

CHAPTER 333

LABOR AND INDUSTRY

SENATE BILL 07-123

BY SENATOR(S) Takis;
also REPRESENTATIVE(S) Kerr A., Cerbo, Frangas, Labuda, and Soper.

AN ACT

CONCERNING THE REGULATION OF MECHANICAL CONVEYANCES, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 9, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 5.5
Elevator and Escalator Certification

9-5.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "ELEVATOR AND ESCALATOR CERTIFICATION ACT".

9-5.5-102. Legislative declaration. THE GENERAL ASSEMBLY HEREBY DECLARES THAT IN ORDER TO ENSURE MINIMUM SAFETY STANDARDS THROUGHOUT COLORADO, THE REGULATION OF CONVEYANCES IS A MATTER OF STATEWIDE CONCERN. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PREVENT A LOCAL JURISDICTION FROM REGULATING CONVEYANCES.

9-5.5-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCREDITED NATIONAL CONVEYANCE ASSOCIATION" MEANS A CONVEYANCE ASSOCIATION THAT IS ACCREDITED TO CERTIFY CONVEYANCE INSPECTORS BY A NATIONALLY RECOGNIZED STANDARDS ASSOCIATION, INCLUDING, WITHOUT LIMITATION, ASME OR ASCE.

(2) "ADMINISTRATOR" MEANS THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SAFETY WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT OR THE DIRECTOR'S DESIGNEE.

(3) "APPROVED LOCAL JURISDICTION" MEANS A LOCAL JURISDICTION THAT HAS BEEN APPROVED BY THE ADMINISTRATOR PURSUANT TO SECTION 9-5.5-112.

(4) "ASCE" MEANS THE AMERICAN SOCIETY OF CIVIL ENGINEERS OR ITS SUCCESSOR.

(5) "ASCE 21" MEANS THE AMERICAN SOCIETY OF CIVIL ENGINEERS AUTOMATED PEOPLE MOVER STANDARDS PUBLISHED AS "ASCE STANDARD NUMBER ASCE 21-96" AS AMENDED BY ASCE.

(6) "ASME" MEANS THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS OR ITS SUCCESSOR.

(7) "ASME A17.1" MEANS THE SAFETY CODE FOR ELEVATORS AND ESCALATORS PUBLISHED AS "A17.1 - 2000 SAFETY CODE FOR ELEVATORS AND ESCALATORS" AS AMENDED BY ASME INTERNATIONAL.

(8) "ASME A17.3" MEANS THE SAFETY CODE FOR ELEVATORS AND ESCALATORS PUBLISHED AS "A17.3 - 2002 SAFETY CODE FOR EXISTING ELEVATORS AND ESCALATORS" AS AMENDED BY ASME INTERNATIONAL.

(9) "ASME A18.1" MEANS THE SAFETY CODE FOR ELEVATORS AND ESCALATORS PUBLISHED AS "A18.1 - 2003 SAFETY STANDARD FOR PLATFORM LIFTS AND STAIRWAY CHAIRLIFTS" AS AMENDED BY ASME INTERNATIONAL.

(10) "CERTIFICATE OF OPERATION" MEANS A DOCUMENT ISSUED BY THE ADMINISTRATOR OR AN APPROVED LOCAL JURISDICTION FOR A CONVEYANCE INDICATING THAT THE CONVEYANCE HAS BEEN INSPECTED BY A THIRD-PARTY LICENSED CONVEYANCE INSPECTOR AND APPROVED UNDER THIS ARTICLE.

(11) "CONVEYANCE" MEANS A MECHANICAL DEVICE TO WHICH THIS ARTICLE APPLIES PURSUANT TO SECTION 9-5.5-104.

(12) "CONVEYANCE CONTRACTOR" MEANS A PERSON WHO ENGAGES IN THE BUSINESS OF ERECTING, CONSTRUCTING, INSTALLING, ALTERING, SERVICING, REPAIRING, OR MAINTAINING CONVEYANCES.

(13) "CONVEYANCE HELPER OR APPRENTICE" MEANS A PERSON WHO WORKS UNDER THE GENERAL DIRECTION OF A CERTIFIED CONVEYANCE MECHANIC.

(14) "CONVEYANCE MECHANIC" MEANS A PERSON WHO ERECTS, CONSTRUCTS, INSTALLS, ALTERS, SERVICES, REPAIRS, OR MAINTAINS CONVEYANCES.

(15) "DORMANT CONVEYANCE" MEANS A CONVEYANCE THAT HAS BEEN TEMPORARILY PLACED OUT OF SERVICE.

(16) "LICENSEE" MEANS A PERSON WHO IS LICENSED AS A CONVEYANCE CONTRACTOR, CONVEYANCE MECHANIC, OR CONVEYANCE INSPECTOR PURSUANT TO

THIS ARTICLE.

(17) "LOCAL JURISDICTION" MEANS A CITY, COUNTY, OR CITY AND COUNTY OR ANY AGENT THEREOF.

(18) "PRIVATE RESIDENCE" MEANS A SEPARATE DWELLING, OR A SEPARATE APARTMENT IN A MULTIPLE-APARTMENT DWELLING, THAT IS OCCUPIED BY MEMBERS OF A SINGLE-FAMILY UNIT.

(19) "SINGLE-FAMILY RESIDENCE" MEANS A PRIVATE RESIDENCE THAT IS A SEPARATE BUILDING OR AN INDIVIDUAL RESIDENCE THAT IS PART OF A ROW OF RESIDENCES JOINED BY COMMON SIDEWALLS.

(20) "THIRD-PARTY CONVEYANCE INSPECTOR" MEANS A DISINTERESTED CONVEYANCE INSPECTOR WHO IS RETAINED TO INSPECT A CONVEYANCE BUT IS NOT EMPLOYED BY OR AFFILIATED WITH THE OWNER OF THE CONVEYANCE NOR THE CONVEYANCE MECHANIC WHOSE REPAIR, ALTERATION, OR INSTALLATION IS BEING INSPECTED.

9-5.5-104. Scope. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, THIS ARTICLE SHALL APPLY TO THE DESIGN, CONSTRUCTION, OPERATION, INSPECTION, TESTING, MAINTENANCE, ALTERATION, AND REPAIR OF THE FOLLOWING EQUIPMENT:

(a) HOISTING AND LOWERING MECHANISMS EQUIPPED WITH A CAR OR PLATFORM THAT MOVES BETWEEN TWO OR MORE LANDINGS. SUCH EQUIPMENT INCLUDES, BUT IS NOT LIMITED TO, ELEVATORS AND PLATFORM LIFTS, PERSONNEL HOISTS, STAIRWAY CHAIR LIFTS, AND DUMBWAITERS.

(b) POWER-DRIVEN STAIRWAYS AND WALKWAYS FOR CARRYING PERSONS BETWEEN LANDINGS. SUCH EQUIPMENT INCLUDES, BUT IS NOT LIMITED TO, ESCALATORS AND MOVING WALKS.

(c) AUTOMATED PEOPLE MOVERS AS DEFINED IN ASCE 21.

(2) THIS ARTICLE SHALL NOT APPLY TO THE FOLLOWING:

(a) MATERIAL HOISTS;

(b) MANLIFTS;

(c) MOBILE SCAFFOLDS, TOWERS, AND PLATFORMS;

(d) POWERED PLATFORMS AND EQUIPMENT FOR EXTERIOR AND INTERIOR MAINTENANCE;

(e) CONVEYORS AND RELATED EQUIPMENT;

(f) CRANES, DERRICKS, HOISTS, HOOKS, JACKS, AND SLINGS;

(g) INDUSTRIAL TRUCKS WITHIN THE SCOPE OF ASME PUBLICATION B56;

- (h) ITEMS OF PORTABLE EQUIPMENT THAT ARE NOT PORTABLE ESCALATORS;
- (i) TIERING OR PILING MACHINES USED TO MOVE MATERIALS BETWEEN STORAGE LOCATIONS THAT OPERATE ENTIRELY WITHIN ONE STORY;
- (j) EQUIPMENT FOR FEEDING OR POSITIONING MATERIALS AT MACHINE TOOLS, PRINTING PRESSES, AND OTHER SIMILAR EQUIPMENT;
- (k) SKIP OR FURNACE HOISTS;
- (l) WHARF RAMPS;
- (m) RAILROAD CAR LIFTS OR DUMPERS;
- (n) LINE JACKS, FALSE CARS, SHAFTERS, MOVING PLATFORMS, AND SIMILAR EQUIPMENT USED BY A CERTIFIED CONVEYANCE CONTRACTOR FOR INSTALLING A CONVEYANCE;
- (o) CONVEYANCES AT FACILITIES REGULATED BY THE MINE SAFETY AND HEALTH ADMINISTRATION IN THE UNITED STATES DEPARTMENT OF LABOR, OR ITS SUCCESSOR, PURSUANT TO THE "FEDERAL MINE SAFETY AND HEALTH ACT OF 1977", PUB.L. 91-173, CODIFIED AT 30 U.S.C. SEC. 801 ET SEQ., AS AMENDED;
- (p) ELEVATORS WITHIN THE FACILITIES OF GAS OR ELECTRIC UTILITIES THAT ARE NOT ACCESSIBLE TO THE PUBLIC;
- (q) A PASSENGER TRAMWAY DEFINED IN SECTION 25-5-702, C.R.S.; OR
- (r) CONVEYANCES IN A SINGLE-FAMILY RESIDENCE.

(3) THIS ARTICLE SHALL NOT BE CONSTRUED TO PROHIBIT A LOCAL JURISDICTION FROM REGULATING CONVEYANCES IF THE LOCAL JURISDICTION HAS STANDARDS THAT MEET OR EXCEED THE STANDARDS ESTABLISHED BY THIS ARTICLE.

9-5.5-105. Similar or higher standards authorized. THIS ARTICLE SHALL NOT BE CONSTRUED TO PREVENT THE USE OF SYSTEMS, METHODS, OR DEVICES OF EQUIVALENT OR SUPERIOR QUALITY, STRENGTH, FIRE RESISTANCE, CODE EFFECTIVENESS, DURABILITY, AND SAFETY TO THOSE REQUIRED BY THIS ARTICLE IF TECHNICAL DOCUMENTATION DEMONSTRATES SUCH EQUIVALENCY OR SUPERIORITY.

9-5.5-106. License required. (1) (a) A PERSON SHALL NOT ERECT, CONSTRUCT, ALTER, REPLACE, MAINTAIN, REMOVE, OR DISMANTLE A CONVEYANCE WITHIN A BUILDING OR STRUCTURE UNLESS THE PERSON IS LICENSED AS A CONVEYANCE MECHANIC AND IS WORKING UNDER THE SUPERVISION OF A CERTIFIED CONVEYANCE CONTRACTOR. A PERSON SHALL NOT WIRE A CONVEYANCE UNLESS THE PERSON IS LICENSED AS A CONVEYANCE MECHANIC AND IS WORKING UNDER THE SUPERVISION OF A CERTIFIED CONVEYANCE CONTRACTOR. NO OTHER LICENSE SHALL BE REQUIRED FOR WORK DESCRIBED IN THIS PARAGRAPH (a).

(b) A PERSON SHALL NOT BE REQUIRED TO BE A CERTIFIED CONVEYANCE CONTRACTOR OR LICENSED CONVEYANCE MECHANIC TO REMOVE OR DISMANTLE

CONVEYANCES THAT ARE DESTROYED AS A RESULT OF A COMPLETE DEMOLITION OF A SECURED BUILDING OR STRUCTURE OR WHERE THE HOISTWAY OR WELLWAY IS DEMOLISHED BACK TO THE BASIC SUPPORT STRUCTURE AND NO ACCESS THAT ENDANGERS THE SAFETY OF A PERSON IS PERMITTED.

(c) A CONVEYANCE HELPER OR APPRENTICE SHALL NOT BE REQUIRED TO BE A LICENSED WHEN WORKING UNDER THE SUPERVISION OF A LICENSED CONVEYANCE MECHANIC.

(2) A PERSON SHALL NOT INSPECT A CONVEYANCE WITHIN A BUILDING OR STRUCTURE, INCLUDING BUT NOT LIMITED TO A PRIVATE RESIDENCE, FOR PURPOSES OF THE ISSUANCE OF A CERTIFICATE OF OPERATION UNLESS LICENSED AS A CONVEYANCE INSPECTOR.

9-5.5-107. License qualifications - contractor - mechanic - inspector - repeal.

(1)(a) TO BE LICENSED, A PERSON SHALL APPLY SOLELY WITH THE ADMINISTRATOR. AN APPLICANT SHALL NOT BE LICENSED AS A CONVEYANCE MECHANIC UNLESS THE APPLICANT POSSESSES A CERTIFICATE OF COMPLETION OF A CONVEYANCE MECHANIC PROGRAM AS APPROVED BY THE ADMINISTRATOR.

(b) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), AN APPLICANT SHALL QUALIFY IF THE APPLICANT HOLDS A VALID LICENSE FROM ANOTHER STATE HAVING STANDARDS THAT, AT A MINIMUM, ARE SUBSTANTIALLY SIMILAR TO THOSE IMPOSED BY THIS ARTICLE AS DETERMINED BY THE ADMINISTRATOR.

(c) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), AN APPLICANT SHALL QUALIFY IF THE APPLICANT:

(I) HAS PASSED AN EXAMINATION, AS DETERMINED BY THE ADMINISTRATOR, ON THE CODES AND STANDARDS THAT APPLY TO CONVEYANCES; AND

(II) FURNISHES TO THE ADMINISTRATOR ACCEPTABLE EVIDENCE THAT THE APPLICANT WORKED AS A CONVEYANCE MECHANIC FOR AT LEAST THREE YEARS WITHOUT DIRECT SUPERVISION.

(d)(I) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), AN APPLICANT WHO FURNISHES TO THE ADMINISTRATOR ACCEPTABLE EVIDENCE THAT THE APPLICANT WORKED AS A CONVEYANCE MECHANIC FOR THREE YEARS PRIOR TO JANUARY 1, 2008, WITHOUT DIRECT SUPERVISION SHALL QUALIFY FOR A CERTIFICATE.

(II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2008.

(2) (a) AN APPLICANT SHALL NOT BE LICENSED AS A CONVEYANCE INSPECTOR UNLESS THE APPLICANT IS CERTIFIED TO INSPECT CONVEYANCES BY A NATIONALLY RECOGNIZED CONVEYANCE ASSOCIATION.

(b)(I) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), AN APPLICANT SHALL QUALIFY IF THE APPLICANT WAS APPOINTED OR DESIGNATED AS A CONVEYANCE INSPECTOR FOR A CITY OR CITY AND COUNTY

BEFORE JANUARY 1, 2008. AN APPLICANT WHO QUALIFIES AS A CONVEYANCE INSPECTOR PURSUANT TO THIS PARAGRAPH (b) SHALL NOT REMAIN LICENSED AFTER JULY 1, 2010, UNLESS THE APPLICANT QUALIFIES TO BE LICENSED UNDER PARAGRAPH (a) OF THIS SUBSECTION (2). A LICENSE ISSUED PURSUANT THIS SUBPARAGRAPH (I) SHALL EXPIRE UPON THE LICENSEE TERMINATING EMPLOYMENT WITH THE LOCAL JURISDICTION.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2011.

(3) (a) A PERSON WHO IS NOT QUALIFIED TO BE A CONVEYANCE CONTRACTOR SHALL NOT BE CERTIFIED AS A CONVEYANCE CONTRACTOR.

(b) TO QUALIFY TO BE A CERTIFIED CONVEYANCE CONTRACTOR, AN APPLICANT SHALL DEMONSTRATE THE FOLLOWING QUALIFICATIONS:

(I) THE APPLICANT SHALL EMPLOY AT LEAST ONE LICENSED CONVEYANCE MECHANIC; AND

(II) THE APPLICANT SHALL COMPLY WITH THE INSURANCE REQUIREMENTS IN SECTION 9-5.5-115.

(c) IN LIEU OF QUALIFYING UNDER PARAGRAPH (b) OF THIS SUBSECTION (3), AN APPLICANT SHALL QUALIFY IF THE APPLICANT POSSESSES A VALID LICENSE OR CERTIFICATE ISSUED BY A STATE HAVING STANDARDS SUBSTANTIALLY EQUIVALENT TO THOSE OF THIS ARTICLE.

9-5.5-108. Licence - rules - issuance - renewal - fee. (1) (a) UPON THE ADMINISTRATOR'S APPROVAL OF AN APPLICATION, THE ADMINISTRATOR SHALL LICENSE THE CONVEYANCE CONTRACTOR, CONVEYANCE MECHANIC, OR CONVEYANCE INSPECTOR.

(b) THE ADMINISTRATOR SHALL PROMULGATE RULES REQUIRING A CONVEYANCE MECHANIC TO OBTAIN AT LEAST EIGHT HOURS OF CONTINUING EDUCATION EVERY TWO YEARS.

(2) (a) WHEN AN EMERGENCY EXISTS IN THIS STATE DUE TO A DISASTER, ACT OF GOD, OR WORK STOPPAGE AND THE NUMBER OF CERTIFIED CONVEYANCE MECHANICS IN THE STATE IS INSUFFICIENT TO DEAL WITH THE EMERGENCY, A CERTIFIED CONVEYANCE CONTRACTOR MAY RESPOND AS NECESSARY TO ASSURE THE SAFETY OF THE PUBLIC. A PERSON WHO, IN THE JUDGMENT OF A CERTIFIED CONVEYANCE CONTRACTOR, HAS AN ACCEPTABLE COMBINATION OF DOCUMENTED EXPERIENCE AND EDUCATION TO PERFORM CONVEYANCE WORK WITHOUT DIRECT SUPERVISION SHALL SEEK AN EMERGENCY CONVEYANCE MECHANIC CERTIFICATION FROM THE ADMINISTRATOR WITHIN FIVE BUSINESS DAYS AFTER COMMENCING WORK FOR WHICH CERTIFICATION AS A CONVEYANCE MECHANIC IS REQUIRED.

(b) THE ADMINISTRATOR SHALL ISSUE EMERGENCY CONVEYANCE MECHANIC CERTIFICATIONS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2). THE CERTIFIED CONVEYANCE CONTRACTOR RECOMMENDING A PERSON FOR AN EMERGENCY CONVEYANCE MECHANIC CERTIFICATION SHALL FURNISH SUCH PROOF OF THE PERSON'S COMPETENCY AS THE ADMINISTRATOR MAY REQUIRE.

(c) EACH EMERGENCY CONVEYANCE MECHANIC CERTIFICATION SHALL BE, AND SHALL STATE THAT IT IS, VALID FOR SIXTY DAYS AFTER THE DATE OF ISSUANCE AND FOR SUCH PARTICULAR CONVEYANCES OR GEOGRAPHICAL AREAS AS THE ADMINISTRATOR MAY DESIGNATE. SUCH CERTIFICATION SHALL ENTITLE THE HOLDER TO THE RIGHTS OF A CERTIFIED CONVEYANCE MECHANIC. THE ADMINISTRATOR SHALL RENEW AN EMERGENCY CONVEYANCE MECHANIC CERTIFICATION DURING THE EXISTENCE OF AN EMERGENCY. NO FEE SHALL BE CHARGED FOR THE ISSUANCE OR RENEWAL OF AN EMERGENCY CONVEYANCE MECHANIC CERTIFICATION.

(3) (a) A CERTIFIED CONVEYANCE CONTRACTOR SHALL NOTIFY THE ADMINISTRATOR WHEN THERE ARE NO CERTIFIED CONVEYANCE MECHANICS AVAILABLE TO PERFORM CONVEYANCE WORK. THE CERTIFIED CONVEYANCE CONTRACTOR MAY REQUEST THAT THE ADMINISTRATOR ISSUE A TEMPORARY CONVEYANCE MECHANIC CERTIFICATION TO A PERSON WHO, IN THE JUDGMENT OF THE CERTIFIED CONVEYANCE CONTRACTOR, HAS AN ACCEPTABLE COMBINATION OF DOCUMENTED EXPERIENCE AND EDUCATION TO PERFORM CONVEYANCE WORK WITHOUT DIRECT SUPERVISION. ANY SUCH PERSON SHALL IMMEDIATELY SEEK A TEMPORARY CONVEYANCE MECHANIC CERTIFICATION FROM THE ADMINISTRATOR AND SHALL PAY SUCH FEE AS THE ADMINISTRATOR SHALL DETERMINE.

(b) EACH SUCH CERTIFICATION SHALL BE, AND SHALL STATE THAT IT IS, VALID FOR THIRTY DAYS AFTER THE DATE OF ISSUANCE AND WHILE EMPLOYED BY THE CERTIFIED CONVEYANCE CONTRACTOR WHO CERTIFIED THE INDIVIDUAL AS QUALIFIED. THE CERTIFICATION SHALL BE RENEWABLE AS LONG AS THERE IS A SHORTAGE OF LICENSED CONVEYANCE MECHANICS.

(4) EXCEPT FOR CERTIFIED INSPECTORS WHO QUALIFIED DURING THE IMMEDIATELY PRECEDING TWELVE MONTHS, THE ADMINISTRATOR SHALL NOT RENEW A CERTIFICATION ISSUED UNDER THIS SECTION UNLESS THE PERSON MEETS THE QUALIFICATIONS FOR CERTIFICATION UNDER SECTION 9-5.5-107.

(5) THE ADMINISTRATOR SHALL ESTABLISH AND COLLECT ANNUAL FEES FOR LICENSES ISSUED PURSUANT TO THIS SECTION. THE FEES SHALL BE IN AN AMOUNT TO OFFSET THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THIS ARTICLE.

9-5.5-109. License discipline. (1) A CERTIFICATION ISSUED PURSUANT TO THIS ARTICLE MAY BE SUSPENDED OR REVOKED UPON A FINDING BY THE ADMINISTRATOR OF ANY OF THE FOLLOWING:

- (a) A FALSE STATEMENT IN THE APPLICATION CONCERNING A MATERIAL MATTER;
- (b) FRAUD, MISREPRESENTATION, OR BRIBERY IN APPLYING FOR CERTIFICATION;
- (c) FAILURE TO NOTIFY THE ADMINISTRATOR AND THE OWNER OR LESSEE OF A CONVEYANCE OF A CONDITION NOT IN COMPLIANCE WITH THIS ARTICLE; OR
- (d) A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF ANY RULE ADOPTED PURSUANT TO THIS ARTICLE.

(2) THE SUSPENSION OR REVOCATION OF A LICENSE SHALL BE MADE AS A RESULT

OF A NOTICE OF VIOLATION IN ACCORDANCE WITH SECTION 8-20-104, C.R.S.

(3) THE ADMINISTRATOR SHALL NOT ISSUE A LICENSE TO A PERSON WHOSE LICENSE HAS BEEN REVOKED WITHIN THE LAST TWO YEARS.

9-5.5-110. Accident reports. THE OWNER SHALL REPORT TO THE ADMINISTRATOR OR AN APPROVED LOCAL JURISDICTION, WITHIN TWENTY-FOUR HOURS, ANY ACCIDENT THAT RESULTS IN SERIOUS INJURY TO AN INDIVIDUAL.

9-5.5-111. Registration of existing conveyances - fund. (1) ON OR BEFORE AUGUST 1, 2008, THE OWNER OR LESSEE OF EVERY EXISTING CONVEYANCE SHALL REGISTER THE CONVEYANCE WITH THE ADMINISTRATOR. THE REGISTRATION SHALL INCLUDE THE TYPE, RATED LOAD AND SPEED, NAME OF MANUFACTURER, LOCATION, INTENDED PURPOSE FOR USE, AND SUCH ADDITIONAL INFORMATION AS THE ADMINISTRATOR MAY REQUIRE. CONVEYANCES CONSTRUCTED OR COMPLETED AFTER JULY 1, 2008, SHALL BE REGISTERED BEFORE THEY ARE PLACED IN SERVICE.

(2) (a) THE ADMINISTRATOR SHALL SET ANNUAL FEES ON CONVEYANCES FOR WHICH THE ADMINISTRATOR HAS ISSUED THE CURRENT CERTIFICATE OF OPERATION IN AN AMOUNT NECESSARY TO OFFSET THE COSTS OF REGISTRATION AND OF THE ADMINISTRATION OF THIS ARTICLE IN ACCORDANCE WITH SECTION 24-4-104, C.R.S.

(b) FEES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CONVEYANCE SAFETY FUND, REFERRED TO IN THIS ARTICLE AS THE "FUND", WHICH IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL BE USED TO IMPLEMENT THIS ARTICLE. THE MONEYS IN THE FUND AND INTEREST EARNED ON THE MONEYS IN THE FUND SHALL NOT REVERT TO THE GENERAL FUND OR BE TRANSFERRED TO ANY OTHER FUND AND SHALL BE EXEMPT FROM SECTION 24-75-402, C.R.S.

9-5.5-112. Compliance. (1) THE ADMINISTRATOR SHALL PROMULGATE RULES FOR THE CONSTRUCTION, ALTERATION, REPAIR, SERVICE, AND MAINTENANCE OF CONVEYANCES. SUCH RULES SHALL CONFORM, WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE STANDARDS, TO THE FOLLOWING STANDARDS:

- (a) ASCE 21;
- (b) ASME A17.1;
- (c) ASME A17.3; AND
- (d) ASME A18.1.

(2) THE ADMINISTRATOR SHALL DETERMINE WHETHER A LOCAL JURISDICTION'S STANDARDS ARE EQUAL TO OR GREATER THAN THOSE OF THIS ARTICLE. IF SO, THEN THE ADMINISTRATOR SHALL ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE LOCAL JURISDICTION THAT APPROVES THE JURISDICTION'S AUTHORITY TO REGULATE CONVEYANCES.

9-5.5-113. Conveyance - installation and repair. (1) A CONVEYANCE SHALL

NOT BE ERECTED, CONSTRUCTED, INSTALLED, OR ALTERED WITHIN A BUILDING OR STRUCTURE UNLESS IT CONFORMS TO THE RULES ADOPTED BY THE ADMINISTRATOR UNDER THIS ARTICLE AND THE WORK IS PERFORMED BY A CERTIFIED CONVEYANCE CONTRACTOR.

(2) A CONVEYANCE SHALL NOT BE ERECTED, CONSTRUCTED, OR INSTALLED WITHIN A BUILDING OR STRUCTURE UNLESS A NOTICE HAS BEEN SENT TO THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION AND THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION HAS APPROVED THE CONSTRUCTION. THE NOTICE SHALL INCLUDE THE CONSTRUCTION PLANS AND SHALL BE SENT AT LEAST THIRTY DAYS BEFORE SUCH CONSTRUCTION.

9-5.5-114. New installations - annual inspections and registrations - rules.

(1) (a) AFTER INSTALLATION OF ANY NEW CONVEYANCE, THE OWNER OR LESSEE OF THE PROPERTY WHERE THE CONVEYANCE IS LOCATED SHALL CERTIFY THAT A LICENSED THIRD-PARTY CONVEYANCE INSPECTOR HAS DETERMINED THAT THE CONVEYANCE IS SAFE AND COMPLIES WITH ANY RULES ADOPTED BY THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION. UPON SUCH CERTIFICATION, THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION SHALL ISSUE A CERTIFICATE OF OPERATION FOR THE CONVEYANCE.

(b) A CONVEYANCE SHALL NOT BE OPERATED UNLESS THE PROPERTY OWNER OR LESSEE OBTAINS A CERTIFICATE OF OPERATION FROM THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION.

(c) A FEE IN AN AMOUNT DETERMINED BY THE ADMINISTRATOR SHALL BE PAID FOR A CERTIFICATE OF OPERATION ISSUED BY THE ADMINISTRATOR. THE ADMINISTRATOR SHALL SET SUCH FEE IN ACCORDANCE WITH SECTION 24-4-104, C.R.S., TO APPROXIMATE THE ACTUAL COST OF ISSUING A CERTIFICATE OF OPERATION.

(2) UPON REQUEST, THE ADMINISTRATOR SHALL PROVIDE NOTICE TO THE OWNER OF A PRIVATE RESIDENCE WHERE A CONVEYANCE IS LOCATED WITH RELEVANT INFORMATION ABOUT CONVEYANCE SAFETY REQUIREMENTS. THE PENALTY PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO PRIVATE RESIDENCE OWNERS.

(3) THE ADMINISTRATOR SHALL PROMULGATE RULES REQUIRING THE OWNER OF THE CONVEYANCE TO HAVE IT PERIODICALLY INSPECTED BY A THIRD-PARTY CONVEYANCE INSPECTOR AND THE PERIODIC EXPIRATION OF CERTIFICATES OF OPERATION.

9-5.5-115. Insurance. (1) EACH CONVEYANCE CONTRACTOR SHALL SUBMIT TO THE ADMINISTRATOR AN INSURANCE POLICY, CERTIFICATE OF INSURANCE, OR CERTIFIED COPY OF EITHER ISSUED BY AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO. SUCH POLICY SHALL PROVIDE GENERAL LIABILITY COVERAGE OF AT LEAST ONE MILLION DOLLARS FOR THE INJURY OR DEATH OF EACH PERSON IN EACH OCCURRENCE AND COVERAGE FOR AT LEAST FIVE HUNDRED THOUSAND DOLLARS FOR PROPERTY DAMAGE IN EACH OCCURRENCE. IN ADDITION, A CONVEYANCE CONTRACTOR SHALL SUBMIT EVIDENCE OF THE INSURANCE COVERAGE MANDATED BY THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S.

(2) CERTIFIED CONVEYANCE INSPECTORS SHALL SUBMIT TO THE ADMINISTRATOR AN INSURANCE POLICY, CERTIFICATE OF INSURANCE, OR CERTIFIED COPY OF EITHER ISSUED BY AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO. SUCH POLICY SHALL PROVIDE GENERAL LIABILITY COVERAGE OF AT LEAST ONE MILLION DOLLARS FOR THE INJURY OR DEATH OF EACH PERSON IN EACH OCCURRENCE AND COVERAGE FOR AT LEAST FIVE HUNDRED THOUSAND DOLLARS FOR PROPERTY DAMAGE IN EACH OCCURRENCE.

(3) THE ADMINISTRATOR SHALL NOT CERTIFY A CONVEYANCE CONTRACTOR OR CONVEYANCE INSPECTOR UNLESS THE APPLICANT HAS DELIVERED THE POLICY, CERTIFIED COPY, OR CERTIFICATE OF INSURANCE REQUIRED BY THIS SECTION IN A FORM APPROVED BY THE ADMINISTRATOR. A CERTIFIED CONVEYANCE CONTRACTOR OR CONVEYANCE INSPECTOR SHALL NOTIFY THE ADMINISTRATOR AT LEAST TEN DAYS BEFORE A MATERIAL ALTERATION, AMENDMENT, OR CANCELLATION OF A POLICY IS MADE.

9-5.5-116. Enforcement - rules. (1) THE ADMINISTRATOR MAY ADOPT RULES TO ADMINISTER AND ENFORCE THIS ARTICLE. THE ADMINISTRATOR MAY USE CERTIFIED CONVEYANCE INSPECTORS FOR ANY INVESTIGATION OF AN ALLEGED VIOLATION OF THE RULES OR THIS ARTICLE. THE ADMINISTRATOR MAY APPOINT AN ADVISORY BOARD TO ASSIST IN THE FORMULATION OF RULES AUTHORIZED BY THIS SECTION.

(2) A PERSON MAY REQUEST AN INVESTIGATION INTO AN ALLEGED VIOLATION OF THE RULES OR THIS ARTICLE, OR OF A DANGER POSED BY ANY CONVEYANCE, BY GIVING NOTICE TO THE ADMINISTRATOR OF SUCH VIOLATION OR DANGER. SUCH NOTICE SHALL BE IN WRITING, SHALL SET FORTH WITH REASONABLE PARTICULARITY THE GROUNDS FOR THE NOTICE, AND SHALL BE SIGNED BY THE PERSON MAKING THE REQUEST. UPON THE REQUEST OF A PERSON SIGNING THE NOTICE, SUCH PERSON'S NAME SHALL NOT APPEAR ON ANY COPY OF SUCH NOTICE OR ANY RECORD PUBLISHED, RELEASED, OR MADE AVAILABLE.

(3) UPON RECEIPT OF SUCH NOTIFICATION, IF THE ADMINISTRATOR DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT SUCH VIOLATION OR DANGER EXISTS, THE ADMINISTRATOR SHALL INVESTIGATE IN ACCORDANCE WITH THIS ARTICLE TO DETERMINE IF SUCH VIOLATION OR DANGER EXISTS. IF THE ADMINISTRATOR DETERMINES THAT THERE ARE NO REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION OR DANGER EXISTS, THE ADMINISTRATOR SHALL NOTIFY THE PARTY IN WRITING OF SUCH DETERMINATION.

9-5.5-117. Liability. THIS ARTICLE SHALL NOT BE CONSTRUED TO RELIEVE OR LESSEN THE RESPONSIBILITY OR LIABILITY OF A PERSON OWNING, OPERATING, CONTROLLING, MAINTAINING, ERECTING, CONSTRUCTING, INSTALLING, ALTERING, INSPECTING, TESTING, OR REPAIRING A CONVEYANCE FOR DAMAGES TO PERSON OR PROPERTY CAUSED BY A DEFECT, NOR DOES THE STATE OF COLORADO ASSUME ANY SUCH LIABILITY OR RESPONSIBILITY BY THE ADOPTION OR ENFORCEMENT OF THIS ARTICLE.

9-5.5-118. Criminal penalties. A PERSON WHO VIOLATES SECTION 9-5.5-106 OR 9-5.5-111 COMMITS A CLASS 3 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

9-5.5-119. Dangerous conveyance - administrative orders. (1) (a) IF, UPON THE INSPECTION OF A CONVEYANCE, THE CONVEYANCE IS FOUND TO BE IN A DANGEROUS CONDITION, AN IMMEDIATE HAZARD TO THOSE RIDING OR USING IT, OR DESIGNED OR OPERATED IN AN INHERENTLY DANGEROUS MANNER, THE CERTIFIED CONVEYANCE INSPECTOR SHALL NOTIFY:

(I) THE OWNER;

(II) THE APPROVED LOCAL JURISDICTION; AND

(III) IF THE CONVEYANCE IS NOT WITHIN AN APPROVED LOCAL JURISDICTION, THE ADMINISTRATOR.

(b) UPON BEING NOTIFIED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION SHALL ORDER SUCH ALTERATIONS OR ADDITIONS AS MAY BE DEEMED NECESSARY TO ELIMINATE THE DANGER.

(2) (a) IN LIEU OF REPAIRING OR ALTERING A DANGEROUS CONVEYANCE PURSUANT TO SUBSECTION (1) OF THIS SECTION, AN OWNER OR A LESSEE MAY HAVE THE CONVEYANCE MADE DORMANT. A DORMANT CONVEYANCE SHALL NOT BE USED UNTIL IT IS MADE SAFE IN COMPLIANCE WITH THIS ARTICLE. IN ORDER TO QUALIFY UNDER THIS SUBSECTION (2), THE OWNER OR LESSEE OF A DORMANT CONVEYANCE SHALL:

(I) REMOVE THE FUSES AND LOCK THE MAINLINE DISCONNECT SWITCH IN THE "OFF" POSITION;

(II) PARK THE CAR AND CLOSE AND LATCH THE HOISTWAY DOORS;

(III) HAVE A CERTIFIED CONVEYANCE INSPECTOR PLACE A WIRE SEAL ON THE MAINLINE DISCONNECT SWITCH; AND

(IV) PREVENT THE CONVEYANCE FROM BEING USED.

(b) A CONVEYANCE SHALL NOT BE MADE DORMANT FOR MORE THAN FIVE YEARS. UPON MAKING A CONVEYANCE DORMANT, A CERTIFIED CONVEYANCE INSPECTOR SHALL REPORT THE FACT TO THE ADMINISTRATOR.

9-5.5-120. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2017. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF THE ADMINISTRATOR SHALL BE SUBJECT TO REVIEW PURSUANT TO SECTION 24-34-104, C.R.S.

SECTION 2. 8-20-104 (2) (a), Colorado Revised Statutes, is amended to read:

8-20-104. Enforcement of law - penalties - definitions. (2) (a) The director may issue a notice of violation to a person who is believed to have violated this article, section 22-32-124 or 23-71-122, C.R.S., or rules promulgated pursuant to this article, ARTICLE 5.5 OF TITLE 9, C.R.S., OR RULES PROMULGATED PURSUANT TO ARTICLE 5.5 OF TITLE 9, C.R.S. The notice shall be delivered to the alleged violator personally, by certified mail, return receipt requested, or by any means that verifies

receipt as reliably as certified mail, return receipt requested.

SECTION 3. 8-20-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8-20-101. Division of oil and public safety - creation - appointment of director - transfer of duties. (5) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY SHALL ENFORCE AND ADMINISTER ARTICLE 5.5 OF TITLE 9, C.R.S.

SECTION 4. 24-34-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (48) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE ON JULY 1, 2017: THE CERTIFICATION OF CONVEYANCES AND CONVEYANCE MECHANICS, CONTRACTORS, AND INSPECTORS PURSUANT TO ARTICLE 5.5 OF TITLE 9, C.R.S.

SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the conveyance safety fund created in section 9-5.5-111 (2) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of oil and public safety, for the fiscal year beginning July 1, 2007, the sum of one hundred eighty-six thousand five hundred ninety-seven dollars (\$186,597) and 1.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the conveyance safety fund created in section 9-5.5-111 (2) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2007, the sum of nine thousand seven hundred fifty-nine dollars (\$9,759), or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2007, the sum of nine thousand seven hundred fifty-nine dollars (\$9,759), or so much thereof as may be necessary, for the provision of legal services to the division of labor and employment related to the implementation of this act. Said sum shall be from cash funds exempt received from the division of labor and employment out of the appropriation made in subsection (2) of this section.

SECTION 6. Effective date. This act shall take effect January 1, 2008.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2007