

*{As Amended by Senate Committee of the Whole}*

*As Amended by Senate Committee*

*Session of 2021*

**SENATE BILL No. 181**

By Committee on Federal and State Affairs

2-9

Amendments to SB No. 181  
(As Amended by Senate Committee of the Whole)  
Prepared by: Mike Heim  
Office of Revisor of Statutes  
January 24, 2022

1 AN ACT creating the elevator safety act; relating to safety standards for  
2 elevators; licensure requirements for elevator inspection, installation  
3 and repair, duties of the state fire marshal; establishing the elevator  
4 safety fee fund.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. The provisions of sections 1 through 20, and amendments  
8 thereto, shall be known and may be cited as the elevator safety act.

9 Sec. 2. As used in sections 1 through 20, and amendments thereto:

10 (a) "Act" means the elevator safety act.

11 (b) "Board" means the elevator safety advisory board.

12 (c) (1) "Elevator" means any device for lifting or moving people,  
13 cargo or freight within, or adjacent and connected to, a structure or  
14 excavation, including, but not limited to:

15 ~~(A) —, an escalator, power-driven stairway, moving walkway or~~  
16 ~~stairway chair lift; and~~

17 ~~(B) — a dumbwaiter, conveyor, chain or bucket hoist, construction hoist~~  
18 ~~or similar device used for the primary purpose of elevating or lowering~~  
19 ~~materials.~~

20 (2) The term "elevator" does not mean any:

21 (A) Amusement ride or other device subject to the Kansas  
22 amusement ride act, K.S.A. ~~2020 Supp.~~ 44-1601 et seq., and amendments  
23 thereto;

24 (B) mining equipment;

25 (C) aircraft, railroad car, boat, barge, ship, truck or other self-  
26 propelled vehicle or component thereof;

27 (D) *a dumbwaiter, conveyor, chain or bucket hoist, construction*  
28 *hoist or similar device used for the primary purpose of elevating or*  
29 *lowering materials;*

30 (E) boiler grate stoker or other similar firing mechanism subject to  
31 the boiler safety act, K.S.A. 44-913 et seq., and amendments thereto; or

32 ~~(E)(F)~~ lift, manlift, belt manlift, *chain hoists, climb assists*, special  
33 purpose personnel elevator, automated people mover or similar device in  
34 *wind turbine towers*, grain elevators, grain warehouses, seed processing

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1 county that has adopted such requirements or standards shall notify the  
2 state fire marshal of such adoption on or before June 30, ~~2024~~ and on  
3 each June 30 thereafter.

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4 Sec. 5. (a) No individual shall erect, construct, alter, replace,  
5 maintain, remove or dismantle any elevator contained within a building  
6 or other structure in this state or wire any elevator from the mainline  
7 feeder terminals on the controller unless such individual is a licensed  
8 elevator mechanic and such individual is working under the direct  
9 supervision of a licensed elevator contractor. ~~No other licensee shall be~~  
10 ~~required for such work.~~ An elevator mechanic's license or elevator  
11 contractor's license is not required for removing or dismantling elevators  
12 that are destroyed as a result of a complete demolition of a secured  
13 building or structure, or where the hoistway or wellway is demolished  
14 back to the basic support structure whereby no access is permitted therein  
15 to endanger the safety and welfare of a person.

16 (b) No individual shall inspect any elevator within a building or  
17 other structure in this state, including, but not limited to, private  
18 residences, unless such individual is a licensed elevator inspector. *This*  
19 *subsection shall not apply to any individual employed as an elevator*  
20 *inspector by a city or county who performs inspections only while*  
21 *engaged in the performance of such individual's duties as an employee*  
22 *of such city or county.*

23 (c) No individual, firm, partnership, corporation, association or other  
24 entity shall erect, alter, replace, maintain, remove, dismantle or operate any  
25 elevator in this state or construct any elevator for use in this state in  
26 violation of this act or rules and regulations adopted pursuant thereto.

27 (d) All elevators shall conform to the rules and regulations adopted  
28 pursuant to this act. Where any material alteration is made, the elevator  
29 shall conform to applicable requirements of the code. Nothing in this act  
30 shall be construed so as to prevent the use, sale or reinstallation of an  
31 elevator installed in this state prior to the effective date of this act,  
32 provided that such elevator has been made to conform to the rules and  
33 regulations adopted pursuant to this act and has not been found upon  
34 inspection to be in an unsafe condition or in violation of this act or rules  
35 and regulations adopted pursuant thereto.

36 Sec. 6. (a) There is hereby established the elevator safety advisory  
37 board. The elevator safety advisory board shall consist of the following  
38 eleven members who shall be residents of this state:

39 (1) Seven members, to be appointed by the governor as follows:

40 (A) One representative from a major elevator manufacturing  
41 company or its authorized representative;

42 (B) one representative from an elevator servicing company;

43 (C) one representative of the architectural design or elevator

1 licensed elevator inspector shall provide the owner of the elevator or the  
2 owner's agent, the owner or lessee of the property where such elevator is  
3 located and the state fire marshal with a written inspection report  
4 describing any and all code violations. The owner of the elevator or the  
5 owner's agent shall have 30 days from the date of the inspection report to  
6 be in full compliance by correcting such violations. The state fire marshal  
7 may grant additional 30-day extensions of time if the state fire marshal  
8 determines good cause has been shown and the safety of the public will  
9 not be endangered.

10 (b) It shall be the responsibility of the owner of any elevator or the  
11 owner's agent to have a licensed elevator contractor conduct all required  
12 tests at the intervals required by this act and rules and regulations adopted  
13 pursuant thereto. All tests shall be performed by a licensed elevator  
14 mechanic.

15 ***{(c) This section shall not apply to any elevator located in a city or***  
16 ***county that has adopted requirements or standards that meet or exceed***  
17 ***the requirements or standards of this act and any rules and regulations***  
18 ***adopted pursuant thereto.}***

19 Sec. 16. (a) For any elevator installed prior to July 1, ~~2021~~, the owner  
20 of the elevator or the owner's agent shall apply for a certificate of  
21 operation on or before July 1, ~~2021~~. Such application shall be in such form  
22 and manner as prescribed by the state fire marshal and shall include a copy  
23 of the most recent inspection report required pursuant to section 15, and  
24 amendments thereto, and payment of the required application fee, which  
25 shall not exceed \$100.

26 (b) For any elevator installed on or after July 1, 2021, and prior to  
27 January 1, ~~2021~~, the owner of such elevator or the owner's agent shall  
28 apply for a certificate of operation within six months after such elevator is  
29 placed into operation. Such application shall be in such form and manner  
30 as prescribed by the state fire marshal and shall include a certification by  
31 the licensed elevator contractor that such installation was performed in  
32 compliance with the applicable provisions of this act and rules and  
33 regulations adopted pursuant thereto and payment of the required  
34 application fee, which shall not exceed \$100.

35 (c) On and after January 1, ~~2021~~, before a newly installed elevator  
36 may be placed into operation, the licensed elevator contractor that  
37 performed the new installation shall apply for a certificate of operation.  
38 Such application shall be in such form and manner as prescribed by the  
39 state fire marshal and shall include a certification by the licensed elevator  
40 contractor that such installation was performed in compliance with the  
41 applicable provisions of this act and rules and regulations adopted  
42 pursuant thereto and payment of the required application fee, which shall  
43 not exceed \$100.

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1 (d) The state fire marshal shall grant applications and renewal  
 2 applications for certificates of operation if the state fire marshal finds the  
 3 applicant has demonstrated to the state fire marshal's satisfaction that all  
 4 applicable provisions of this act and rules and regulations adopted  
 5 pursuant thereto have been met, the elevator will be operated in  
 6 accordance with the rules and regulations adopted pursuant to this act and  
 7 operation of the elevator will not present a danger to the public.

8 (e) A certificate of operation shall be valid for one year from the date  
 9 of issuance and may be renewed upon application submitted to the state  
 10 fire marshal and payment of the required renewal fee, which shall not  
 11 exceed the initial application fee. An application for a renewal certificate  
 12 shall be accompanied by an inspection report for an inspection performed  
 13 within the immediately preceding 12 months.

14 (f) Certificates of operation shall be clearly displayed on or in each  
 15 elevator or in the machine room for such elevator. Each certificate of  
 16 operation shall state that the elevator has been inspected, tested and found  
 17 to be in compliance with all applicable standards of operation.

18 (g) *This section shall not apply to any elevator located in a city or*  
 19 *county that has adopted requirements and standards that meet or exceed*  
 20 *the requirements and standards of this act and any rules and regulations*  
 21 *adopted pursuant thereto.*

22 Sec. 17. (a) The state fire marshal shall establish a registry of  
 23 elevators that are in operation and for which a certificate of operation has  
 24 been issued and shall maintain the information provided under subsection  
 25 (b) as part of such registry.

26 (b) On or before July 1, ~~2021~~ 2023 each elevator that was in operation on  
 27 or before July 1, ~~2021~~ 2022 for which a certificate of operation has been issued  
 28 pursuant to section 16, and amendments thereto, shall be registered with  
 29 the state fire marshal. Such registration shall include:

- 30 (1) The name of the owner of such elevator, the owner's agent, if any,
- 31 and the operator of the elevator;
- 32 (2) the type;
- 33 (3) the rated load and speed;
- 34 (4) the name of the manufacturer;
- 35 (5) the location and purpose for which such elevator is used; and
- 36 (6) such additional information as may be required by rules and  
 37 regulations adopted pursuant to this act.

38 (c) Any elevator that is placed into service and for which a certificate  
 39 of operation is issued after July 1, ~~2021~~ 2022 shall be registered at such time as  
 40 a certificate of operation is issued for such elevator. The registration for  
 41 any such elevator shall include that information described in subsection  
 42 (b).

43 (d) *This section shall not apply to any elevator located in a city or*

1 county that has adopted requirements and standards that meet or exceed  
 2 the requirements and standards of this act and any rules and regulations  
 3 adopted pursuant thereto. Any such city or county shall establish and  
 4 maintain a registry of elevators located in such city or county that are in  
 5 operation. Such registry shall include that information described in  
 6 subsection (b)(1) through (6).

7 Sec. 18. (a) Any person may request an investigation into an alleged  
 8 violation of this act or rules and regulations adopted pursuant thereto, or  
 9 the installation, servicing, maintenance or operation of an elevator that  
 10 appears to place the public or persons using such elevator in danger by  
 11 notifying the state fire marshal of such violation or danger. Such request  
 12 shall be in writing, setting forth in reasonable particularity the grounds for  
 13 the request and be signed by the person making the request.

14 (b) Such request, notice and any records relating to the request shall  
 15 be confidential and shall not be disclosed by the state fire marshal unless  
 16 ordered to be disclosed by a court of competent jurisdiction. The  
 17 provisions of this subsection shall expire on July 1, ~~2024~~ 2027 unless the  
 18 legislature reviews and reenacts such provisions in accordance with K.S.A.  
 19 45-229, and amendments thereto, prior to July 1, ~~2024~~ 2027.

20 (c) Upon receipt of such notification, the state fire marshal shall  
 21 investigate the alleged violation as soon as practicable, and to the extent  
 22 determined appropriate by the state fire marshal, determine if such  
 23 violation or danger exists and may issue such orders as the state fire  
 24 marshal deems necessary to avoid danger to the public during such  
 25 investigation. If the state fire marshal determines that there are no  
 26 reasonable grounds to believe that a violation or danger exists, the state  
 27 fire marshal shall notify in writing the person who submitted the request  
 28 for investigation and the owner of the elevator or the owner's agent of such  
 29 determination. If the state fire marshal determines that a violation or  
 30 danger exists, the state fire marshal shall revoke the certificate of operation  
 31 for such elevator, issue such orders as the state fire marshal deems  
 32 necessary to address the violation or danger or take such other actions as  
 33 provided by this act to address the violation or danger.

34 Sec. 19. (a) On or before January 1, ~~2023~~ 2023 the state fire marshal shall  
 35 adopt rules and regulations necessary to implement and enforce the  
 36 provisions of this act. Rules and regulations adopted by the state fire  
 37 marshal shall be based on and follow generally accepted national  
 38 engineering standards, formula and practices that shall at a minimum  
 39 include adoption of current American national standards known as the  
 40 American society of mechanical engineers (ASME) safety code for  
 41 elevators and escalators and the safety standards for wind turbine tower  
 42 elevators.

43 (b) Such rules and regulations shall include rules and regulations: