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**SUBSTITUTE SENATE BILL 5471**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators King and Keiser; by request of Department of Labor & Industries)

READ FIRST TIME 01/30/19.

1 AN ACT Relating to extending the validity of temporary elevator  
2 licenses, expanding membership of the elevator safety advisory  
3 committee, and allowing homeowners to remove certain conveyances from  
4 their residences; and amending RCW 70.87.220, 70.87.250, and  
5 70.87.270.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 70.87.220 and 2003 c 143 s 7 are each amended to  
8 read as follows:

9 (1) The department may adopt the rules necessary to establish and  
10 administer the elevator safety advisory committee. The purpose of the  
11 advisory committee is to advise the department on the adoption of  
12 rules that apply to conveyances; methods of enforcing and  
13 administering this chapter; and matters of concern to the conveyance  
14 industry and to the individual installers, owners, and users of  
15 conveyances.

16 (2) The advisory committee shall consist of not less than seven  
17 persons nor more than nine persons. The director of the department or  
18 his or her designee with the advice of the chief elevator inspector  
19 shall appoint the committee members as follows:

20 (a) A minimum of one and a maximum of two representatives of  
21 licensed elevator contractors;

1 (b) A minimum of one and a maximum of two representatives of  
2 elevator mechanics licensed to perform all types of conveyance work;

3 (c) A minimum of one and a maximum of two representatives of  
4 owner-employed mechanics exempt from licensing requirements under RCW  
5 70.87.270;

6 (d) One registered architect or professional engineer  
7 representative;

8 (e) A minimum of one and a maximum of two building owners or  
9 manager representatives;

10 (f) A minimum of one and a maximum of two registered general  
11 commercial contractor representatives; and

12 (g) One ad hoc member representing ((a)) each municipality  
13 maintaining jurisdiction of conveyances in accordance with RCW  
14 ((70.87.210 [70.87.200])) 70.87.200(2).

15 (3) The committee members shall serve terms of four years.

16 (4) The committee shall meet on the third Tuesday of February,  
17 May, August, and November of each year, and at other times at the  
18 discretion of the chief elevator inspector. The committee members  
19 shall serve without per diem or travel expenses.

20 (5) The chief elevator inspector shall be the secretary for the  
21 advisory committee.

22 **Sec. 2.** RCW 70.87.250 and 2009 c 36 s 11 are each amended to  
23 read as follows:

24 (1) Upon approval of an application, the department may issue a  
25 license that is biennially renewable. Each license may include a  
26 photograph of the licensee. The fee for the license and for any  
27 renewal shall be set by the department in rule.

28 (2) The department may issue temporary elevator mechanic  
29 licenses. These temporary elevator mechanic licenses will be issued  
30 to those certified as qualified and competent by licensed elevator  
31 contractors. The company shall furnish proof of competency as the  
32 department may require. Each license may include a photograph of the  
33 licensee. Each license must recite that it is valid for a period of  
34 ((~~thirty days~~)) one year from the date of issuance and for such  
35 particular conveyance or geographical areas as the department may  
36 designate, and otherwise entitles the licensee to the rights and  
37 privileges of an elevator mechanic license issued in this chapter. A  
38 temporary elevator mechanic license may be renewed by the department

1 and a fee as established in rule must be charged for any temporary  
2 elevator mechanic license or renewal.

3 (3) The renewal of all licenses granted under this section is  
4 conditioned upon the submission of a certificate of completion of a  
5 course designed to ensure the continuing education of licensees on  
6 new and existing rules of the department. The course must consist of  
7 not less than eight hours of instruction that must be attended and  
8 completed within one year immediately preceding any license renewal.

9 (4) The courses must be taught by instructors through continuing  
10 education providers that may include, but are not limited to,  
11 association seminars and labor training programs. The department must  
12 approve the continuing education providers. All instructors must be  
13 approved by the department and are exempt from the requirements of  
14 subsection (3) of this section with regard to his or her application  
15 for license renewal, provided that such applicant was qualified as an  
16 instructor at any time during the one year immediately preceding the  
17 scheduled date for such renewal.

18 (5) A licensee who is unable to complete the continuing education  
19 course required under this section before the expiration of his or  
20 her license due to a temporary disability may apply for a waiver from  
21 the department. This will be on a form provided by the department and  
22 signed under the pains and penalties of perjury and accompanied by a  
23 certified statement from a competent physician attesting to the  
24 temporary disability. Upon the termination of the temporary  
25 disability, the licensee must submit to the department a certified  
26 statement from the same physician, if practicable, attesting to the  
27 termination of the temporary disability. At which time a waiver  
28 sticker, valid for ninety days, must be issued to the licensee and  
29 affixed to his or her license.

30 (6) Approved training providers must keep uniform records, for a  
31 period of ten years, of attendance of licensees and these records  
32 must be available for inspection by the department at its request.  
33 Approved training providers are responsible for the security of all  
34 attendance records and certificates of completion. However,  
35 falsifying or knowingly allowing another to falsify attendance  
36 records or certificates of completion constitutes grounds for  
37 suspension or revocation of the approval required under this section.

38 **Sec. 3.** RCW 70.87.270 and 2003 c 143 s 4 are each amended to  
39 read as follows:

1 (1) The licensing requirements of this chapter do not apply to  
2 the maintenance of conveyances specified in (a) of this subsection if  
3 a person specified in (b) of this subsection performs the maintenance  
4 and the owner complies with the requirements specified in (c) and (d)  
5 of this subsection.

6 (a) The conveyance: (i) Must be a conveyance other than a  
7 passenger elevator to which the general public has access; and (ii)  
8 must be located in a facility in which agricultural products are  
9 stored, food products are processed, goods are manufactured, energy  
10 is generated, or similar industrial or agricultural processes are  
11 performed.

12 (b) The person performing the maintenance: (i) Must be regularly  
13 employed by the owner; (ii) must have completed the training  
14 described in (c) of this subsection; and (iii) must have attained  
15 journey level status in an electrical or mechanical trade, but only  
16 if the employer has or uses an established journey level program to  
17 train its electrical or mechanical trade employees and the employees  
18 perform maintenance in the course of their regular employment.

19 (c) The owner must provide the persons specified in (b) of this  
20 subsection adequate training to ensure worker safety and adherence to  
21 the published operating specifications of the conveyance  
22 manufacturer, the applicable provisions of this chapter, and any  
23 rules adopted under this chapter.

24 (d) The owner also must maintain both a maintenance log and a  
25 training log. The maintenance log must describe maintenance work  
26 performed on the conveyance and identify the person who performed the  
27 work. The training log must describe the course of study provided to  
28 the persons specified in (b) of this subsection, including whether it  
29 is general or conveyance specific, and when the persons completed the  
30 course of study.

31 (2) It is a violation of chapter 49.17 RCW for an owner or an  
32 employer: (a) To allow a conveyance exempt from the licensing  
33 requirements of this chapter under subsection (1) of this section to  
34 be maintained by a person other than a person specified in subsection  
35 (1)(b) of this section or a licensee; or (b) to fail to maintain the  
36 logs required under subsection (1)(d) of this section.

37 (3) The licensing requirements of this chapter do not apply to  
38 homeowners, or persons employed by homeowners, for permanent removal  
39 of a stairway chair lift or a platform lift located in a private  
40 residence as described in the American Society of Mechanical

1 Engineers A18.1 Safety Standard for Platform Lifts and Stairway  
2 Chairlifts, Sections 5, 6, and 7.

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