88R12820 LRM-D

By:  King of Hemphill H.B. No. 3344

A BILL TO BE ENTITLED

AN ACT

relating to elevator inspection requirements in buildings with four stories or less.

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

SECTION 1.  Sections 754.015(a) and (c), Health and Safety Code, are amended to read as follows:

(a)  The commission by rule shall provide for:

(1)  except as provided by Subdivision (2), an annual inspection and certification of the equipment covered by standards adopted under this chapter;

(2)  to the extent authorized by rules adopted under the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and by other federal law, an elevator inspection at least every five years of a building with not more than four stories and for certification of each elevator in the building;

(3)  enforcement of the [~~those~~] standards adopted under this chapter;

(4) [~~(3)~~]  registration, including certification, of elevator inspectors;

(5) [~~(4)~~]  registration of contractors;

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

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

(8) [~~(7)~~]  approval of continuing education programs for registered elevator inspectors;

(9) [~~(8)~~]  standards of conduct for individuals who are registered under this chapter;

(10) [~~(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;

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

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

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

(14) [~~(13)~~]  the method and manner of reporting accidents and reportable conditions to the department; and

(15) [~~(14)~~]  an owner's designation of an agent for purposes of this chapter.

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

(1)  the equipment has been altered;

(2)  the equipment poses a significant threat to passenger or worker safety; or

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

SECTION 2.  Section 754.0235(a), Health and Safety Code, is amended to read as follows:

(a)  An emergency order issued in accordance with Section 754.0234 may also direct an owner to disconnect power to or lock out equipment if:

(1)  the department determines imminent and significant danger to passenger or worker safety exists if action is not taken immediately; [~~or~~]

(2)  an annual inspection described by Section 754.015(a)(1) has not been performed in more than two years; or

(3)  an inspection described by Section 754.015(a)(2) has not been performed in more than six years.

SECTION 3.  As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the change in law made by this Act.

SECTION 4.  This Act takes effect September 1, 2023.