

BILL ANALYSIS

C.S.H.B. 3741
By: Smith
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties explain that the Texas Department of Licensing and Regulation (TDLR) is responsible for regulating elevators, escalators, and other related equipment and that requiring annual inspections is a key component of that regulatory authority. The parties note that an elevator, escalator, or related equipment must be completely shut down and disconnected if it is not in compliance with key safety laws and rules. The parties note that, as part of its strategic planning process, TDLR has identified a less expensive, less onerous, and safer way to make noncompliant equipment unavailable for use. TDLR could adopt rules and standards for an "Out of Use" status that would not require the equipment to be fully disconnected when it is shut down. This status, the parties explain, would postpone the required annual inspection until such time as the equipment is brought into compliance. The parties emphasize that this could protect building owners from potential enforcement proceedings for failure to have annual inspections completed on equipment that is out of service. C.S.H.B. 3741 seeks to provide this authority.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 3741 amends the Health and Safety Code to include the removal from service of an elevator, escalator, chairlift, platform lift, automated people mover operated by cables, or moving sidewalk or related equipment used by the public in certain public buildings among the actions for which the Texas Commission of Licensing and Regulation is required to adopt standards. The bill authorizes the executive director of the Texas Department of Licensing and Regulation to charge a reasonable fee as set by the commission for applying to remove such equipment from service. The bill exempts such equipment that has been removed from service in accordance with commission rules from the requirement that an owner of such equipment have the equipment inspected annually by a registered elevator inspector. The bill requires the commission, as soon as practicable after the bill's effective date, to adopt the rules necessary to implement the change in law made by the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3741 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 754.014(a), Health and Safety Code, is amended.

SECTION 2. Section 754.015, Health and Safety Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) The commission by rule may adopt requirements for inspection and certification of equipment that is transferred to another person.

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

- (1) registering or renewing registration of an elevator inspector;
- (2) registering or renewing registration of a contractor;
- (3) applying for a certificate of compliance;
- (4) filing an inspection report as required by Section 754.019(a)(3), 30 days or more after the date the report is due, for each day the report remains not filed after the date the report is due;
- (5) submitting for review plans for the installation or alteration of equipment;
- (6) reviewing and approving continuing education providers and courses for renewal of elevator inspector and contractor registrations;
- (7) applying for a waiver, new technology variance, or delay; ~~and~~
- (8) attending a continuing education program sponsored by the department for registered elevator inspectors; and
- (9) applying to remove equipment from service.

SECTION 3. Section 754.019(a), Health and Safety Code, is amended.

SECTION 4. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 754.015(d), Health and Safety Code, is amended to read as follows:

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

- (1) registering or renewing registration of an elevator inspector;
- (2) registering or renewing registration of a contractor;
- (3) applying for a certificate of compliance;
- (4) filing an inspection report as required by Section 754.019(a)(3), 30 days or more after the date the report is due, for each day the report remains not filed after the date the report is due;
- (5) submitting for review plans for the installation or alteration of equipment;
- (6) reviewing and approving continuing education providers and courses for renewal of elevator inspector and contractor registrations;
- (7) applying for a waiver, new technology variance, or delay; ~~and~~
- (8) attending a continuing education program sponsored by the department for registered elevator inspectors; and
- (9) applying to remove equipment from service.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.