

SENATE, No. 492

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1996

By Senator BENNETT

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.).

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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
32 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et
33 seq.), are subject to routine, periodic and acceptance inspections and
34 tests by the local enforcing agency or the Department of Community
35 Affairs shall be subject to such inspections and tests, nor shall the
36 owner of the structure be charged any fees therefor, if those elevator
37 devices are subjected to acceptance testing and are routinely and

1 periodically inspected and tested by a qualified elevator device
2 inspection firm, and the owner has registered each such elevator
3 device with the Department of Community Affairs and has indicated
4 in the registration application form, or in a supplement to that form,
5 the identity of the qualified elevator device inspection firm that has
6 been given responsibility for inspection and testing of the elevator
7 device.

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

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

38 d. Any qualified elevator device inspector or qualified elevator
39 device inspection firm violating the provisions of this section shall be
40 subject to a penalty in accordance with section 20 of P.L.1975, c.217
41 (C.52:27D-138) and shall also be subject to suspension or revocation
42 by the Department of Community Affairs of licensure or registration
43 as a qualified elevator device inspector or qualified elevator device
44 inspection firm, as the case may be.

45 e. The Commissioner of Community Affairs, in accordance with the
46 provisions of the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
2 effectuate the purposes of this act. The rules and regulations shall
3 provide for, but not be limited to, the qualifications for licensing of
4 qualified elevator device inspectors, the registration of qualified
5 elevator device inspection firms, the manner and form of licensure and
6 registration, the fee for each such license or registration, the manner
7 in which test results pursuant to this act are to be recorded, and
8 minimum liability insurance requirements for qualified elevator device
9 inspection firms, for which proof thereof shall be provided by the firms
10 to the department. License and registration fees shall be designed to
11 cover, but not exceed, the actual costs the department shall incur in
12 administering the provisions of this act.

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

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STATEMENT

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20 This bill provides that elevator devices, including elevators,
21 dumbwaiters, and manlifts, which are subjected to acceptance testing
22 and are routinely and periodically inspected and tested by a qualified
23 elevator device inspection firm would not be subject to the routine,
24 periodic and acceptance inspections and tests by a local enforcing
25 agency or the Department of Community Affairs. These inspections
26 and tests, including the frequency thereof, conducted by a qualified
27 elevator device inspector would have to be in accordance with rules
28 and regulations prescribed by the Commissioner of Community Affairs.

29 The bill provides that the rules and regulations must address the
30 licensing of qualified elevator device inspectors, the registration of
31 qualified elevator device inspection firms, the manner and form of
32 licensure and registration, the fee for each license or registration, the
33 manner in which test results are recorded and the minimum liability
34 insurance coverage required for qualified elevator device inspection
35 firms. Acceptance testing and the five-year test would be witnessed
36 by the local enforcing agency or the Department of Community
37 Affairs. No elevator inspector would be permitted to inspect his own
38 work.

39 Under the provisions of the bill, the owner must register each
40 elevator device with the Department of Community Affairs and
41 indicate on the registration form, the identity of the qualified elevator
42 device inspection firm responsible for inspecting and testing the
43 elevator devices.

44 The bill provides that if a qualified elevator device inspector finds
45 that an elevator device is in a dangerous condition or creates an
46 immediate hazard, he is required to prohibit further use of it and to

1 notify in writing the owner and the local enforcing agency or
2 Department of Community Affairs, as the case may be. The elevator
3 device is required to remain out of service until the inspector certifies
4 in writing that the dangerous condition or immediate hazard has been
5 corrected and that the elevator device is safe for public use. If at any
6 time a local enforcing agency or the department determines that an
7 elevator device is in a dangerous condition or creates an immediate
8 hazard, it may require the owner of the device to make the necessary
9 repairs.

10 Under the bill, a "qualified elevator device inspector" is a person
11 who is: (1) employed by a qualified elevator device inspection firm and
12 (2) licensed with the department to conduct the routine, periodic and
13 acceptance inspections and tests of elevator devices required pursuant
14 to the "State Uniform Construction Code Act;" and a "qualified
15 elevator device inspection firm" is a firm engaged in the business of
16 inspecting, testing, installing, maintaining or repairing elevator
17 devices, or the business of inspecting and testing elevator devices, is
18 registered with the Department of Community Affairs, and employs at
19 least one qualified elevator device inspector.

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

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29 Provides for alternate means for testing and inspecting elevator
30 devices in certain cases.