

CHAPTER 398

LABOR AND INDUSTRY

SENATE BILL 08-224

BY SENATOR(S) Harvey and Tapia, Gibbs, Mitchell S., Penry, Spence, Taylor, and Ward;
also REPRESENTATIVE(S) McFadyen, Carroll T., Jahn, Kerr A., Merrifield, Rose, Soper, Stafford, and Green.

AN ACT

CONCERNING MEASURES TO EASE THE REGULATORY BURDEN OF COMPLIANCE WITH THE
"ELEVATOR AND ESCALATOR CERTIFICATION ACT".

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

SECTION 1. 9-5.5-107 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(2) (c) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), AN APPLICANT APPOINTED OR DESIGNATED AS A CONVEYANCE INSPECTOR SHALL QUALIFY IF THE APPLICANT IS ELIGIBLE TO, AND INTENDS TO, BECOME NATIONALLY CERTIFIED WITHIN ONE YEAR. A LICENSE ISSUED PURSUANT TO THIS SECTION SHALL EXPIRE UPON THE TERMINATION OF EMPLOYMENT WITH THE LOCAL JURISDICTION OR AFTER ONE YEAR FROM THE DATE OF LICENSURE, WHICHEVER OCCURS FIRST. A LICENSE ISSUED PURSUANT TO THIS PARAGRAPH (c) SHALL NOT BE ELIGIBLE FOR RENEWAL UNLESS THE APPLICANT HAS OBTAINED NATIONAL CERTIFICATION.

SECTION 2. 9-5.5-112, Colorado Revised Statutes, is amended to read:

9-5.5-112. Compliance - rules. (1) The administrator shall promulgate rules for the construction, alteration, repair, service, and maintenance of conveyances. EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, 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;

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

(c) ASME A17.3; and

(d) ASME A18.1.

(2) (a) 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.

(b) THE ADMINISTRATOR MAY ESTABLISH A SCHEDULE FOR A LOCAL JURISDICTION TO ADOPT UPDATED STANDARDS, EQUALING OR EXCEEDING THE STANDARDS IMPOSED UNDER SUBSECTION (1) OF THIS SECTION, WHICH SHALL BE ADOPTED WITHIN A REASONABLE AMOUNT OF TIME AS NEEDED FOR A LOCAL JURISDICTION TO UPDATE ITS STANDARDS.

(3) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE ADMINISTRATOR SHALL PROMULGATE RULES EXEMPTING A CONVEYANCE INSTALLED BEFORE JULY 1, 2008, FROM COMPLIANCE WITH ASME A17.3 UNTIL APPROVAL IS REQUIRED BY SECTION 9-5.5-113 FOR SUBSTANTIAL ALTERATION OR REMODELING OF THE CONVEYANCE.

(II) THE ADMINISTRATOR SHALL, IN COOPERATION WITH LOCAL JURISDICTIONS, PROMULGATE RULES THAT AUTHORIZE THE ADMINISTRATOR OR A LOCAL JURISDICTION TO REQUIRE AN ELEVATOR TO COMPLY WITH ANY PORTION OF ASME A17.3 NECESSARY TO PROTECT AGAINST A MATERIAL RISK TO THE PUBLIC SAFETY.

(b) IN PROMULGATING THE RULES REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE ADMINISTRATOR MAY ADOPT CHANGES TO THE STANDARDS LISTED IN SUBSECTION (1) OF THIS SECTION THAT THE ADMINISTRATOR DEEMS TO BE IN THE PUBLIC INTEREST, INCLUDING, WITHOUT LIMITATION, ADOPTING MODIFICATIONS TO, CHANGING THE APPLICABILITY OF, EXEMPTING CONVEYANCES FROM, CHANGING INSPECTOR WITNESSING REQUIREMENTS OF, AND DEFINING EVENTS THAT TRIGGER THE APPLICABILITY OF ALL OR A PORTION OF THE STANDARDS.

SECTION 3. 9-5.5-115 (1) and (2), Colorado Revised Statutes, are amended, and the said 9-5.5-115 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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.

(4) THIS SECTION SHALL NOT APPLY TO A LOCAL JURISDICTION OR THE EMPLOYEE OF A LOCAL JURISDICTION IN THE PERFORMANCE OF THE EMPLOYEE'S OFFICIAL DUTIES.

SECTION 4. Effective date. This act shall take effect July 1, 2008.

SECTION 5. 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: June 2, 2008