

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2202

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 1997

The Assembly Housing Committee reports without recommendation and with committee amendments Assembly Bill No. 2202.

Assembly Bill No. 2202, as amended, provides that an elevator device regularly maintained, inspected and tested by a qualified elevator device inspection firm will not be subject to the six-month routine and one-year periodic inspection and test witnessing requirements of current law, and the payment of fees that would otherwise be applicable. Currently, inspectors for governmental enforcing agencies are required to witness the acceptance testing and routine and periodic inspections and tests of elevator devices. Owners of elevators are required to pay for the tests and inspections and for the witnessing of them by the inspectors who are public employees or employees of a private on-site inspection agency working under contract with a municipality. Under the bill, these devices could be inspected and tested by qualified elevator device inspection firms in accordance with rules and regulations prescribed by the Commissioner of the Department of Community Affairs (DCA). However, acceptance testing and the required five-year test would still have to be witnessed by an inspector for a local enforcing agency or the DCA.

The amended bill requires the DCA to license qualified elevator device inspectors; to register qualified elevator device inspection firms; to impose fees for licenses and registrations; to set forth the manner in which test results will be recorded and to require minimum liability insurance coverage required for qualified elevator device inspection firms.

Under the provisions of the bill, an elevator device owner would have to register each device with the department and indicate on the registration form the identity of the qualified elevator device inspection firm responsible for inspecting and testing the elevator devices. If a qualified elevator device inspector finds that an elevator device is in a dangerous condition or creates an immediate hazard, the inspector would be required to prohibit further use of it and to notify in writing the device's owner and the local enforcing agency or DCA,

as the case may be. The elevator device would have to remain out of service until the inspector certifies in writing that the dangerous condition or immediate hazard has been corrected and that the elevator device is safe for public use. The committee believes that this alternate means for testing and inspecting elevators is prudent and appropriate because it provides that the company which is legally liable for the safe functioning of the elevator will be careful and thorough. The bill requires that the maintenance company perform the tests; otherwise, the municipal or state government will perform them.

If at any time a local enforcing agency or the department determines that an elevator device is in a dangerous condition or creates an immediate hazard, it may require the owner of the device to make the necessary repairs.

Any qualified elevator device inspector or inspection firm that violates any provision of the bill would be subject to penalties in accordance with section 20 of P.L.1975, c.217 (C.52:27D-138) and suspension or revocation of licensure or registration by the department.

The committee amended the bill to require the Department of Community Affairs to conduct biennially a review and analysis of the impact of this bill on the safety of elevator devices in this State. A report of the results of the review and analysis would be submitted to the Governor and Legislature.

The committee amendments to this bill make it identical to Senate, No. 492 (1R), which was also reported without recommendation by the committee on December 15, 1997.