

P.L. 1997, CHAPTER 336, *approved January 12, 1998*
Senate, No. 492 (*First Reprint*)

1 AN ACT concerning the testing and inspecting of elevator devices and
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. As used in this section:

8 "Elevator device" means a hoisting and lowering device equipped
9 with a car or platform which moves in guides for the transportation of
10 individuals or freight in a substantially vertical direction through
11 successive floors or levels of a building or structure. The term
12 includes, without limitation, elevators, dumbwaiters, wheelchair lifts,
13 manlifts, stairway chairlifts and any device within the scope of ASME
14 A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1
15 (Safety Standard for Belt Manlifts), except escalators and moving
16 walks. It shall not include any conveyor devices that are process
17 equipment.

18 "Qualified elevator device inspection firm" means any entity,
19 whether a sole proprietorship, partnership, association or corporation,
20 that is engaged in the business of inspecting, testing, installing,
21 maintaining or repairing elevator devices, or the business of inspecting
22 and testing elevator devices, is registered for those purposes with the
23 Department of Community Affairs, and employs at least one qualified
24 elevator device inspector.

25 "Qualified elevator device inspector" means any person who is
26 employed by a qualified elevator device inspection firm and who is
27 licensed by the Department of Community Affairs to conduct the
28 routine, periodic and acceptance inspections and tests of elevator
29 devices required pursuant to the provisions of the "State Uniform
30 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

31 b. No elevator devices which, under the provisions of the "State

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted October 28, 1996.

1 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et
2 seq.), are subject to routine, periodic and acceptance inspections and
3 tests by the local enforcing agency or the Department of Community
4 Affairs shall be subject to such inspections and tests, nor shall the
5 owner of the structure be charged any fees therefor, if those elevator
6 devices are subjected to acceptance testing and are routinely and
7 periodically inspected and tested by a qualified elevator device
8 inspection firm, and the owner has registered each such elevator
9 device with the Department of Community Affairs and has indicated
10 in the registration application form, or in a supplement to that form,
11 the identity of the qualified elevator device inspection firm that has
12 been given responsibility for inspection and testing of the elevator
13 device.

14 The inspections and tests, including the frequency thereof,
15 conducted by a qualified elevator device inspector shall be in
16 accordance with such rules and regulations as the Commissioner of
17 Community Affairs may prescribe pursuant to the "State Uniform
18 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and
19 subsection e. of this section. Acceptance testing and the five-year test
20 shall be witnessed by the local enforcing agency or the Department of
21 Community Affairs in accordance with such rules and regulations as
22 the Commissioner of Community Affairs may prescribe pursuant to the
23 "State Uniform Construction Code Act," P.L.1975, c.217
24 (C.52:27D-119 et seq.) and subsection e. of this section. No qualified
25 elevator device inspector shall act in that capacity when his work on
26 the elevator device is the work being inspected.

27 c. If, upon inspection or test, a qualified elevator device inspector
28 shall find that an elevator device is in a dangerous condition, or if
29 there is an immediate hazard to persons riding on or using any such
30 device, the inspector shall immediately prohibit any further use of the
31 device and shall so notify in writing the owner and the local enforcing
32 agency or Department of Community Affairs, as the case may be. The
33 device shall remain out of service until such time as the inspector shall
34 certify in writing that the dangerous condition or immediate hazard has
35 been removed or corrected and that the device is safe for public use.
36 If the local enforcing agency or the department shall determine, in
37 response to a complaint or otherwise, that an elevator device is in a
38 dangerous condition or that there is an immediate hazard to persons
39 riding on or using that device, the local enforcing agency or the
40 department may require the owner of the elevator device to make such
41 repairs as may be necessary, or take other corrective action, within
42 such time as the local enforcing agency or the department, as the case
43 may be, shall prescribe.

44 d. Any qualified elevator device inspector or qualified elevator
45 device inspection firm violating the provisions of this section shall be
46 subject to a penalty in accordance with section 20 of P.L.1975, c.217

1 (C.52:27D-138) and shall also be subject to suspension or revocation
2 by the Department of Community Affairs of licensure or registration
3 as a qualified elevator device inspector or qualified elevator device
4 inspection firm, as the case may be.

5 e. The Commissioner of Community Affairs, in accordance with the
6 provisions of the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
8 effectuate the purposes of this act. The rules and regulations shall
9 provide for, but not be limited to, the qualifications for licensing of
10 qualified elevator device inspectors, the registration of qualified
11 elevator device inspection firms, the manner and form of licensure and
12 registration, the fee for each such license or registration, the manner
13 in which test results pursuant to this act are to be recorded, and
14 minimum liability insurance requirements for qualified elevator device
15 inspection firms, for which proof thereof shall be provided by the firms
16 to the department. License and registration fees shall be designed to
17 cover, but not exceed, the actual costs the department shall incur in
18 administering the provisions of this act.

19 ¹f. The Department of Community Affairs shall conduct a review
20 and perform an analysis of the impact on the safety record of elevator
21 devices in this State as a result of the implementation of this section.
22 The review and analysis shall be performed biennially. A written
23 report of the results of the review and analysis shall be submitted to
24 the Governor and the Legislature, with the first report submitted
25 within 48 months following the effective date of P.L. , c. (C.)
26 (now pending before the Legislature as this bill.)¹

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28 2. This act shall take effect on the first day of the fourth month
29 following enactment.

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34 Provides for alternate means for testing and inspecting elevator
35 devices in certain cases.