

1 AMENDMENT TO SENATE BILL 1701

2 AMENDMENT NO. _____. Amend Senate Bill 1701, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Elevator Safety and Regulation Act.

7 Section 5. Purpose. The purpose of this Act is to
8 provide for the public safety of life and limb and to promote
9 public safety awareness. The use of unsafe and defective
10 lifting devices imposes a substantial probability of serious
11 and preventable injury to employees and the public exposed to
12 unsafe conditions. The prevention of these injuries and
13 protection of employees and the public from unsafe conditions
14 is in the best interest of the people of this State. Elevator
15 personnel performing work covered by this Act shall, by
16 documented training or experience or both, be familiar with
17 the operation and safety functions of the components and
18 equipment. Training and experience shall include, but not be
19 limited to, recognizing the safety hazards and performing the
20 procedures to which they are assigned in conformance with the
21 requirements of the Act. This Act shall establish the minimum
22 standards for elevator personnel.

1 This Act is not intended to interfere with the home rule
2 powers of a municipality with a population over 500,000,
3 including the power to license and regulate any profession or
4 occupation.

5 The provisions of this Act are not intended to prevent
6 the use of systems, methods, or devices of equivalent or
7 superior quality, strength, fire resistance, code
8 effectiveness, durability, and safety to those required by
9 the Act, provided that there is technical documentation to
10 demonstrate the equivalency of the system, method, or device,
11 as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

12 Section 10. Applicability.

13 (a) This Act covers the design, construction, operation,
14 inspection, testing, maintenance, alteration, and repair of
15 the following equipment, its associated parts, and its
16 hoistways (except as modified by subsection (c) of this
17 Section):

18 (1) Hoisting and lowering mechanisms equipped with a
19 car or platform, which move between 2 or more landings.
20 This equipment includes, but is not limited to, the
21 following (also see ASME A17.1, ASME A17.3, ASME A18.1,
22 and ANSI A10.4):

23 (A) Elevators.

24 (B) Platform lifts and stairway chair lifts.

25 (2) Power driven stairways and walkways for carrying
26 persons between landings. This equipment includes, but is
27 not limited to, the following (also see ASME A17.1 and
28 ASME A17.3):

29 (A) Escalators.

30 (B) Moving walks.

31 (3) Hoisting and lowering mechanisms equipped with a
32 car, which serves 2 or more landings and is restricted to
33 the carrying of material by its limited size or limited

1 access to the car. This equipment includes, but is not
2 limited to, the following (also see ASME A17.1 and ASME
3 A17.3):

4 (A) Dumbwaiters.

5 (B) Material lifts and dumbwaiters with
6 automatic transfer devices.

7 (b) This Act covers the design, construction, operation,
8 inspection, maintenance, alteration, and repair of automatic
9 guided transit vehicles on guideways with an exclusive
10 right-of-way. This equipment includes, but is not limited to,
11 automated people movers (also see ASCE 21).

12 (c) This Act does not apply to the following equipment:

13 (1) Material hoists.

14 (2) Belt manlifts.

15 (3) Mobile scaffolds, towers, and platforms, except
16 those covered by ANSI A10.4.

17 (4) Powered platforms and equipment for exterior and
18 interior maintenance.

19 (5) Conveyors and related equipment.

20 (6) Cranes, derricks, hoists, hooks, jacks, and
21 slings.

22 (7) Industrial trucks.

23 (8) Portable equipment, except for portable
24 escalators.

25 (9) Tiering or piling machines used to move
26 materials to and from storage located and operating
27 entirely within one story.

28 (10) Equipment for feeding or positioning materials
29 at machine tools, printing presses, etc.

30 (11) Skip or furnace hoists.

31 (12) Wharf ramps.

32 (13) Railroad car lifts or dumpers.

33 (14) Line jacks, false cars, shafters, moving
34 platforms, and similar equipment used for installing an

1 elevator by a contractor licensed in this State.

2 (15) Railway and Transit Systems.

3 Section 15. Definitions. For the purpose of this Act:

4 "Administrator" means the Office of the State Fire
5 Marshal.

6 "ANSI A10.4" means the safety requirements for personnel
7 hoists, an American National Standard.

8 "ASCE 21" means the American Society of Civil Engineers
9 Automated People Mover Standards.

10 "ASME A17.1" means the Safety Code for Elevators and
11 Escalators, an American National Standard.

12 "ASME A17.3" means the Safety Code for Existing Elevators
13 and Escalators, an American National Standard.

14 "ASME A18.1" means the Safety Standard for Platform Lifts
15 and Stairway Chairlifts, an American National Standard.

16 "Automated people mover" means an installation as defined
17 as an "automated people mover" in ASCE 21.

18 "Board" means the Elevator Safety Review Board.

19 "Certificate of operation" means a certificate issued by
20 the Administrator that indicates that the conveyance has
21 passed the required safety inspection and tests and fees have
22 been paid as set forth in this Act. The Administrator may
23 issue a temporary certificate of operation that permits the
24 temporary use of a non-compliant conveyance by the general
25 public for a limited time of 30 days while minor repairs are
26 being completed.

27 "Conveyance" means any elevator, dumbwaiter, escalator,
28 moving sidewalk, platform lifts stairway chairlifts and
29 automated people movers.

30 "Elevator" means an installation defined as an "elevator"
31 in ASME A17.1.

32 "Elevator contractor" means any person, firm, or
33 corporation who possesses an elevator contractors license in

1 accordance with the provisions of Sections 40 and 55 of this
2 Act and who is engaged in the business of erecting,
3 constructing, installing, altering, servicing, repairing, or
4 maintaining elevators or related conveyance covered by this
5 Act.

6 "Elevator contractor's license" means a license issued
7 to an elevator contractor who has proven his or her
8 qualifications and ability and has been authorized by the
9 Elevator Safety Review Board to possess this type of license.
10 It shall entitle the holder thereof to engage in the business
11 of erecting, constructing, installing, altering, servicing,
12 testing, repairing, or maintaining elevators or related
13 conveyance covered by this Act. The Administrator may issue
14 a limited elevator contractor's license authorizing a firm or
15 company that employs individuals to carry on a business of
16 erecting, constructing, installing, altering, servicing,
17 repairing, or maintaining platform lifts and stairway
18 chairlifts within any building or structure, including but
19 not limited to private residences.

20 "Elevator inspector" means any person who possesses an
21 elevator inspector's license in accordance with the
22 provisions of this Act or any person who performs the duties
23 and functions of an elevator inspector for any unit of local
24 government with a population greater than 500,000 prior to or
25 on the effective date of this Act.

26 "Elevator mechanic" means any person who possesses an
27 elevator mechanic's license in accordance with the provisions
28 of Sections 40 and 45 of this Act and who is engaged in
29 erecting, constructing, installing, altering, servicing,
30 repairing, or maintaining elevators or related conveyance
31 covered by this Act.

32 "Elevator mechanic's license" means a license issued to a
33 person who has proven his or her qualifications and ability
34 and has been authorized by the Elevator Safety Review Board

1 to work on conveyance equipment. It shall entitle the holder
2 thereof to install, construct, alter, service, repair, test,
3 maintain, and perform electrical work on elevators or related
4 conveyance covered by this Act.

5 "Escalator" means an installation defined as an
6 "escalator" in ASME A17.1.

7 "Existing installation" means an installation defined as
8 an "installation, existing" in ASME A17.1.

9 "Inspector's license" means a license issued to a person
10 who has proven his or her qualifications and ability and has
11 been authorized by the Elevator Safety Review Board to
12 possess this type of license. It shall entitle the holder
13 thereof to engage in the business of inspecting elevators or
14 related conveyance covered by this Act.

15 "License" means a written license, duly issued by the
16 Administrator, authorizing a person, firm, or company to
17 carry on the business of erecting, constructing, installing,
18 altering, servicing, repairing, maintaining, or performing
19 inspections of elevators or related conveyance covered by
20 this Act.

21 "Material alteration" means an "alteration" as defined by
22 the Board.

23 "Moving walk" means an installation as defined a "moving
24 walk" in ASME A17.1.

25 "Private residence" means a separate dwelling or a
26 separate apartment in a multiple dwelling that is occupied by
27 members of a single-family unit.

28 "Repair" has the meaning defined by the Board, which does
29 not require a permit.

30 "Temporarily dormant" means an elevator, dumbwaiter, or
31 escalator:

32 (1) with a power supply that has been disconnected
33 by removing fuses and placing a padlock on the mainline
34 disconnect switch in the "off" position;

1 (2) with a car that is parked and hoistway doors
2 that are in the closed and latched position;

3 (3) with a wire seal on the mainline disconnect
4 switch installed by a licensed elevator inspector;

5 (4) that shall not be used again until it has been
6 put in safe running order and is in condition for use;

7 (5) requiring annual inspections for the duration of
8 the temporarily dormant status by a licensed elevator
9 inspector;

10 (6) that has a "temporarily dormant" status that is
11 renewable on an annual basis, not to exceed a one-year
12 period;

13 (7) requiring the inspector to file a report with
14 the chief elevator inspector describing the current
15 conditions; and

16 (8) with a wire seal and padlock that shall not be
17 removed for any purpose without permission from the
18 elevator inspector.

19 Section 20. License required.

20 (a) After July 1, 2003, no person shall erect, construct,
21 wire, alter, replace, maintain, remove, or dismantle any
22 conveyance contained within buildings or structures in the
23 jurisdiction of this State unless he or she possesses an
24 elevator mechanic's license under this Act and unless he or
25 she works under the direct supervision of a person, firm, or
26 company having an elevator contractor's license in accordance
27 with Section 40 of this Act or exempted by that Section.
28 However, a licensed elevator contractor is not required for:

29 (1) removal or dismantling of conveyances that are
30 destroyed as a result of a complete demolition of a
31 secured building or structure or where the hoistway or
32 wellway is demolished back to the basic support structure
33 and where no access is permitted that would endanger the

1 safety and welfare of a person; and

2 (2) the conveyance is to be installed in the
3 hoistway that was demolished to the basic support
4 structure.

5 (b) After July 1, 2003, no person shall inspect any
6 conveyance within buildings or structures, including, but not
7 limited, to private residences, unless he or she has an
8 inspector's license.

9 Section 25. Elevator Safety Review Board.

10 (a) There is hereby created within the Office of the
11 State Fire Marshal the Elevator Safety Review Board,
12 consisting of 13 members. The Administrator shall appoint 3
13 members who shall be representatives of a fire service
14 communities. The Governor shall appoint the remaining 8
15 members of the Board as follows: one representative from a
16 major elevator manufacturing company or its authorized
17 representative; one representative from an elevator servicing
18 company; one representative of the architectural design
19 profession; one representative of the general public; one
20 representative of a municipality in this State with a
21 population over 500,000; one representative of a municipality
22 in this State with a population under 25,000; one
23 representative of a municipality in this State with a
24 population of 25,000 or over but under 50,000; one
25 representative of a municipality in this State with a
26 population of 50,000 or over but under 500,000; one
27 representative of a building owner or manager; and one
28 representative of labor involved in the installation,
29 maintenance, and repair of elevators.

30 (b) The members constituting the Board shall be appointed
31 for initial terms as follows:

32 (1) Of the members appointed by the Administrator, 2
33 shall serve for a term of 2 years, and one for a term of

1 4 years.

2 (2) Of the members appointed by the Governor, 2
3 shall serve for a term of one year, 2 for terms of 2
4 years, 2 for terms of 3 years, and 2 for terms of 4
5 years.

6 At the expiration of their initial terms of office, the
7 members or their successors shall be appointed for terms of 4
8 years each. Upon the expiration of a member's term of office,
9 the officer who appointed that member shall reappoint that
10 member or appoint a successor who is a representative of the
11 same interests with which his or her predecessor was
12 identified. The Administrator and the Governor may at any
13 time remove any of their respective appointees for
14 inefficiency or neglect of duty in office. Upon the death or
15 incapacity of a member, the officer who appointed that member
16 shall fill the vacancy for the remainder of the vacated term
17 by appointing a member who is a representative of the same
18 interests with which his or her predecessor was identified.
19 The members shall serve without salary, but shall receive
20 from the State expenses necessarily incurred by them in
21 performance of their duties. The Governor shall appoint one
22 of the members to serve as chairperson. The chairperson
23 shall be the deciding vote in the event of a tie vote.

24 Section 30. Meeting of the Board. The Board shall meet
25 and organize within 10 days after the appointment of its
26 members and at such meeting shall elect one secretary of the
27 Board to serve during the term to be fixed by the rules
28 adopted by the Board. The Board shall meet regularly once
29 each quarter or as often as deemed necessary by the
30 Administrator at a time and place to be fixed by it and at
31 such times as it is deemed necessary for the consideration of
32 code regulations, appeals, variances, and for the transaction
33 of any other business as properly may come before it. Special

1 meetings shall be called as provided in Board rules.

2 Section 35. Powers and duties of the Board.

3 (a) The Board shall consult with engineering authorities
4 and organizations and adopt rules consistent with the
5 provisions of this Act for the administration and enforcement
6 of this Act. The Board may prescribe forms to be issued in
7 connection with the administration and enforcement of this
8 Act. The rules shall establish standards and criteria
9 consistent with this Act for licensing of elevator mechanics,
10 inspectors, and installers of elevators, including the
11 provisions of the Safety Code for Elevators and Escalators
12 (ASME A17.1), the Safety Code for Existing Elevators (ASME
13 A18.1), the Standard for the Qualification of Elevator
14 Inspectors (ASME QEI-1), the Automated People Mover Standards
15 (ASCE 21), and the safety requirements for personnel hoists
16 (ANSI A10.4).

17 (b) The Board shall have the authority to grant
18 exceptions and variances from the literal requirements of
19 applicable State codes, standards, and regulations in cases
20 where such variances would not jeopardize the public safety
21 and welfare. The Board shall have the authority to hear
22 appeals, hold hearings, and decide upon such within 30 days
23 of the appeal.

24 (c) The Board shall establish fee schedules for licenses,
25 permits, certificates, and inspections. The fees shall be set
26 at an amount necessary to cover the actual costs and expenses
27 to operate the Board and to conduct the duties as described
28 in this Act.

29 (d) The Board shall be authorized to recommend the
30 amendments of applicable legislation, when appropriate, to
31 legislators.

32 (e) The Administrator may solicit the advice and expert
33 knowledge of the Board on any matter relating to the

1 administration and enforcement of this Act.

2 (f) The Administrator may employ professional, technical,
3 investigative, or clerical help, on either a full-time or
4 part-time basis, as may be necessary for the enforcement of
5 this Act.

6 (g) The Board shall not have authority within
7 municipalities with a population over 500,000 that have a
8 municipal code that covers the design, construction,
9 operation, inspection, testing, maintenance, alteration, and
10 repair of elevators, dumbwaiters, escalators, and moving
11 walks.

12 Section 40. Application for contractor's license.

13 (a) Any person, firm, or company wishing to engage in the
14 business of installing, altering, repairing, servicing,
15 replacing, or maintaining elevators, dumbwaiters, escalators,
16 or moving walks within this State shall make application for
17 a license with the Administrator.

18 (b) All applications shall contain the following
19 information:

20 (1) if the applicant is a person, the name,
21 residence, and business address of the applicant;

22 (2) if the applicant is a partnership, the name,
23 residence, and business address of each partner;

24 (3) if the applicant is a domestic corporation, the
25 name and business address of the corporation and the name
26 and residence address of the principal officer of the
27 corporation;

28 (4) if the applicant is a corporation other than a
29 domestic corporation, the name and address of an agent
30 locally located who shall be authorized to accept service
31 of process and official notices;

32 (5) the number of years the applicant has engaged in
33 the business of installing, inspecting, maintaining, or

1 servicing elevators or platform lifts or both;

2 (6) if applying for an elevator contractor's
3 license, the approximate number of persons, if any, to be
4 employed by the elevator contractor applicant and, if
5 applicable, satisfactory evidence that the employees are
6 or will be covered by workers' compensation insurance;

7 (7) satisfactory evidence that the applicant is or
8 will be covered by general liability, personal injury,
9 and property damage insurance;

10 (8) any criminal record of convictions; and

11 (9) any other information as the Administrator may
12 require.

13 (c) This Section does not apply to a person, firm, or
14 company located in a municipality with a population over
15 500,000 that provides for the licensure of contractors for
16 work performed within the corporate boundaries of a
17 municipality with a population over 500,000.

18 Section 45. Qualifications for elevator mechanic's
19 license.

20 (a) No license shall be granted to any person who has not
21 paid the required application fee.

22 (b) No license shall be granted to any person who has not
23 proven his or her qualifications and abilities. Applicants
24 for an elevator mechanic's license must demonstrate one of
25 the following qualifications:

26 (1) an acceptable combination of documented
27 experience and education credits consisting of: (A) not
28 less than 3 years work experience in the elevator
29 industry, in construction, maintenance, and service or
30 repair, as verified by current and previous employers
31 licensed to do business in this State; and (B)
32 satisfactory completion of a written examination
33 administered by the Elevator Safety Review Board on the

1 adopted rules, referenced codes, and standards;

2 (2) acceptable proof that he or she has worked as an
3 elevator constructor, maintenance, or repair person;
4 acceptable proof shall consist of documentation that he
5 or she worked without direct and immediate supervision
6 for an elevator contractor who has worked on elevators in
7 this State for a period of not less than 3 years
8 immediately prior to the effective date of this Act; the
9 person must make application within one year of the
10 effective date of this Act;

11 (3) a certificate of successful completion of the
12 mechanic examination of a nationally recognized training
13 program for the elevator industry such as the National
14 Elevator Industry Educational Program or its equivalent;

15 (4) a certificate of completion of an elevator
16 mechanic apprenticeship program with standards
17 substantially equal to those of this Act and registered
18 with the Bureau of Apprenticeship and Training, U.S.
19 Department of Labor, or a State apprenticeship council;
20 or

21 (5) a valid license from a state having standards
22 substantially equal to those of this State.

23 Section 50. Qualifications for elevator inspector's
24 license.

25 (a) No inspector's license shall be granted to any person
26 who has not paid the required application fee.

27 (b) No inspector's license shall be granted to any
28 person, unless he or she proves to the satisfaction of the
29 Administrator that he or she meets the current ASME QEI-1,
30 Standards for the Qualifications of Elevator Inspectors.

31 (c) Notwithstanding the provisions of subsections (a)
32 and (b) of this Section, the Administrator shall grant an
33 elevator inspector's license to a person engaged in the

1 practice of inspecting elevators in a municipality with a
2 population over 500,000 who is engaged in business as an
3 elevator inspector on the effective date of this Act.

4 Section 55. Qualifications for elevator contractor's
5 license.

6 (a) No license shall be granted to any person or firm
7 unless the appropriate application fee is paid.

8 (b) No license shall be granted to any person or firm who
9 has not proven the required qualifications and abilities. An
10 applicant must demonstrate one of the following
11 qualifications:

12 (1) five years work experience in the elevator
13 industry in construction, maintenance, and service or
14 repair, as verified by current and previous elevator
15 contractor's licenses to do business, or satisfactory
16 completion of a written examination administered by the
17 Elevator Safety Review Board on the most recent
18 referenced codes and standards; or

19 (2) proof that the individual or firm holds a valid
20 license from a state having standards substantially equal
21 to those of this State.

22 (c) This Section does not apply to a person or firm
23 engaged in business as an elevator contractor in a
24 municipality with a population over 500,000 that provides for
25 the licensure of elevator contractors for work performed
26 within the corporate boundaries of a municipality with a
27 population over 500,000.

28 Section 60. Issuance and renewal of licenses; fees.

29 (a) Upon approval of an application, the Administrator
30 may issue a license that must be renewed biannually. The
31 renewal fee for the license shall be set by the Board.

32 (b) Whenever an emergency exists in the State due to
33 disaster or work stoppage and the number of persons in the

1 State holding licenses granted by the Board is insufficient
2 to cope with the emergency, the licensed elevator contractor
3 shall respond as necessary to assure the safety of the
4 public. Any person certified by a licensed elevator
5 contractor to have an acceptable combination of documented
6 experience and education to perform elevator work without
7 direct and immediate supervision shall seek an emergency
8 elevator mechanic's license from the Administrator within 5
9 business days after commencing work requiring a license. The
10 administrator shall issue emergency elevator mechanic's
11 licenses. The applicant shall furnish proof of competency as
12 the administrator may require. Each license shall recite that
13 it is valid for a period of 30 days from the date thereof and
14 for such particular elevators or geographical areas as the
15 administrator may designate and otherwise shall entitle the
16 licensee to the rights and privileges of a elevator
17 mechanic's license issued under this Act. The administrator
18 shall renew an emergency elevator mechanic's license during
19 the existence of an emergency. No fee shall be charged for
20 any emergency elevator mechanic's license or renewal thereof.

21 (c) A licensed elevator contractor shall notify the
22 administrator when there are no licensed personnel available
23 to perform elevator work. The licensed elevator contractor
24 may request that the administrator issue temporary elevator
25 mechanic's licenses to persons certified by the licensed
26 elevator contractor to have an acceptable combination of
27 documented experience and education to perform elevator work
28 without direct and immediate supervision. Any person
29 certified by a licensed elevator contractor to have an
30 acceptable combination of documented experience and education
31 to perform elevator work without direct and immediate
32 supervision shall immediately seek a temporary elevator
33 mechanic's license from the administrator and shall pay such
34 fee as the Board shall determine. Each license shall recite

1 that it is valid for a period of 30 days from the date of
2 issuance and while employed by the licensed elevator
3 contractor that certified the individual as qualified. It
4 shall be renewable as long as the shortage of license holders
5 shall continue.

6 (d) The renewal of all licenses granted under the
7 provisions of this Section shall be conditioned upon the
8 submission of a certificate of completion of a course
9 designed to ensure the continuing education of licensees on
10 new and existing provisions of the rules of the Elevator
11 Safety Review Board. Such course shall consist of not less
12 than 8 hours of instruction that shall be attended and
13 completed within one year immediately preceding any such
14 license renewal.

15 (e) The courses referred to in subsection (d) of this
16 Section shall be taught by instructors through continuing
17 education providers that may include, but shall not be
18 limited to, association seminars and labor training programs.
19 The Elevator Safety Review Board shall approve the continuing
20 education providers. All instructors shall be approved by the
21 Board and shall be exempt from the requirements of subsection
22 (d) of this Section with regard to their applications for
23 license renewal, provided that such applicant was qualified
24 as an instructor at any time during the one year immediately
25 preceding the scheduled date for such renewal.

26 (f) A licensee who is unable to complete the continuing
27 education course required under this Section prior to the
28 expiration of his or her license due to a temporary
29 disability may apply for a waiver from the Board. This shall
30 be on a form provided by the Board, which shall be signed
31 under the penalty of perjury and accompanied by a certified
32 statement from a competent physician attesting to such
33 temporary disability. Upon the termination of such temporary
34 disability, the licensee shall submit to the Board a

1 certified statement from the same physician, if practicable,
2 attesting to the termination of the temporary disability, at
3 which time a waiver sticker, valid for 90 days, shall be
4 issued to the licensee and affixed to his or her license.

5 (g) Approved training providers shall keep for a period
6 of 10 years uniform records of attendance of licensees
7 following a format approved by the Board. These records
8 shall be available for inspection by the Board at its
9 request. Approved training providers shall be responsible for
10 the security of all attendance records and certificates of
11 completion, provided that falsifying or knowingly allowing
12 another to falsify attendance records or certificates of
13 completion shall constitute grounds for suspension or
14 revocation of the approval required under this Section.

15 Section 65. Penalties; suspension and revocation of
16 licenses. A license issued pursuant to this Act may be
17 suspended, revoked, or subjected to a penalty by the
18 administrator upon verification that any one or more of the
19 following reasons exist:

20 (1) any false statement as to material matter in the
21 application;

22 (2) fraud, misrepresentation, or bribery in securing
23 a license;

24 (3) failure to notify the administrator and the
25 owner or lessee of an elevator or related mechanisms of
26 any condition not in compliance with this Act; or

27 (4) violation of any provisions of this Act or the
28 rules promulgated hereunder.

29 Section 67. Fire Prevention Fund. All fees and fines
30 received by the Administrator under this Act shall be
31 deposited into the Fire Prevention Fund. All fees and fines
32 shall be used for the duties and administration of this Act.

1 Section 70. Administrative Procedure Act. The Illinois
2 Administrative Procedure Act is hereby expressly adopted and
3 incorporated herein as if all of the provisions of that Act
4 were included in this Act, except that the provision of
5 subsection (d) of Section 10-65 of the Illinois
6 Administrative Procedure Act that provides that at hearings
7 the licensee has the right to show compliance with all lawful
8 requirements for retention, or continuation or renewal of the
9 license, is specifically excluded. For the purposes of this
10 Act, the notice required under Section 10-25 of the Illinois
11 Administrative Procedure Act is deemed sufficient when mailed
12 to the last known address of a party.

13 Section 75. Administrative Review Law. All final
14 administrative decisions of the Administrator or the Board
15 are subject to judicial review under the Administrative
16 Review Law and its rules. The term "administrative decision"
17 is defined as in Section 3-101 of the Code of Civil
18 Procedure.

19 Proceedings for judicial review shall be commenced in the
20 circuit court of the county in which the party applying for
21 review resides, but if the party is not a resident of this
22 State, the venue shall be in Sangamon County.

23 Section 80. Registration of existing elevators, platform
24 lifts, dumbwaiters, escalators, moving walks, and any other
25 conveyance. Within 6 months after the date of the appointment
26 of the Board, the owner or lessee of every existing
27 conveyance shall register with the Administrator each
28 elevator, dumbwaiter, platform lift, escalator, or other
29 device described in Section 10 of this Act and provide the
30 type, rated load and speed, name of manufacturer, its
31 location, the purpose for which it is used, and such
32 additional information as the Administrator may require.

1 Elevators, dumbwaiters, platform lifts, escalators, moving
2 walks, or other conveyances of which construction has begun
3 subsequent to the date of the creation of the Board shall be
4 registered at the time they are completed and placed in
5 service.

6 Section 85. Compliance. It shall be the responsibility
7 of individuals, firms, or companies licensed as described in
8 this Act to ensure that installation or service and
9 maintenance of elevators and devices described in Section 10
10 of this Act is performed in compliance with the provisions
11 contained in this Act and local regulations.

12 Section 90. Permits.

13 (a) No conveyance covered by this Act shall be erected,
14 constructed, installed, or altered within buildings or
15 structures within this State unless a permit has been
16 obtained from the Administrator or a municipality or other
17 unit of local government. If the permit is obtained from a
18 municipality or other unit of local government, the
19 municipality or other unit of local government that issued
20 the permit shall keep the permit on file for a period of not
21 less than one year from the date of issuance and send a copy
22 to the Administrator for inspection. Where any material
23 alteration is made, the device shall conform to applicable
24 requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI
25 A10.4. No permit required under this Section shall be issued
26 except to a person, firm, or corporation holding a current
27 elevator contractor's license, duly issued pursuant to this
28 Act. A copy of the permit shall be kept at the construction
29 site at all times while the work is in progress.

30 (b) The permit fee shall be as set by the Board. Permit
31 fees collected are non-refundable.

32 (c) Each application for a permit shall be accompanied by

1 applicable fees and by copies of specifications and
2 accurately scaled and fully dimensioned plans showing the
3 location of the installation in relation to the plans and
4 elevation of the building, the location of the machinery room
5 and the equipment to be installed, relocated, or altered, and
6 all structural supporting members, including foundations.
7 The applicant shall also specify all materials to be employed
8 and all loads to be supported or conveyed. These plans and
9 specifications shall be sufficiently complete to illustrate
10 all details of construction and design.

11 (d) Permits may be revoked for the following reasons:

12 (1) Any false statements or misrepresentation as to
13 the material facts in the application, plans, or
14 specifications on which the permit was based.

15 (2) The permit was issued in error and should not
16 have been issued in accordance with the code.

17 (3) The work detailed under the permit is not being
18 performed in accordance with the provisions of the
19 application, plans, or specifications or with the code or
20 conditions of the permit.

21 (4) The elevator contractor to whom the permit was
22 issued fails or refuses to comply with a "stop work"
23 order.

24 (5) If the work authorized by a permit is not
25 commenced within 6 months after the date of issuance, or
26 within a shorter period of time as the Administrator or
27 his or her duly authorized representative in his or her
28 discretion may specify at the time the permit is issued.

29 (6) If the work is suspended or abandoned for a
30 period of 60 days, or shorter period of time as the
31 Administrator or his or her duly authorized
32 representative in his or her discretion may specify at
33 the time the permit is issued, after the work has been
34 started. For good cause, the Administrator or his or her

1 representative may allow an extension of this period at
2 his or her discretion.

3 (e) This Section does not apply to conveyances located
4 in a municipality with a population over 500,000 that
5 provides for permits of such conveyances.

6 Section 95. New installations; annual inspections and
7 registrations.

8 (a) All new conveyance installations shall be performed
9 by a person, firm, or company to which a license to install
10 or service conveyances has been issued. Subsequent to
11 installation, the licensed person, firm, or company must
12 certify compliance with the applicable Sections of this Act.
13 Prior to any conveyance being used, the property owner or
14 lessee must obtain a certificate of operation from the
15 Administrator, unless the property is located within a
16 municipality with a population greater than 500,000. A fee as
17 set forth in this Act shall be paid for the certificate of
18 operation. It shall be the responsibility of the licensed
19 elevator contractor to complete and submit first time
20 registration for new installations. The certificate of
21 operation fee for newly installed platform lifts and stairway
22 chair lifts for private residences shall be subsequent to an
23 inspection by a licensed third party inspection firm.

24 (b) The certificate of operation fee for all new and
25 existing platform and stairway chair lifts for private
26 residences and any renewal certificate fees shall be waived.
27 The Administrator or his or her designee shall inspect, in
28 accordance with the requirements set forth in this Act, all
29 newly installed and existing platform lifts and stairway
30 chair lifts for private residences subsequent to an
31 inspection by a person, firm, or company to which a license
32 to inspect conveyances has been issued, unless the private
33 residence is located within a municipality with a population

1 greater than 500,000.

2 (c) A certificate of operation referenced in subsections
3 (a) and (b) of this Section is renewable annually, except for
4 certificates issued for platform and stairway chairlifts for
5 private residences, which shall be valid for a period of 3
6 years. Certificates of operation must be clearly displayed on
7 or in each conveyance or in the machine room for use for the
8 benefit of code enforcement staff.

9 Section 100. Insurance requirements.

10 (a) Elevator contractors shall submit to the
11 Administrator an insurance policy or certified copy thereof,
12 issued by an insurance company authorized to do business in
13 the State, to provide general liability coverage of at least
14 \$2,000,000 for injury or death of any one person and
15 \$2,000,000 for injury or death of any number of persons in
16 any one occurrence, with coverage of at least \$1,000,000 for
17 property damage in any one occurrence and statutory workers
18 compensation insurance coverage.

19 (b) Private elevator inspectors shall submit to the
20 Administrator an insurance policy or certified copy thereof,
21 issued by an insurance company authorized to do business in
22 the State, to provide general liability coverage of at least
23 \$2,000,000 for injury or death of any one person and
24 \$2,000,000 for injury or death of any number of persons in
25 any one occurrence, with coverage of at least \$1,000,000 for
26 property damage in any one occurrence and statutory workers
27 compensation insurance coverage.

28 (c) These policies, or duly certified copies thereof, or
29 an appropriate certificate of insurance, approved as to form
30 by the Department of Insurance and as to sufficiency by the
31 State Comptroller, shall be delivered to the Administrator
32 before or at the time of the issuance of a license. In the
33 event of a material alteration or cancellation of a policy,

1 at least 10 days notice thereof shall be given to the
2 Administrator.

3 Section 105. Enforcement.

4 (a) It shall be the duty of the Elevator Safety Review
5 Board to develop an enforcement program to ensure compliance
6 with rules and requirements referenced in this Act. This
7 shall include, but shall not be limited to, rules for
8 identification of property locations that are subject to the
9 rules and requirements; issuing notifications to violating
10 property owners or operators, random on-site inspections, and
11 tests on existing installations; witnessing periodic
12 inspections and testing in order to ensure satisfactory
13 performance by licensed persons, firms, or companies; and
14 assisting in development of public awareness programs.

15 (b) Any person may make a request for an investigation
16 into an alleged violation of this Act by giving notice to the
17 Administrator of such violation or danger. The notice shall
18 be in writing, shall set forth with reasonable particularity
19 the grounds for the notice, and shall be signed by the person
20 making the request. Upon the request of any person signing
21 the notice, the person's name shall not appear on any copy of
22 the notice or any record published, released, or made
23 available.

24 (c) If, upon receipt of such notification, the
25 Administrator determines that there are reasonable grounds to
26 believe that such violation or danger exists, the
27 Administrator shall cause to be made an investigation in
28 accordance with the provisions of this Act as soon as
29 practicable to determine if such violation or danger exists.
30 If the Administrator determines that there are no reasonable
31 grounds to believe that a violation or danger exists, he or
32 she shall notify the party in writing of such determination.

33 (d) This Section does not apply within a municipality

1 with a population over 500,000.

2 Section 110. Liability.

3 (a) This Act shall not be construed to relieve or lessen
4 the responsibility or liability of any person, firm, or
5 corporation owning, operating, controlling, maintaining,
6 erecting, constructing, installing, altering, inspecting,
7 testing, or repairing any elevator or other related
8 mechanisms covered by this Act for damages to person or
9 property caused by any defect therein, nor does the State or
10 any unit of local government assume any such liability or
11 responsibility therefore or any liability to any person for
12 whatever reason whatsoever by the adoption of this Act or any
13 acts or omissions arising under this Act.

14 (b) Any owner or lessee who violates any of the
15 provisions of this Act shall be fined in an amount not to
16 exceed \$1,500.

17 (c) Compliance with this Act is not a defense to a legal
18 proceeding.

19 Section 115. Provisions not retroactive. The provisions
20 of this Act are not retroactive unless otherwise stated, and
21 equipment shall be required to comply with the applicable
22 code at the date of its installation or within the period
23 determined by the Board for compliance with ASME A17.3,
24 whichever is more stringent. If, upon the inspection of any
25 device covered by this Act, the equipment is found in
26 dangerous condition or there is an immediate hazard to those
27 riding or using such equipment or if the design or the method
28 of operation in combination with devices used is considered
29 inherently dangerous in the opinion of the administrator, he
30 or she shall notify the owner of the condition and shall
31 order such alterations or additions as may be deemed
32 necessary to eliminate the dangerous condition.

1 Section 120. Inspection and testing.

2 (a) It shall be the responsibility of the owner of all
3 new and existing conveyances located in any building or
4 structure to have the conveyance inspected annually by a
5 person, firm, or company to which a license to inspect
6 conveyances has been issued. Subsequent to inspection, the
7 licensed person, firm, or company must supply the property
8 owner or lessee and the Administrator with a written
9 inspection report describing any and all violations. Property
10 owners shall have 30 days from the date of the published
11 inspection report to be in full compliance by correcting the
12 violations.

13 (b) It shall be the responsibility of the owner of all
14 conveyances to have a firm or company licensed as described
15 in this Act to ensure that the required inspection and test
16 are performed at intervals in compliance with ASME A17.1,
17 ASME A18.1, and ASCE 21.

18 (c) All tests shall be performed by a licensed elevator
19 mechanic.

20 Section 125. State law, code, or regulation. Whenever a
21 provision in this Act is found to be inconsistent with any
22 provision of another applicable State law, code, or rule, the
23 State law shall prevail. This Act, unless specifically stated
24 otherwise, is not intended to establish more stringent or
25 more restrictive standards than standards set forth in other
26 applicable State laws.

27 Section 130. Accidents. The owner of each conveyance
28 shall notify the administrator of any accident causing
29 personal injury or property damage in excess of \$1,000 that
30 involves a conveyance, on or before the close of business the
31 next business day following the accident. The Administrator
32 shall investigate and report to the Board the cause of any

1 conveyance accident that may occur in the State, the injuries
2 sustained, and any other data that may be of benefit in
3 preventing other similar accidents.

4 Section 135. Elevators in private residences. The owner
5 of a conveyance located in his or her private residence may
6 register, pay the required fee, and have his or her existing
7 conveyance inspected. The Administrator shall provide notice
8 to the owner of the private residence where the conveyance is
9 located with relevant information about conveyance safety
10 requirements, including the need to have the elevator
11 periodically and timely inspected and made safe. Any
12 inspection performed shall be done solely at the request and
13 with the consent of the private residence owner. No penalty
14 provision of this Act shall apply to private residence
15 owners.

16 Section 140. Local regulation; home rule.

17 (a) A municipality within its corporate limits and a
18 county within unincorporated areas within its boundaries may
19 inspect, license, or otherwise regulate elevators and devices
20 described in Section 10 of this Act, but any safety standards
21 or regulations adopted by a municipality or county under this
22 subsection must be at least as stringent as those provided
23 for in this Act and the rules adopted under this Act. A
24 municipality or county that inspects, licenses, or otherwise
25 regulates elevators and devices described in Section 10 of
26 this Act may impose reasonable fees to cover the cost of the
27 inspection, licensure, or other regulation.

28 (b) Except as otherwise provided in subsection (c), a
29 home rule unit may not regulate the inspection or licensure
30 of, or otherwise regulate, elevators and devices described in
31 Section 10 of this Act in a manner less restrictive than the
32 regulation by the State of those matters under this Act. This

1 subsection is a limitation under subsection (i) of Section 6
2 of Article VII of the Illinois Constitution on the concurrent
3 exercise by home rule units of powers and functions exercised
4 by the State.

5 (c) This Act does not limit the home rule powers of a
6 municipality with a population over 500,000, and this Act
7 shall not apply within such a municipality if that
8 application would be inconsistent with an ordinance adopted
9 under those home rule powers.

10 Section 900. The Regulatory Sunset Act is amended by
11 adding Section 4.23 as follows:

12 (5 ILCS 80/4.23 new)

13 Sec. 4.23. Act repealed on January 1, 2013. The
14 following Act is repealed on January 1, 2013:
15 The Elevator Safety and Regulation Act."