

House Bill 2548

Sponsored by Representative KRUMMEL (at the request of Pace Equipment Company, Wilsonville)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes system for regulating installation, alteration, repair, maintenance and operation of reciprocating conveyors. Removes reciprocating conveyors from regulation under Elevator Safety Law. Applies to submission of plans and specifications for, and to installations, alterations, repairs and maintenance of, reciprocating conveyors on or after July 1, 2008.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to reciprocating conveyors; creating new provisions; amending ORS 460.035; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. As used in sections 1 to 5 of this 2007 Act, "reciprocating conveyor" means**
6 **a self-contained, power-driven stationary device that moves only bulk material, packages or**
7 **other objects on a platform that is at least nine square feet in area and equipped with safety**
8 **guards, along a predetermined horizontal, inclined or vertical path between loading and dis-**
9 **charge points.**

10 **SECTION 2. (1) The Department of Consumer and Business Services may issue a person**
11 **a license authorizing the person to engage in the installation, alteration, repair and mainte-**
12 **nance of reciprocating conveyors. The department shall issue a license to a person who:**

13 (a) **Makes a license application in a form approved by the department and pays the ap-**
14 **plication fee;**

15 (b) **Pays the license fee; and**

16 (c) **Presents evidence satisfactory to the department that the person:**

17 (A) **Has completed at least 1,000 hours of work within the United States in installing,**
18 **altering, repairing and maintaining reciprocating conveyors; or**

19 (B) **Is employed by a reciprocating conveyor manufacturer or vendor and has completed**
20 **reciprocating conveyor manufacturer training programs for the installation, alteration, re-**
21 **pair and maintenance of the reciprocating conveyors manufactured, sold or serviced by the**
22 **manufacturer or vendor.**

23 (2) **If the department determines that another state has licensing qualifications that are**
24 **at least as rigorous as the licensing qualifications described in subsection (1) of this section,**
25 **the department may enter into agreements with the other state for the reciprocal granting**
26 **of licenses for persons to engage in the installation, alteration, repair and maintenance of**
27 **reciprocating conveyors.**

28 (3) **A license issued under this section is valid for three years and may be renewed by**
29 **paying the required renewal fee.**

30 (4) **The department may suspend or revoke a license issued under this section if the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 licensee:

2 (a) Installs, alters, repairs or maintains a reciprocating conveyor in a manner that fails
3 to meet safety standards adopted by the department under section 4 of this 2007 Act; or

4 (b)(A) At the time of licensing, qualified under subsection (1)(c)(B) of this section but not
5 under subsection (1)(c)(A) of this section;

6 (B) Has ceased to be employed by a reciprocating conveyor manufacturer or vendor; and

7 (C) At the time of ceasing employment with the manufacturer or vendor, had not com-
8 pleted at least 1,000 hours of work within the United States in installing, altering, repairing
9 and maintaining reciprocating conveyors.

10 **SECTION 3.** (1) Manufacturer plans and specifications for a reciprocating conveyor must
11 be submitted to the Department of Consumer and Business Services in triplicate by a person
12 licensed under section 2 of this 2007 Act.

13 (2) The department shall review plans and specifications submitted as provided in sub-
14 section (1) of this section to determine whether the reciprocating conveyor meets the safety
15 standards adopted by the department under section 4 of this 2007 Act. No later than 30 days
16 after receiving plans and specifications described in subsection (1) of this section, the de-
17 partment shall:

18 (a) Approve or reject the plans and specifications; and

19 (b) Issue or deny a permit for installation or alteration of the reciprocating conveyor.

20 (3) The installation or alteration of a reciprocating conveyor authorized by a permit is-
21 sued under this section does not require an electrical license or permit under ORS 479.510
22 to 479.945. However, the connection of a reciprocating conveyor to a power source is subject
23 to the license and permit requirements of ORS 479.510 to 479.945.

24 (4) The department shall conduct a safety inspection of the installed or altered
25 reciprocating conveyor under section 4 of this 2007 Act before issuing an initial operating
26 permit.

27 **SECTION 4.** (1) The Department of Consumer and Business Services shall adopt safety
28 standards for the installation, alteration, repair and maintenance of reciprocating conveyors.
29 In adopting safety standards under this subsection, the department shall use the ASME B20.1
30 Safety Standards for Conveyors and Related Equipment developed by the American Society
31 of Mechanical Engineers, or a successor to that ASME standard, unless the department finds
32 that there is good cause not to use that standard.

33 (2) The department shall periodically conduct safety inspections on reciprocating con-
34 veyors and issue operating permits for reciprocating conveyors. The department shall de-
35 termine reciprocating conveyor inspection periods that are reasonable for ensuring the
36 safety of persons working near the conveyors.

37 (3) In accordance with applicable provisions of ORS chapter 183, the Director of the De-
38 partment of Consumer and Business Services may adopt rules necessary for the adminis-
39 tration of sections 1 to 5 of this 2007 Act.

40 (4) The director shall adopt by rule appropriate fees for license applications, issuance and
41 renewal under section 2 of this 2007 Act and for reciprocating conveyor plan and specification
42 review, inspections and operating permits. Fees adopted under this subsection may not ex-
43 ceed:

44 (a) For a license application under section 2 of this 2007 Act, \$15.

45 (b) For issuance of a three-year license under section 2 of this 2007 Act, \$60.

1 (c) For renewal of a three-year license under section 2 of this 2007 Act, \$60.

2 (d) For reciprocating conveyor plans and specification review, \$78.

3 (e) For inspecting a reciprocating conveyor installation or alteration, if the total cost of
4 the installation or alteration is:

5 (A) Not greater than \$1,000, \$98.

6 (B) Greater than \$1,000 but less than \$15,000, \$98 plus \$13 for each \$1,000 or fraction of
7 \$1,000 by which the cost exceeds \$1,000.

8 (C) \$15,000 or greater but less than \$50,000, \$280 plus \$8 for each \$1,000 or fraction of
9 \$1,000 by which the cost exceeds \$15,000.

10 (D) \$50,000 or greater, \$553 plus \$3 for each \$1,000 or fraction of \$1,000 by which the cost
11 exceeds \$50,000.

12 (f) For call-back or requested inspections of a reciprocating conveyor, \$55 per hour for
13 inspection and travel time.

14 (g) For a reciprocating conveyor operating permit, \$52 for each year of the inspection
15 period determined under subsection (2) of this section.

16 (5) Moneys received from fees established under this section and from the collection of
17 civil penalties imposed under section 6 of this 2007 Act shall be deposited into the Consumer
18 and Business Services Fund and used only for the administration and enforcement of
19 sections 1 to 5 of this 2007 Act.

20 **SECTION 5. A person may not:**

21 (1) Except as provided in this subsection, install, alter, repair or maintain a reciprocating
22 conveyor unless the person holds a license issued by the Department of Consumer and
23 Business Services under ORS 460.057 or 479.630 (6) or section 2 of this 2007 Act. A limited
24 supervising electrician licensed under ORS 479.630 (3) or a limited journeyman electrician li-
25 censed under ORS 479.630 (5) may repair and maintain a reciprocating conveyor located in
26 an industrial plant.

27 (2) Install or alter a reciprocating conveyor unless the department has approved the
28 plans and specifications for the conveyor.

29 (3) Place a reciprocating conveyor into operation without an inspection by the depart-
30 ment.

31 (4) Permit or suffer a reciprocating conveyor to be operated without a valid operating
32 permit on property the person owns, controls, manages or supervises.

33 **SECTION 6. In addition to any other sanction, the Department of Consumer and Busi-
34 ness Services may impose a civil penalty on a person who violates any provision of section
35 5 of this 2007 Act or commits an act described in section 2 (4)(a) of this 2007 Act. The civil
36 penalty may not exceed \$5,000.**

37 **SECTION 7. ORS 460.035 is amended to read:**

38 460.035. (1) Fees are not required under ORS 460.005 to 460.175 to install, alter, repair, operate
39 or maintain an elevator:

40 (a) Under the supervision of the United States Government.

41 (b) That is a nonpower-driven lifting device.

42 (c) Located in a private residence, except for initial installation.

43 (2) The owner or user of an elevator described in subsection (1) of this section may request that
44 the Department of Consumer and Business Services inspect the elevator. If the department performs
45 the inspection, the department, notwithstanding subsection (1) of this section, may collect the ap-

1 appropriate fee for performing the inspection.

2 (3) Pipes installed in an elevator hoistway prior to July 1, 1961, that do not convey gases or
3 liquids that would endanger life if discharged into the hoistway need not be removed.

4 (4) ORS 460.005 to 460.175 do not apply to:

5 (a) Belt, bucket, scoop, roller or similar type material conveyors.

6 (b) Hoists for raising or lowering materials and that are provided with unguided hooks, slings
7 and similar means for attachment to the materials.

8 (c) Material hoists used only to raise and lower building material in buildings under con-
9 struction.

10 **(d) Reciprocal conveyors as defined in section 1 of this 2007 Act.**

11 [(d)] **(e)** Stackers that serve one floor only.

12 [(e)] **(f)** Window-washing scaffolds.

13 [(f)] **(g)** Nonpower-driven lifting devices.

14 [(g)] **(h)** Amusement rides.

15 [(h)] **(i)** Mine elevators.

16 [(i)] **(j)** Elevators under the supervision of the United States Government.

17 [(j)] **(k)** Elevators located in private residences, except for initial installation.

18 [(k)] **(L)** Other elevators and equipment as provided by the department by rule.

19 **SECTION 8. (1) The Department of Consumer and Business Services shall make licensing**
20 **under section 2 of this 2007 Act available to applicants on or before January 1, 2008. Licenses**
21 **issued under section 2 of this 2007 Act prior to July 1, 2008, shall become effective July 1,**
22 **2008, and shall expire July 1, 2011.**

23 **(2) The department shall adopt rules establishing initial safety standards and inspection**
24 **periods under section 4 of this 2007 Act in time for the rules to become effective July 1, 2008.**

25 **(3) Sections 3, 5 and 6 of this 2007 Act and the amendments to ORS 460.035 by section 7**
26 **of this 2007 Act become operative July 1, 2008.**

27 **SECTION 9. This 2007 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
29 **on its passage.**

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