is amended to read as follows:

(k) If an emergency order to disconnect power or lock out equipment is issued, the building owner or manager may have the power reconnected or the equipment unlocked only if:

(1) a registered elevator inspector, a registered ~~[ex]~~ contractor, or a department representative has filed a written form with the department verifying the imminent and significant danger has been removed by repair, replacement, or other means; and

(2) the building owner, before the reconnection of power or unlocking of equipment, reimburses the department for all expenses incurred relating to the disconnection of power or lockout.

SECTION 13. (a) The Texas Commission of Licensing and Regulation shall adopt the rules necessary to implement Chapter 754, Health and Safety Code, as amended by this Act, not later than January 1, 2014.

(b) The changes in law made by this Act apply only to an application submitted to the Texas Department of Licensing and Regulation on or after January 1, 2014, for an elevator inspector registration or for renewal of an elevator inspector registration with an expiration date on or after January 1, 2014. An application for an elevator inspector registration or for renewal of an elevator inspector registration with an expiration date on or after January 1, 2014, that is submitted before January 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Subsection (a), Section 754.012, Health and Safety Code, as amended by this Act, applies only to a member appointed to the elevator advisory board on or after January 1, 2014.

SECTION 14. This Act takes effect September 1, 2013.

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