

Senate Bill 350

Sponsored by Senator MONROE

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**.

Prohibits placing elevator that has injured assistance animal or assistance animal trainee into service without permission of Department of Consumer and Business Services. Requires Director of Department of Consumer and Business Services to consider probability, extent and gravity of injury to assistance animals that would result from failure to adopt elevator safety standard. Allows disconnection of elevator without advance notice if elevator is immediate hazard to assistance animals.

A BILL FOR AN ACT

1
2 Relating to elevators; amending ORS 460.045, 460.085 and 460.125.

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

4 **SECTION 1.** ORS 460.045 is amended to read:

5 460.045. A person may not:

6 (1) Engage in the business of installation, alteration, repair or maintenance of an elevator
7 without an elevator contractor license issued under ORS 460.005 to 460.175 or 479.510 to 479.945.

8 (2) Install, alter, repair or maintain an elevator unless the person possesses a valid license is-
9 sued under ORS 460.059 or 479.630 (6).

10 (3) Install, alter, or commence to install or alter, an elevator covered by ORS 460.005 to 460.175
11 unless the Department of Consumer and Business Services has approved the plans and pertinent
12 data for the installation or alteration.

13 (4) Permit or suffer an elevator to be operated, without a current operating permit, on property
14 that the person owns, controls, manages or supervises.

15 (5) Act or offer to act as a certified elevator inspector unless the person has a current certif-
16 icate of competency as an elevator inspector issued by the department.

17 (6) Place in service a new or altered elevator without a current operating permit issued after
18 a satisfactory acceptance inspection made by the department and satisfactory acceptance tests per-
19 formed in the presence of a member of the department's staff of elevator inspectors.

20 (7) Place in service an elevator that has caused an injury to a person or *[persons]* **to an as-**
21 **sistance animal or assistance animal trainee, both as defined in ORS 346.680**, unless permission
22 has been obtained from the department.

23 **SECTION 2.** ORS 460.085 is amended to read:

24 460.085. (1) In accordance with the applicable provisions of ORS chapter 183, the Director of the
25 Department of Consumer and Business Services, after consultation with the Electrical and Elevator
26 Board, shall adopt reasonable rules:

27 (a) Establishing safety standards applicable to the installation of elevators.

28 (b) Establishing safety standards applicable to the alteration, repair or maintenance of elevators.

29 The director may provide differing standards for elevators installed prior to July 1, 1961, and after

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 July 1, 1961.

2 (c) Governing the issuance, renewal, suspension and revocation of permits and certificates of
3 competency issued under ORS 460.005 to 460.175.

4 (d) Prescribing the time, place and circumstances under which permits, licenses and certificates
5 of competency shall be exhibited for inspection.

6 (e) Governing the internal organization and procedure of the Department of Consumer and
7 Business Services for administering and enforcing ORS 460.005 to 460.175.

8 (f) Prescribing, requiring and governing reports by the department's staff of elevator inspectors
9 and certified elevator inspectors on elevators inspected by them.

10 (g) Establishing standards, criteria and intervals for the periodic inspection under ORS 460.125
11 of the various types of elevators.

12 (h) Establishing standards for the inspection of, and safety testing on, a new or altered elevator
13 prior to placement of the elevator into service.

14 (i) Establishing fees under ORS 460.165 and any other reasonable fees the department considers
15 appropriate for the purpose of administering and enforcing ORS 460.005 to 460.175.

16 (2) In adopting rules under subsection (1) of this section, the director shall consider:

17 (a) Technological advances in the elevator industry.

18 (b) The practicability of following the standards under consideration, if adopted.

19 (c) The probability, extent and gravity of the injury to the public or **to assistance animals or**
20 **other** property that would result from failure to follow the standards under consideration.

21 (d) Safety standards followed, proposed or approved by responsible members of the elevator in-
22 dustry.

23 (3) The sole purpose of subsection (1)(b) of this section is to provide reasonable safety for life
24 and limb. In case of practical difficulty or unnecessary hardship, the director shall grant exceptions
25 from the literal requirements or permit the use of other devices or methods than specified pursuant
26 to subsection (1)(b) of this section when it is evident that reasonable safety is thereby secured.

27 (4) Any owner, user or other person aggrieved by the application by the department of the
28 minimum safety standards established by the director pursuant to subsection (1)(b) of this section
29 may appeal in the same manner and for the same reasons as provided under ORS 460.155.

30 **SECTION 3.** ORS 460.125 is amended to read:

31 460.125. (1) The Department of Consumer and Business Services shall:

32 (a) Except as provided in this subsection, periodically inspect each elevator to ascertain if the
33 elevator is being operated and maintained in accordance with ORS 460.005 to 460.175. The depart-
34 ment is not required to inspect an elevator if the department is notified in writing, by the employer
35 of a certified elevator inspector, that inspection will be made by the certified inspector and a copy
36 of the inspection report is filed with the department within 30 days of the date the elevator is due
37 for inspection.

38 (b) Periodically check the authenticity, appropriateness and expiration date of elevator permits.

39 (c) Review with the Electrical and Elevator Board any appeals from the decisions of the in-
40 spectors.

41 (d) To the extent necessary to ensure safety, perform inspections and witness safety tests of new
42 or altered elevators before the elevators are placed in service.

43 (2) Inspection reports provided to owners, users or other affected parties shall contain a notifi-
44 cation of the right of appeal as provided in ORS 460.155.

45 (3) If the department finds that an elevator is being operated otherwise than in compliance with

1 ORS 460.005 to 460.175, the department may cause the elevator to be disconnected from the source
2 of power for the elevator. The department shall give reasonable notice to the owner or operator
3 prior to causing the elevator to be disconnected unless continued operation of the elevator would
4 constitute an immediate hazard to the health and safety of persons **or of assistance animals as**
5 **defined in ORS 346.680.**

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