

1 HOUSE BILL NO. 437

2 INTRODUCED BY H. JACOBSON, NELSON

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ELEVATORS, ESCALATORS,
 5 DUMBWAITERS, MOVING WALKS, MATERIAL LIFTS, WHEELCHAIR LIFTS, AND STAIRWAY CHAIRLIFTS
 6 MUST BE INSPECTED BY THE DEPARTMENT OF COMMERCE, A CERTIFIED MAINTENANCE COMPANY
 7 REPRESENTATIVE, OR A CERTIFIED INSURANCE COMPANY REPRESENTATIVE; PROVIDING AN
 8 EXEMPTION FOR PRIVATE RESIDENCES, FARMS, AND RANCHES; AMENDING SECTIONS 50-60-701,
 9 50-60-702, AND 50-60-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12

13 **Section 1.** Section 50-60-701, MCA, is amended to read:

14

15 **"50-60-701. Inspection of ~~passenger elevators, and escalators, dumbwaiters, moving walks, and~~**

16

17 **certain lifts -- fees.** (1) All ~~passenger elevators, and escalators, in public places may dumbwaiters, including~~
 18 ~~dumbwaiters with automatic transfer devices, moving walks, material lifts, wheelchair lifts, and stairway~~
 19 ~~lifts must~~ be inspected by the department to ~~insure~~ ensure compliance with the requirements of the state
 20 building code. The department shall establish and charge a reasonable ~~and uniform~~ fee based on the type
 21 of equipment for the inspections that may not exceed the expense of providing the inspection.

22

(2) In lieu of inspection by the department, inspections of ~~passenger elevators and escalators~~
 23 ~~equipment provided for in subsection (1) to assure~~ ensure compliance with the state building code may
 24 be made by:

25

(a) a maintenance company representative certified by the department who regularly maintains
 26 or services the ~~elevator or escalator~~ equipment; or

27

(b) an insurance company representative certified by the department who regularly inspects ~~an~~
 28 ~~elevator or escalator~~ the equipment insured by the company against public liability ~~and who~~ if the company
 29 maintains a service record of the ~~elevator or escalator~~ equipment.

30

(3) When an inspection of a ~~passenger elevator or escalator~~ is made pursuant to subsection (2),
 a copy of the condition report must be provided to the owner and must be sent to the department. The
 department may not charge more than \$10 for receiving and processing a condition report for each

1 ~~elevator or escalator~~ individual piece of equipment in ~~any a~~ building and for issuing ~~certificates~~ a certificate
 2 of inspection ~~therefor~~ for the piece of equipment if the certified maintenance or insurance company
 3 inspector doing the inspection certifies to the department that all deficient ~~elevator or escalator~~ conditions
 4 noted in the condition report have been corrected and ~~no follow-up~~ that followup by the department in that
 5 regard is not necessary.

6 (4) This section does not apply to private residences or farm and ranch operations.

7 (5) FREIGHT ELEVATORS, MATERIAL LIFTS, AND DUMBWAITERS MUST BE INSPECTED ONCE EVERY 3 YEARS."

8

9 **Section 2.** Section 50-60-702, MCA, is amended to read:

10 **"50-60-702. Department to adopt inspection standards -- certification of inspectors.** (1) The
 11 department shall adopt standards for ~~passenger elevator and escalator inspections that assure the~~ inspection of equipment subject to this part. The standards must ensure compliance with the requirements
 12 inspection of equipment subject to this part. The standards must ensure compliance with the requirements
 13 of the state building code.

14 (2) The department shall adopt rules for the certification of maintenance and insurance company
 15 inspectors who may inspect ~~passenger elevators and escalators pursuant to 50-60-701~~ equipment subject
 16 to this part."

17

18 **Section 3.** Section 50-60-703, MCA, is amended to read:

19 **"50-60-703. When inspection of elevators not necessary.** ~~Elevators that do not carry passengers~~
 20 ~~do not need to~~ Equipment that is located in a building or structure and that is subject to the provisions of
 21 this part and operated by an employee of the building or structure or the public must be inspected by the
 22 department or a certified maintenance company or insurance company representative."

23

24 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

25

- END -