

LABOR COMMISSION SAFETY AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Gerry A. Adair

AN ACT RELATING TO LABOR; AMENDING SCOPE OF REGULATION OF BOILERS AND PRESSURE VESSELS; PROVIDING FOR THE INSPECTION OF ELEVATORS AND ESCALATORS; ADOPTING A SAFETY CODE FOR ELEVATORS AND ESCALATORS; PROVIDING FOR RULEMAKING; PROVIDING ENFORCEMENT AND PENALTIES; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

34A-7-101, as renumbered and amended by Chapter 375, Laws of Utah 1997

ENACTS:

34A-7-201, Utah Code Annotated 1953

34A-7-202, Utah Code Annotated 1953

34A-7-203, Utah Code Annotated 1953

34A-7-204, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34A-7-101** is amended to read:

34A-7-101. Scope of chapter -- Exemptions.

(1) Except as [otherwise] provided in [this section] Subsection (2), this part applies to [all boilers and pressure vessels] any boiler or pressure vessel used in:

(a) industrial or manufacturing establishments[;];

(b) business establishments[;];

(c) sawmills[;];

(d) construction jobs[;]; and [every]

(e) any place where workers or the public may be exposed to risks from the operation of boilers or pressure vessels.

(2) This part does not apply to:

~~[(1) boilers]~~ (a) a boiler or pressure vessel subject to inspection, control, or regulation under the terms of any law or regulation of the federal government or any of its agencies;

~~[(2)]~~ (b) an air [tanks] tank located on ~~[vehicles]~~ a vehicle used for transporting passengers or freight; or

~~[(3) pressure vessels meeting the requirements of the Interstate Commerce Commission for shipment of liquids or gases under pressure; or]~~

~~[(4)]~~ (c) [boilers and pressure vessels which are] a boiler or pressure vessel that is excluded from the Boiler and Pressure Vessel Code published by the American Society of Mechanical Engineers.

Section 2. Section **34A-7-201** is enacted to read:

Part 2. Elevator and Escalator Safety Act

34A-7-201. Title.

This part is known as the "Elevator and Escalator Safety Act."

Section 3. Section **34A-7-202** is enacted to read:

34A-7-202. Definitions.

As used in this part:

(1) "Division" means the Division of Safety within the commission.

(2) (a) "Elevator" means a hoisting and lowering mechanism:

(i) equipped with a car or platform; and

(ii) that moves in guides in a substantially vertical direction.

(b) "Elevator" does not mean:

(i) a device used for the sole purpose of elevating or lowering materials such as:

(A) a dumbwaiter;

(B) a conveyor; or

(C) a chain, bucket, or construction hoist;

(ii) a tiering, piling, feeding, or similar machine giving service within only one story;

(iii) a portable platform;

(iv) a stage lift;

- (v) a device installed in a single family dwelling;
- (vi) a device installed in a facility owned and operated by the federal government; or
- (vii) an amusement ride, as defined in Section 78-27-61.

(3) (a) "Escalator" means a stairway, moving walkway, or runway that is:

- (i) power-driven;
- (ii) continuous; and
- (iii) used to transport one or more individuals.

(b) "Escalator" does not mean:

(i) a device used for the sole purpose of elevating or lowering materials such as:

- (A) a dumbwaiter;
- (B) a conveyor; or
- (C) a chain, bucket, or construction hoist;

- (ii) a device installed in a single-family dwelling;
- (iii) a device installed in a facility owned and operated by the federal government; or
- (iv) an amusement ride, as defined in Section 78-27-61.

(4) "Owner or operator" means a person who owns, controls, or has the duty to control the operation of an elevator or escalator.

(5) "Safety code" means the one or more codes adopted by the division in accordance with Subsection 34A-7-203(6) to be used in inspecting elevators and escalators.

Section 4. Section **34A-7-203** is enacted to read:

34A-7-203. Requirements for operating an elevator or escalators -- Inspection -- Division duties.

(1) An elevator or escalator may not operate in this state unless:

(a) the owner or operator of the elevator or escalator obtains an inspection certificate under Subsection (3); and

(b) the inspection certificate described in Subsection (1)(a) has not:

- (i) expired under Subsection (3); or
- (ii) been suspended under Section 34A-7-204.

(2) An elevator or escalator used or proposed to be used in this state shall be inspected as to its safety to operate in accordance with the safety code:

(a) every two years; or

(b) more frequently than every two years if the division determines that more frequent inspections are necessary.

(3) (a) If upon inspection an elevator or escalator is safe to operate in accordance with the safety code, the inspector shall issue to the owner or operator an inspection certificate.

(b) An inspection certificate issued under Subsection (3)(a) shall expire two years from the date the inspection certificate is issued.

(4) An inspector employed by the division under this part shall at all times meet nationally recognized standards of qualifications for inspectors of elevators and escalators, as defined by rule by the division.

(5) The owner or operator of an elevator or escalator that is used in the state shall pay to the commission a fee in amounts set by the commission pursuant to Section 63-38-3.2:

(a) for inspection; and

(b) for an inspection certificate.

(6) The division:

(a) shall provide for the inspection of elevators and escalators in accordance with this section;

(b) shall adopt by rule one or more nationally recognized standards or other safety codes to be used in inspecting elevators or escalators; and

(c) may adopt amendments to the safety code adopted under Subsection (6)(b).

Section 5. Section **34A-7-204** is enacted to read:

34A-7-204. Suspension of inspection certificates -- Violation of part -- Misdemeanor -- Injunction.

(1) (a) The division may suspend an inspection certificate issued under Section 34A-7-203 if it finds that the elevator or escalator for which the inspection certificate is issued does not meet the requirements of the safety code.

(b) The suspension of an inspection certificate shall continue in effect until:

(i) the elevator or escalator conforms to the safety code; and

(ii) a new inspection certificate is issued.

(2) It is a violation of this part and a class C misdemeanor to operate an elevator or escalator in this state if:

(a) an inspection certificate for the elevator or escalator has not been issued;

(b) (i) an inspection certificate for the elevator or escalator is suspended; and

(ii) the requirements of Subsection (1)(b) are not met; or

(c) the elevator or escalator is knowingly operated while constituting a safety hazard.

(3) The division may bring a lawsuit in any court of this state to enjoin the operation of any elevator or escalator in violation of this part.