

Part 2 Elevator and Escalator Safety Act

34A-7-201 Title.

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

Enacted by Chapter 53, 1999 General Session

34A-7-202 Definitions.

As used in this part:

(1) "Division" means the Division of Boiler and Elevator 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 78B-4-507.

(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 78B-4-507.

(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.

Amended by Chapter 3, 2008 General Session

34A-7-203 Requirements for operating an elevator or escalator -- 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 63J-1-504:
 - (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).

Amended by Chapter 183, 2009 General Session

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.

Enacted by Chapter 53, 1999 General Session