

AN ACT

relating to the requirements for elevators, escalators, and related equipment; providing penalties.

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

SECTION 1. Section 754.011, Health and Safety Code, is amended to read as follows:

Sec. 754.011. DEFINITIONS. In this chapter [~~subchapter~~]:

(1) "Acceptance inspection" means an inspection performed at the completion of the initial installation or alteration of equipment and in accordance with the applicable ASME Code A17.1.

(2) "Accident" means an event involving equipment that results in death or serious bodily injury to a person.

(3) "Alteration" means a change in [~~or modernization of~~] existing equipment. The term does not include testing, maintenance, repair, replacement, or a cosmetic change that does not affect the operational safety of the equipment or diminish the safety of the equipment below the level required by the ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21, as applicable, at the time of alteration.

(4) "Annual inspection" means an inspection of equipment performed in a 12-month period in accordance with the applicable ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21. The term includes an acceptance inspection performed

1 within that period.

2 (5) "ASCE" means the American Society of Civil  
3 Engineers.

4 (6) "ASCE Code 21" means the American Society of Civil  
5 Engineers Code 21 for people movers operated by cables, as it  
6 existed on January 1, 2004, or any subsequent revision of that code  
7 adopted after a review by the commission, as required by law.

8 (7) "ASME" means the American Society of Mechanical  
9 Engineers.

10 (8) [~~(6)~~] "ASME Code A17.1" means the American Society  
11 of Mechanical Engineers Safety Code for Elevators and Escalators  
12 (Bi-national standard with CSA B44-2007), ASME A17.1/CSA-B44, as it  
13 existed on January 1, 2004, or any subsequent revision of that code  
14 adopted after a review by the commission, as required by law.

15 (9) [~~(6-a)~~] ~~"Executive director" means the executive~~  
16 ~~director of the department.~~

17 [~~(7)~~] "ASME Code A17.3" means the 2002 American  
18 Society of Mechanical Engineers Safety Code for Elevators and  
19 Escalators A17.3.

20 (10) [~~(8)~~] "ASME Code A18.1" means the American  
21 Society of Mechanical Engineers Safety Code for Platform Lifts and  
22 Stairway Chairlifts A18.1, as it existed on January 1, 2004, or any  
23 subsequent revision of that code adopted after a review by the  
24 commission, as required by law.

25 (11) [~~(9)~~] "Board" means the elevator advisory board.

26 (12) [~~(10)~~] "Commission" means the Texas Commission  
27 of Licensing and Regulation.

1           (13) [~~(12)~~] "Contractor" means a person engaged in the  
2 installation, alteration, testing, repair, or maintenance of  
3 equipment. The term does not include an employee of a contractor or  
4 a person engaged in cleaning or any other work performed on  
5 equipment that does not affect the operational safety of the  
6 equipment or diminish the safety of the equipment below the level  
7 required by the ASME Code A17.1, ASME Code A17.3, ASME Code A18.1,  
8 or ASCE Code 21, as applicable.

9           (14) [~~(13)~~] "Department" means the Texas Department  
10 of Licensing and Regulation.

11           (15) [~~(14)~~] "Equipment" means an elevator, escalator,  
12 chairlift, platform lift, automated people mover operated by  
13 cables, or moving sidewalk, or related equipment.

14           (16) "Executive director" means the executive  
15 director of the department.

16           (17) [~~(15)~~] "Industrial facility" means a facility to  
17 which access is primarily limited to employees or contractors  
18 working in that facility.

19           (18) "Inspector" means a person engaged in the  
20 inspection and witnessing of the tests specified in the adopted  
21 standards of ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or  
22 ASCE Code 21, as applicable, to determine compliance with those  
23 standards.

24           (19) "Owner" means a person, company, corporation,  
25 authority, commission, board, governmental entity, institution, or  
26 other entity that holds title to a building or facility in which  
27 equipment regulated by this chapter is located.

1           (20) [~~(16)~~] "Qualified historic building or facility"  
2 means a building or facility that is:

3                   (A) listed in or eligible for listing in the  
4 National Register of Historic Places; or

5                   (B) designated as a Recorded Texas Historic  
6 Landmark or State Archeological Landmark.

7           (21) [~~(17)~~] "Related equipment" means:

8                   (A) automatic equipment that is used to move a  
9 person in a manner that is similar to that of an elevator, an  
10 escalator, a chairlift, a platform lift, an automated people mover  
11 operated by cables, or a moving sidewalk; and

12                   (B) hoistways, pits, and machine rooms for  
13 equipment.

14           (22) [~~(18)~~] "Serious bodily injury" means a major  
15 impairment to bodily function or serious dysfunction of any bodily  
16 organ or part requiring medical attention.

17           (23) [~~(19)~~] "Unit of equipment" means one elevator,  
18 escalator, chairlift, platform lift, automated people mover  
19 operated by cables, or moving sidewalk, or related equipment.

20           SECTION 2. Section 754.0111, Health and Safety Code, is  
21 amended to read as follows:

22           Sec. 754.0111. EXEMPTIONS [~~EXEMPTION~~]. (a) This chapter  
23 [~~subchapter~~] does not apply to equipment in a private building for a  
24 labor union, trade association, private club, or charitable  
25 organization that has two or fewer floors.

26           (b) This chapter [~~subchapter~~] does not apply to an elevator  
27 located in a single-family dwelling, except as provided by Section

1 754.0141.

2 (c) This chapter does not apply to equipment located in a  
3 building owned and operated by the federal government.

4 (d) This chapter does not apply to equipment in an  
5 industrial facility, or in a grain silo, radio antenna, bridge  
6 tower, underground facility, or dam, to which access is limited  
7 primarily to employees of or working in that facility or structure.

8 SECTION 3. Chapter 754, Health and Safety Code, is amended  
9 by adding Section 754.0112 to read as follows:

10 Sec. 754.0112. INSTITUTION OF HIGHER EDUCATION: EMPLOYEE  
11 DUTIES AND INSURANCE REQUIREMENT. (a) In this section,  
12 "institution of higher education" has the meaning assigned by  
13 Section 61.003, Education Code.

14 (b) Notwithstanding any contrary provision of this chapter,  
15 this chapter does not prohibit a registered elevator inspector or  
16 registered contractor from performing an activity regulated by this  
17 chapter or the rules adopted under this chapter if the inspector or  
18 contractor is performing the activity as an employee of an  
19 institution of higher education.

20 (c) Notwithstanding any contrary provision of this chapter,  
21 this chapter does not prohibit a registered elevator inspector or  
22 registered contractor performing an activity described by  
23 Subsection (b) as an employee of an institution of higher education  
24 from providing written evidence of self-insurance coverage to  
25 satisfy an insurance requirement under this chapter or rules  
26 adopted under this chapter.

27 SECTION 4. Subsections (a) and (d), Section 754.012, Health

1 and Safety Code, are amended to read as follows:

2 (a) The elevator advisory board is composed of nine members  
3 appointed by the presiding officer of the commission, with the  
4 commission's approval, as follows:

5 (1) a representative of the insurance industry or a  
6 registered [~~certified~~] elevator inspector;

7 (2) a representative of equipment constructors;

8 (3) a representative of owners or managers of a  
9 building having fewer than six stories and having equipment;

10 (4) a representative of owners or managers of a  
11 building having six stories or more and having equipment;

12 (5) a representative of independent equipment  
13 maintenance companies;

14 (6) a representative of equipment manufacturers;

15 (7) a licensed or registered engineer or architect;

16 (8) a public member; and

17 (9) a public member with a physical disability.

18 (d) The board shall meet as determined by the executive  
19 director or by the presiding officer of the commission [~~at least~~  
20 ~~twice each calendar year~~].

21 SECTION 5. Section 754.013, Health and Safety Code, is  
22 amended to read as follows:

23 Sec. 754.013. BOARD DUTIES. To protect public safety and to  
24 identify and correct potential hazards, the board shall advise the  
25 commission on:

26 (1) the adoption of appropriate standards for the  
27 installation, maintenance, alteration, operation, testing, and

1 inspection of equipment;

2 (2) the status of equipment used by the public in this  
3 state;

4 (3) sources of information relating to equipment  
5 safety;

6 (4) public awareness programs related to elevator  
7 safety, including programs for sellers and buyers of single-family  
8 dwellings with elevators, chairlifts, or platform lifts; and

9 (5) any other matter considered relevant by the  
10 commission.

11 SECTION 6. Section 754.014, Health and Safety Code, is  
12 amended by amending Subsections (a), (b), (c), (d), (e), (h), (j),  
13 (k), (l), and (m) and adding Subsection (h-1) to read as follows:

14 (a) The commission by rule shall adopt standards for the  
15 installation, maintenance, alteration, operation, testing, and  
16 inspection of equipment used by the public in:

17 (1) buildings owned or operated by the state, a  
18 state-owned institution or agency, or a political subdivision of  
19 the state; and

20 (2) buildings that contain equipment that is open to  
21 the general public, including a hotel, motel, apartment house,  
22 boardinghouse, church, office building, shopping center, or other  
23 commercial establishment.

24 (b) Standards adopted under [~~by the~~] commission rules may  
25 not contain requirements in addition to the requirements in the  
26 ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21.  
27 The standards must allow alteration of existing equipment if the

1 alteration does not diminish the safety of the equipment below the  
2 level required by this chapter [~~subchapter~~] at the time of  
3 alteration.

4 (c) Standards adopted under [~~by the~~] commission rules must  
5 require equipment to comply with the installation requirements of  
6 the ASME Code A17.1, ASME Code A18.1, or ASCE Code 21 that was in  
7 effect and applicable on the date of installation of the equipment.

8 (d) Standards adopted under [~~by the~~] commission rules must  
9 require equipment to comply with the installation requirements of  
10 the ASME Code A17.3 that contains minimum safety standards for all  
11 equipment, regardless of the date of installation.

12 (e) The executive director may [~~shall~~] grant a delay for  
13 compliance with the codes and adopted standards [~~applicable ASME~~  
14 ~~Code A17.1, ASME Code A17.3, or ASME Code A18.1~~] until a specified  
15 time if the executive director determines that the noncompliance  
16 does not constitute a significant threat to passenger or worker  
17 safety [~~compliance is not readily achievable, as that phrase is~~  
18 ~~defined in the Americans with Disabilities Act (42 U.S.C. Section~~  
19 ~~12101 et seq.), or regulations adopted under that Act]. The  
20 accumulated total time of all delays for a specific noncompliant  
21 condition may not exceed three years, except as determined  
22 [~~provided~~] by [~~Subsection (f) or as allowed in the discretion of~~]  
23 the executive director.~~

24 (h) The executive director shall grant a waiver of  
25 compliance if the noncompliance resulted from compliance with a  
26 municipal equipment construction code at the time of the original  
27 installation and the noncompliance does not pose imminent and

1 significant danger.

2        (h-1) The executive director may grant a waiver of  
3 compliance with the firefighter's service provisions of the ASME  
4 Code A17.1 or the ASME Code A17.3 in an elevator that exclusively  
5 serves a vehicle parking garage in a building that:

- 6            (1) is used only for parking;
- 7            (2) is constructed of noncombustible materials; and
- 8            (3) is not greater than 75 feet in height.

9        (j) One application for a waiver or delay may contain all  
10 requests related to a unit of equipment. [~~A delay may not be~~  
11 ~~granted indefinitely but must be granted for a specified time not to~~  
12 ~~exceed three years.~~]

13        (k) For purposes of determining the applicable standards  
14 and codes under this chapter [~~section~~], the date of installation or  
15 alteration of equipment is the date that the owner of the real  
16 property entered into a contract for the installation or alteration  
17 of the equipment. If that date cannot be established, the date of  
18 installation or alteration is the date of issuance of the municipal  
19 building permit under which the equipment was installed or altered  
20 or, if a municipal building permit was not issued, the date that  
21 electrical consumption began for the construction of the building  
22 in which the equipment was installed.

23        (l) Standards adopted under [~~by the~~] commission rules may  
24 include and be guided by revised versions of ASME Code A17.1, ASME  
25 Code A18.1, and ASCE Code 21, as appropriate.

26        (m) The executive director may on application of a person  
27 and in accordance with procedures adopted under [~~by the~~] commission

1 rules, grant a variance to allow the installation of new technology  
2 if the new component, system, subsystem, function, or device is  
3 equivalent or superior to the standards adopted under [~~by the~~]  
4 commission rules.

5 SECTION 7. Subsections (a), (b), (c), (e), and (f), Section  
6 754.0141, Health and Safety Code, are amended to read as follows:

7 (a) Elevators, chairlifts, or platform lifts installed in a  
8 single-family dwelling on or after January 1, 2004, must comply  
9 with the ASME Code A17.1 or A18.1, as applicable, and must be  
10 inspected by a registered elevator [~~QEI-1 certified~~] inspector  
11 after the installation is complete. The inspector shall provide  
12 the dwelling owner a copy of the inspection report.

13 (b) The commission shall [~~, before January 1, 2004,~~] adopt  
14 rules containing minimum safety standards that must be used by  
15 registered elevator [~~QEI-1 certified~~] inspectors when inspecting  
16 elevators, chairlifts, and platform lifts installed in  
17 single-family dwellings.

18 (c) A municipality may withhold a certificate of occupancy  
19 for a dwelling or for the installation of the elevator or chairlift  
20 until the owner provides a copy of the [~~QEI-1~~] inspection report to  
21 the municipality.

22 (e) On completing installation of equipment in a  
23 single-family dwelling, a contractor shall provide the dwelling  
24 owner with relevant information, in writing, about use, safety, and  
25 maintenance of the equipment, including the advisability of having  
26 the equipment periodically and timely inspected by a registered  
27 elevator [~~QEI-1 certified~~] inspector.

1 (f) An inspection by a registered elevator [~~OEI-1~~  
2 ~~certified~~] inspector of equipment in a single-family dwelling may  
3 be performed only at the request and with the consent of the owner.  
4 The owner of a single-family dwelling is not subject to Section  
5 754.0231, 754.0232, 754.0233, 754.0234, or 754.0235 [~~754.022,~~  
6 ~~754.023, or 754.024~~].

7 SECTION 8. Section 754.015, Health and Safety Code, is  
8 amended to read as follows:

9 Sec. 754.015. RULES. (a) The commission by rule shall  
10 provide for:

11 (1) an annual inspection and certification of the  
12 equipment covered by standards adopted under this chapter  
13 [~~subchapter~~];

14 (2) enforcement of those standards;

15 (3) registration, including certification, of  
16 elevator [~~qualified~~] inspectors [~~and contractors~~];

17 (4) registration of contractors;

18 (5) the procedures by which a certificate of  
19 compliance is issued and displayed [~~the form of inspection~~  
20 ~~documents, contractor reports, and certificates of compliance~~];

21 (6) [~~(5)~~] notification to building owners,  
22 architects, and other building industry professionals regarding  
23 the necessity of annually inspecting equipment;

24 (7) [~~(6)~~] approval of continuing education programs  
25 for registered elevator [~~OEI-1 certified~~] inspectors;

26 (8) [~~(7)~~] standards of conduct for individuals who are  
27 registered under this chapter [~~subchapter~~];

1           (9) [~~(8)~~] general liability insurance written by an  
2 insurer authorized to engage in the business of insurance in this  
3 state or an eligible surplus lines insurer, as defined by Section  
4 981.002, Insurance Code, as a condition of contractor registration  
5 with coverage of not less than:

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

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

10           (10) [~~(9)~~] the submission and review of plans for the  
11 installation or alteration of equipment; ~~and~~

12           (11) [~~(10)~~] continuing education requirements for  
13 renewal of contractor registration;

14           (12) maintenance control programs, maintenance,  
15 repair, and parts manuals, and product-specific inspection,  
16 testing, and maintenance procedures;

17           (13) the method and manner of reporting accidents and  
18 reportable conditions to the department; and

19           (14) an owner's designation of an agent for purposes of  
20 this chapter.

21           (b) The commission by rule may not:

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

24                   (2) require persons to post a bond or furnish  
25 insurance or to have minimum experience or education as a condition  
26 of certification or registration, except as otherwise provided by  
27 this chapter [~~, or~~

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

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

5           (1) the equipment has been altered;

6           (2) the equipment ~~[and]~~ poses a significant threat to  
7 passenger or worker safety; or

8           (3) [if] ~~[if]~~ an annual inspection report indicates an  
9 existing violation has continued longer than permitted in a delay  
10 granted by the executive director.

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

13           (1) registering or renewing registration of an  
14 elevator inspector;

15           (2) registering or renewing registration of a  
16 contractor;

17           (3) applying for a certificate of compliance;

18           (4) filing an inspection report as required by Section  
19 754.019(a)(3), 30 days or more after the date the report is due, for  
20 each day the report remains not filed after the date the report is  
21 due;

22           (5) submitting for review plans for the installation  
23 or alteration of equipment;

24           (6) reviewing and approving continuing education  
25 providers and courses for renewal of elevator inspector and  
26 contractor registrations ~~[registration]~~;

27           (7) applying for a waiver, new technology variance, or

1 delay; and

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

5 (e) The commission by rule may require inspection reports,  
6 other documents, and fees to be filed in a manner prescribed by the  
7 department, including electronically.

8 SECTION 9. Section 754.016, Health and Safety Code, is  
9 amended to read as follows:

10 Sec. 754.016. INSPECTION REPORTS AND CERTIFICATES OF  
11 COMPLIANCE. (a) Inspection reports and certificates of  
12 compliance required under this chapter ~~[subchapter]~~ must cover all  
13 equipment in a building or structure appurtenant to the building,  
14 including a parking facility, that are owned by the same person or  
15 persons.

16 (b) A registered elevator ~~[An]~~ inspector shall issue ~~[date~~  
17 ~~and sign]~~ an inspection report ~~[and shall issue the report]~~ to the  
18 ~~[building]~~ owner not later than the fifth ~~[10th]~~ calendar day after  
19 the date of inspection in accordance with the procedures  
20 established by commission rule.

21 (c) The executive director shall issue ~~[date and sign]~~ a  
22 certificate of compliance ~~[and shall issue the certificate]~~ to the  
23 ~~[building]~~ owner. ~~[The certificate of compliance shall state:~~

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

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

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

5           (d) The commission by rule shall:

6           (1) ~~[specify what information must be contained in a~~  
7 ~~certificate of compliance;~~

8           ~~[(2) describe the procedure by which a certificate of~~  
9 ~~compliance is issued;~~

10           ~~[(3)]~~ require that a certificate of compliance for any  
11 equipment ~~[related to an elevator]~~ be posted in a publicly visible  
12 area of the building; and

13           (2) ~~[(4)]~~ determine what constitutes a "publicly  
14 visible area" under Subdivision (1) ~~[(3)]~~.

15           (e) The department shall prescribe the format and the  
16 required information contained in the inspection reports, the  
17 certificates of compliance, and other documents.

18           SECTION 10. The heading to Section 754.017, Health and  
19 Safety Code, is amended to read as follows:

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

21           SECTION 11. Subsections (a), (b), and (d), Section 754.017,  
22 Health and Safety Code, are amended to read as follows:

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

24           (1) be registered with the department;

25           (2) attend educational programs approved by the  
26 department;

27           (3) be certified as an ~~[a QEI-1]~~ inspector in

1 accordance with the rules adopted by the commission [~~by an~~  
2 ~~organization accredited by the American Society of Mechanical~~  
3 ~~Engineers~~]; [~~and~~]

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

6 (5) pay all applicable fees.

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

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

16 SECTION 12. Subsections (a) and (f), Section 754.0171,  
17 Health and Safety Code, are amended to read as follows:

18 (a) A person may not install, repair, alter, test, or  
19 maintain equipment without registering as a contractor with the  
20 department as required by this chapter [~~subchapter~~].

21 (f) Installation, repair, alteration, testing, and  
22 maintenance standards for contractors must be consistent with ASME  
23 Code A17.1, ASME Code A17.3, ASME Code A18.1, and ASCE Code 21.

24 SECTION 13. Section 754.0172, Health and Safety Code, is  
25 amended to read as follows:

26 Sec. 754.0172. INSPECTION FEE. The amount charged for an  
27 inspection or the performance of an inspection of equipment under

1 this chapter [~~subchapter~~] may not be contingent on the existence of  
2 a maintenance contract between the person performing the inspection  
3 and any other person.

4 SECTION 14. The heading to Section 754.0174, Health and  
5 Safety Code, is amended to read as follows:

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

8 SECTION 15. Section 754.0174, Health and Safety Code, is  
9 amended by adding Subsection (a-1) and amending Subsection (b) to  
10 read as follows:

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

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

- 16 (1) register with the department; and  
17 (2) comply with rules adopted by the commission  
18 relating to continuing education for a registered elevator  
19 inspector or designated responsible party, as applicable.

20 SECTION 16. Section 754.018, Health and Safety Code, is  
21 amended to read as follows:

22 Sec. 754.018. POWERS OF MUNICIPALITIES. Subject to Section  
23 754.014(h), if a municipality operates a program for the  
24 installation, maintenance, alteration, inspection, testing, or  
25 certification of equipment, this chapter [~~subchapter~~] shall not  
26 apply to the equipment in that municipality, provided that the  
27 standards of installation, maintenance, alteration, inspection,

1 testing, and certification are at least equivalent to those  
2 contained in this chapter [~~subchapter~~].

3 SECTION 17. The heading to Section 754.019, Health and  
4 Safety Code, is amended to read as follows:

5 Sec. 754.019. DUTIES OF [~~REAL PROPERTY~~] OWNERS.

6 SECTION 18. Subsections (a), (b), and (e), Section 754.019,  
7 Health and Safety Code, are amended to read as follows:

8 (a) The owner [~~of real property on which equipment covered~~  
9 ~~by this subchapter is located~~] shall:

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

12 (2) obtain an inspection report from the inspector  
13 evidencing that all equipment in a building on the real property was  
14 inspected in accordance with this chapter [~~subchapter~~] and rules  
15 adopted under this chapter [~~subchapter~~];

16 (3) file with the executive director each inspection  
17 report, and all applicable fees, not later than the 30th calendar  
18 [~~60th~~] day after the date on which an inspection is made under this  
19 chapter [~~subchapter~~];

20 (4) display the certificate of compliance for the  
21 equipment in a publicly visible area as defined by commission  
22 rule [+

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

26 [~~(B) in the escalator box if the certificate~~  
27 ~~relates to an escalator, or~~

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

4                    (5) maintain the equipment in compliance with the  
5 standards and codes adopted under commission rules [~~display the~~  
6 ~~inspection report at the locations designated in Subdivision (4)~~  
7 ~~until a certificate of compliance is issued~~].

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

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

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

16                    (e) An owner shall report to the department each accident  
17 involving equipment not later than 24 [~~72~~] hours following the  
18 accident.

19                    SECTION 19. Section 754.020, Health and Safety Code, is  
20 amended to read as follows:

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

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

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

4           SECTION 20. Section 754.021, Health and Safety Code, is  
5 amended to read as follows:

6           Sec. 754.021. LIST OF REGISTERED ELEVATOR INSPECTORS AND  
7 CONTRACTORS; PERSONNEL. The executive director shall:

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

10           (2) employ personnel who are necessary to enforce this  
11 chapter [~~subchapter~~].

12           SECTION 21. Chapter 754, Health and Safety Code, is amended  
13 by adding Sections 754.0231, 754.0232, 754.0233, 754.0234, and  
14 754.0235 to read as follows:

15           Sec. 754.0231. INSPECTIONS                   AND                   INVESTIGATIONS.

16 (a) Except as provided by Subsection (b), the department may  
17 conduct an inspection or investigation of equipment regulated under  
18 this chapter in accordance with Chapter 51, Occupations Code. The  
19 department shall be granted access to any location in the building  
20 that is inaccessible to the public in order to conduct a full  
21 inspection or investigation of the equipment.

22           (b) If there is good cause for the executive director to  
23 believe that equipment on the property poses an imminent and  
24 significant danger or that an accident involving equipment occurred  
25 on the property, the executive director or the executive director's  
26 designee may at any time enter the property to inspect the equipment  
27 or investigate the danger or accident. The executive director or

1 the executive director's designee must be granted access to any  
2 location in the building that is inaccessible to the public in order  
3 to conduct a full inspection or investigation.

4 Sec. 754.0232. REGISTRATION PROCEEDINGS. (a) The  
5 commission or executive director may deny, suspend, or revoke a  
6 registration under this chapter and may assess an administrative  
7 penalty for:

8 (1) obtaining registration by fraud or false  
9 representation;

10 (2) falsifying a report submitted to the executive  
11 director; or

12 (3) violating this chapter or a rule adopted under  
13 this chapter.

14 (b) Proceedings for the denial, suspension, or revocation  
15 of a registration and appeals from these proceedings are governed  
16 by Chapter 2001, Government Code.

17 Sec. 754.0233. INJUNCTIVE RELIEF; CIVIL PENALTY. (a) The  
18 attorney general or the executive director may institute an action  
19 for injunctive relief to prevent or restrain a violation or  
20 threatened violation of this chapter or a rule adopted under this  
21 chapter.

22 (b) The attorney general or the executive director may  
23 institute an action to collect a civil penalty from a person that  
24 appears to be violating or threatening to violate this chapter or a  
25 rule adopted under this chapter. A civil penalty assessed under  
26 this subsection may not exceed \$5,000 per day for each violation.

27 (c) An action filed under this section must be filed in a

1 district court in Travis County.

2 (d) The attorney general and the department may recover  
3 reasonable expenses incurred in obtaining injunctive relief or  
4 civil penalties under this section, including court costs,  
5 reasonable attorney's fees, investigative costs, witness fees, and  
6 deposition expenses.

7 Sec. 754.0234. EMERGENCY ORDERS. (a) The executive  
8 director may issue an emergency order as necessary to enforce this  
9 chapter if the executive director determines that an emergency  
10 exists requiring immediate action to protect the public health and  
11 safety.

12 (b) The executive director shall issue an emergency order in  
13 accordance with Chapter 51, Occupations Code.

14 Sec. 754.0235. ORDERS TO DISCONNECT POWER TO OR LOCK OUT  
15 EQUIPMENT. (a) An emergency order issued in accordance with  
16 Section 754.0234 may also direct an owner to disconnect power to or  
17 lock out equipment if:

18 (1) the department determines imminent and  
19 significant danger to passenger or worker safety exists if action  
20 is not taken immediately; or

21 (2) an annual inspection has not been performed in  
22 more than two years.

23 (b) If an emergency order to disconnect power or lock out  
24 equipment is issued, the owner may have the power reconnected or the  
25 equipment unlocked only if a registered elevator inspector or  
26 contractor or a department representative verifies in writing to  
27 the department that the imminent and significant danger has been

1 removed by repair, replacement, or other means.

2 (c) If an emergency order to disconnect power or lock out  
3 equipment is issued and the owner later notifies the department  
4 that the imminent and significant danger no longer exists, the  
5 executive director or the executive director's designee shall,  
6 after the requirements of Subsection (b) are satisfied, issue  
7 written permission to reconnect power or unlock the equipment and  
8 notify the owner.

9 SECTION 22. Section 754.025, Health and Safety Code, is  
10 amended to read as follows:

11 Sec. 754.025. APPLICATION OF CERTAIN LAW. [~~(a) Chapter~~  
12 ~~53, Occupations Code, applies to a registration under this~~  
13 ~~subchapter.~~

14 [~~(b)~~] Sections 51.401 and 51.404, Occupations Code, do not  
15 apply to this chapter, except those sections do apply to Sections  
16 754.017 and 754.0171 [~~subchapter~~].

17 SECTION 23. The following provisions of the Health and  
18 Safety Code are repealed:

- 19 (1) Subchapter A, Chapter 754;
- 20 (2) the heading to Subchapter B, Chapter 754;
- 21 (3) Subsection (i), Section 754.014;
- 22 (4) Subsections (d) and (e), Section 754.0171; and
- 23 (5) Sections 754.022, 754.023, and 754.024.

24 SECTION 24. (a) The Texas Commission of Licensing and  
25 Regulation shall adopt rules implementing Chapter 754, Health and  
26 Safety Code, as amended by this Act, not later than January 1, 2014.

27 (b) Subsection (b), Section 754.016, and Subdivision (3),

1 Subsection (a), Section 754.019, Health and Safety Code, as amended  
2 by this Act, apply only to an inspection initiated on or after  
3 January 1, 2014.

4 (c) The repeal by this Act of Subchapter A, Chapter 754,  
5 Health and Safety Code, and Section 754.024, Health and Safety  
6 Code, does not apply to an offense committed under Section 754.003  
7 or 754.024, Health and Safety Code, before the effective date of the  
8 repeal. An offense committed before the effective date of the  
9 repeal is governed by Section 754.003 or 754.024, Health and Safety  
10 Code, as it existed on the date the offense was committed, and the  
11 former law is continued in effect for that purpose. For purposes of  
12 this section, an offense was committed before the effective date of  
13 the repeal if any element of the offense occurred before that date.

14 SECTION 25. This Act takes effect September 1, 2013.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 673 passed the Senate on March 21, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 20, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 673 passed the House, with amendments, on May 16, 2013, by the following vote: Yeas 141, Nays 2, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor