By:  Turner of Tarrant H.B. No. 4086

A BILL TO BE ENTITLED

AN ACT

relating to standards for and regulation of elevators, escalators, and similar equipment in single-family dwellings.

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

SECTION 1.  Section 754.013, Health and Safety Code, is amended to read as follows:

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

(1)  the adoption of appropriate standards for the installation, maintenance, alteration, operation, testing, and inspection of equipment;

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

(3)  sources of information relating to equipment safety;

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

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

SECTION 2.  Section 754.0141, Health and Safety Code, is amended to read as follows:

Sec. 754.0141.  STANDARDS FOR EQUIPMENT IN SINGLE-FAMILY DWELLINGS; REQUIRED INFORMATION. (a) Equipment [~~Elevators, chairlifts, or platform lifts~~] installed in a single-family dwelling on or after January 1, 2004, must comply with the ASME Code A17.1 or A18.1, as applicable. Equipment installed or altered in a single-family dwelling[~~, and~~] must be inspected by a registered elevator inspector after the installation or alteration is complete. The inspector shall provide the dwelling owner a copy of the inspection report.

(b)  The commission shall adopt rules containing minimum safety standards for:

(1)  [~~that must be used by~~] registered elevator inspectors to use when inspecting equipment installed in single-family dwellings; and

(2)  registered contractors to use when installing, altering, testing, or removing from service any unit of equipment [~~elevators, chairlifts, and platform lifts~~] installed in single-family dwellings.

(b-1)  The rules adopted under Subsection (b) must require a registered contractor to submit to the department for the department's review plans for installing or altering any equipment in a single-family dwelling.

(c)  A municipality may withhold a certificate of occupancy for a dwelling or for the installation or alteration of equipment [~~the elevator or chairlift~~] until the owner provides a copy of the inspection report to the municipality.

(d)  A registered elevator inspector or registered contractor who removes from service [~~is not required to report to the department any information concerning~~] equipment in a single-family dwelling shall provide documentation of the removal to the dwelling owner and the department [~~or the contractor's work on the equipment~~].

(e)  On completing installation or alteration of equipment in a single-family dwelling, a registered contractor shall provide the dwelling owner with relevant information, in writing, about use, safety, and maintenance of the equipment, including the advisability of having the equipment annually [~~periodically and timely~~] inspected by a registered elevator inspector.

(f)  An inspection by a registered elevator inspector of equipment in a single-family dwelling may be performed only at the request and with the consent of the owner. The owner of a single-family dwelling is not subject to Section 754.019, 754.0231, 754.0232, 754.0233, 754.0234, or 754.0235.

(g)  A registered contractor who installs or alters an elevator in a single-family dwelling shall:

(1)  ensure the space between the hoistway face of the landing door or gate and the hoistway face of the car door or gate does not exceed four inches; and

(2)  as necessary install a space guard or equivalent product that ensures the space requirement of Subdivision (1) is satisfied.

SECTION 3.  Section 754.015(a), Health and Safety Code, is amended to read as follows:

(a)  The commission by rule shall provide for:

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

(2)  enforcement of those standards;

(3)  registration, including certification, of elevator inspectors;

(4)  registration of contractors;

(5)  the procedures by which a certificate of compliance is issued and displayed;

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

(7)  approval of continuing education programs for registered elevator inspectors;

(8)  standards of conduct for individuals who are registered under this chapter;

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

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

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

(10)  the submission and review of plans for the installation or alteration of equipment, including equipment in a single-family dwelling;

(11)  continuing education requirements for renewal of contractor registration;

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

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

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

SECTION 4.  Section 754.026, Health and Safety Code, is amended to read as follows:

Sec. 754.026.  DISCLOSURE OF E-MAIL ADDRESS. (a) Except as provided by Subsection (b) and notwithstanding [~~Notwithstanding~~] any other law, an e-mail address provided to the department relating to an inspection or review of plans under this chapter is not confidential and is subject to disclosure under Chapter 552, Government Code.

(b)  Subsection (a) does not apply to an e-mail address provided to the department relating to an inspection or review of plans for single-family dwellings.

SECTION 5.  Effective January 1, 2022, Section 754.0111(b), Health and Safety Code, is repealed.

SECTION 6.  Except as otherwise provided by this Act, this Act takes effect September 1, 2021.