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182

TO: Senator Eliason, Chairman
Senate Labor & Commerce

FROM: Senator Josephson

DATE: April 5, 1983

RE: SENATE BILL 132 "An act relating to elevator safety standards."

Mr. Chairman and members of the committee, Senate Bill 182 is before you today as another of those concerns to which we legislators must pay close attention. It is a house cleaning measure.

Every three years, the American Society of Mechanical Engineers revises and adopts the safety code for installation and operation of elevators, escalators, dumb waiters, and moving sidewalks, recognizing the most recent technology in the field. The 1981 code described in this bill is the most recent effort in this state to meet those standards.

Adoption of the 1981 Elevator Safety Code would bring Alaska's minimum standards into conformity with the Basic Building Code, the National Building code, the Standard Building Code, and the Uniform protective devices, alteration, repairs, and/or replacements. Other important features which are incorporated in the code are those regarding venting, as well as the operation of elevators under fire or other emergency conditions. It adopts the current National Safety Practice's inspector's manual as the guide for Department of Labor elevator inspectors.

The bill further permits municipalities to adopt their own standards for safety as long as the minimum standards do not conflict with minimum state standards. Currently, the Municipality of Anchorage has adopted an elevator code and performs inspections within its jurisdiction.

The bill has no fiscal impact.

Bill No. Senate Bill 182

Date March 31, 1983.

Title "An Act relating to elevator safety standards."

Contact: Judy Knight
465-2700
Bob Bacolas
465-4870

Every three years, the American Society of Mechanical Engineers revises the safety code for installation and operation of elevators, escalators, dumbwaiters and moving sidewalks to incorporate technological advances. The 1981 code described in this bill is the most recent effort in this regard. The 1978 code presently in effect for the State of Alaska is, therefore, outdated and will not be reprinted by or otherwise be available from the American Society of Mechanical Engineers.

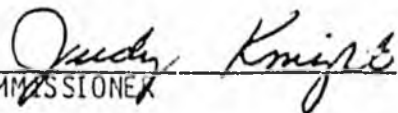
Adoption of the 1981 Elevator Safety Code would bring Alaska's minimum standards into conformity with the Basic Building Code, the National Building Code, the Standard Building Code, and the Uniform Building Code which are commonly accepted and used by industry as minimum standards. These codes are also commonly adopted by political subdivisions as the minimum standards enforced under their building inspection programs.

This bill also provides that municipalities may adopt and enforce their own elevator safety standards as long as the standards are at least as effective as the state standards. This would permit municipalities to extend their self-governing powers to this aspect of public safety if they wished. The Municipality of Anchorage presently has an elevator inspection program and conducts inspections in its jurisdiction.

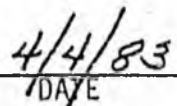
The 1981 elevator safety code addresses the emergency power source provisions set out in AS 18.60.810. Repeal of this section as proposed in Section 5 of the bill is, therefore, appropriate."

The Department of Labor supports passage of this bill. It would not have any fiscal impact.

APPROVED:



COMMISSIONER



DATE

POSITION PAPER/Department of Labor

STATE OF ALASKA
FISCAL NOTE

Revision Date Original, 1983

I. REQUEST

Bill/Resolution No.: Senate Bill 182
 Title: "...levator safety standards..."
 Sponsor: Senator Josephson
 Requestor: Labor and Commerce

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Worker Protection
 BRU, Program of Subprogram(s) Affected:
Labor Standards and Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not applicable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: ^{PK} Robert J. Bacolas, Sr. *R. Bacolas* Phone 465-4870
 Division: Labor Standards and Safety Date: March 23, 1983

Approved by Commissioner: Jim Roby *Jim Roby* Date: March 23, 1983
 Department: Labor

LEG:A:29

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

1. Number of operational elevators in the state:

| | |
|-------------------|------------|
| City of Anchorage | 425 |
| Rest of State | <u>461</u> |
| Total | 886 |

2. Number of pending elevator installations (anticipated they will be installed by July 1):

| | |
|-------------------|-----------|
| City of Anchorage | 30 |
| Rest of State | <u>10</u> |
| Total | 40 |

3. Number of elevator inspections:

July 1, 1982 - April 1, 1983 - State - 177
October 1, 1982 - April 1, 1983 - City of Anchorage - 196

4. Number of elevators overdue for reinspection:

State - 131 (longest was due for inspection in July 1982)
City of Anchorage - 25

The State has no backlog in new installation inspections.

5. Number of new elevator installations/inspections:

State - July 1, 1982 - April 1, 1983 - 23
City of Anchorage - October 1, 1982 - April 1, 1983 - 56

6. The problem with the elevator in the Hunt Building in Anchorage was caused by a blown fuse. The telephone system in the elevator was working but the answering service was not able to get ahold of the service people for 3 hours. The fire department stood by until the service people arrived.

Collateral references. — 26 Am. Jur. 2d, Elevators and Escalators, §§ 1-13.

39A C.J.S., Health and Environment, §§ 28-32.

What is "passenger elevator" within safety statute or regulation. 77 ALR2d 477.

Liability of owner or operator for injury caused by door of automatic passenger elevator. 63 ALR3d 893.

Liability of installer or maintenance company for injury caused by failure of automatic elevator to level at floor. 63 ALR3d 996.

Liability for injury caused by fall of person into shaft, or by abrupt drop, sudden movement, or stopping between floors, of automatic passenger elevator. 64 ALR3d 950.

Liability of installer or maintenance company for injury caused by door of automatic passenger elevator. 64 ALR3d 1005.

Liability of owner or operator for injury caused by failure of automatic elevator to level at floor. 64 ALR3d 1020.

Sec. 18.60.800. Elevator safety standards. (a) The 1978 edition of the American National Standards Institute Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks published by the American Society of Mechanical Engineers is adopted as the minimum elevator safety code in the state.

(b) The Department of Labor shall

(1) adopt or change regulations to carry out the provisions of AS 18.60.800 — 18.60.820;

(2) inspect and certify elevators to meet the safety requirements;

(3) establish, by regulation, fees for inspections performed under AS 18.60.800 — 18.60.820; and

(4) maintain a record of all inspections performed and of all inspection fees collected.

(c) Inspections of elevators by the department shall be performed in accordance with the procedures set out in the American National Standards Institute's Practice (Inspector's Manual — ANSI 17.2), as approved May 29, 1973.

(d) In AS 18.60.800 — 18.60.820, "elevator" includes elevators, dumbwaiters, escalators and moving walks. (§ 1 ch 44 SLA 1976; am § 1 ch 20 SLA 1979)

Effect of amendments. — The 1979 amendment, in subsection (a), substituted "1978 edition of the American National Standards Institute Safety Code" for "Department of Labor shall adopt the 1971 edition of the American National Stan-

dard Safety Code" and "elevator safety code in" for "elevator safety standards of" and inserted "is adopted"; in subsection (b), deleted "and" from the end of paragraph (1) and added paragraphs (3) and (4); and added subsections (c) and (d).

Sec. 18.60.810. Emergency power source. All elevators which do not have an alternate power source shall be equipped with an emergency power source which will produce sufficient power to provide lights inside the elevator and a ringing alarm which can be heard in the building for five hours. (§ 1 ch 44 SLA 1976)

Sec. Labor each v. 15 day notice of violation

Section 822. Sn

Colla Health

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Section 10. Cer 20. App i 30. Fee 40. Du

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Sec. 18.60.820. **Enforcement of compliance.** A Department of Labor inspector shall give written notice to the owner of an elevator of each violation of safety standards as a result of his inspection. If within 15 days after receipt of written notice of a safety violation the person notified does not rectify the condition, the commissioner of the Department of Labor shall authorize the elevator to be closed until the safety violations are rectified. (§ 1 ch 44 SLA 1976)

Article 11. Snow Safety.

Section

822. Snow safety and operation plan

Collateral references. — 39A C.J.S.,
Health and Environment, §§ 3, 5, 47.

Sec. 18.60.822. **Snow safety and operation plan.** A ski area may not be operated except under a snow safety and operation plan approved

- (1) by the commissioner of public safety; or
- (2) by the agency of the United States that manages land on which the ski area operates. (§ 3 ch 80 SLA 1980)

Cross references. — As to limitations on claims arising from skiing, see AS 09.65.135.

Chapter 62. Certificates of Fitness.

Section

- 10. Certificate of fitness required
- 20. Application for and issuance of certificate
- 30. Fee
- 40. Duration of certificate

Section

- 50. Issuance and contents of certificate
- 60. Power of the department
- 70. Persons required to obtain certificate
- 80. Penalty

NOTES TO DECISIONS

For comparison of this chapter with AS 08.40.005 — 08.40.200, "Electrical Administrators," see Allison v. State, Sup. Ct. Op. No. 1703 (File No. 3716), 583 P.2d 813 (1978).

LEGISLATIVE PROPOSAL ANALYSIS

RECEIVED

FEB 15 1983

PUBLIC WORKS
DIRECTORS OFFICE

Subject of Proposed Bill:

"Elevator Safety Standards"

Background Information:

Every three years, the American Society of Mechanical Engineers revises and adopts the safety code for installation and operation of elevators, escalators, dumb waiters, and moving sidewalks, recognizing the most recent technology in this field. Existing elevator installations will not be required to meet the updated standards,

Summary:

The bill amends AS 18.60.800 to adopt the 1981 Safety Code which conforms to 1) the Basic Building Code; 2) the National Building Code; 3) the Standard Building Code; and 4) the Uniform Building Code with respect to fire resistance ratings, earthquake protective devices, alteration, repairs, and/or replacements. Therefore, all codes are uniform in addressing the safety codes for installation of elevators, escalators, etc. Other important features which are incorporated in the code are those regarding venting, as well as the operations of elevators under fire or other emergency conditions. It adopts the current National Safety Practice's inspector's manual as the guide for Department of Labor elevator inspectors.

The bill adds AS 18.60.830, to provide that municipalities may adopt their own standards as long as those standards are at least as stringent as those required under AS 18.60.800. Currently, the Municipality of Anchorage has adopted an elevator code and performs inspections within its jurisdiction. AS 18.60.810 is repealed in Section 4 of the bill. The current safety code adopted in Section 1 of the bill requires an emergency power source for elevators, making AS 18.60.810 unnecessary.

Estimated Fiscal Impact: (FY '83 - FY '87)

To the state: -0-

To others: -0-

Constituent Groups:

Opposed: N/A

In Favor: City of Anchorage

OTIS ELEVATOR COMPANY

Far West Region

Bayview Commercial Center

619 Warehouse Avenue, Suite 202, Anchorage, Alaska 99501 (907) 278-4575

April 12, 1983

Senator Joe Josephson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, AK. 99611

Subject: Senate Bill No. 182 - Referred by the Department of Labor
and Commerce - March 17, 1983

Dear Senator Josephson,

We have reviewed Senate Bill No. 182 and must express our concern regarding the change to the elevator safety standards.

Section 2 - AS18.60.800 (b)(2) permits inspections to be made in a Municipality at the option of the Municipal Inspection Division.

OTIS Elevator installs the majority of all elevators within and outside the Municipality of Anchorage and have found that the State of Alaska Elevator Inspection Division is most competent, fair and thorough although somewhat short handed.

Inspections for new installations have to be scheduled in advance (two to six weeks) to assure that an Inspector is available at the time the project is completed.

The code you are adopting does not permit the operation of the elevator without the approved inspection tests, which we feel is appropriate.

However, due to the number of installations we install and maintain, the single inspector the State has is extremely pressed to make all the additional annual safety inspections.

Moreover, we express our concern within the Municipality of Anchorage because of the degree of sophistication of the elevator equipment and the large population of people using this type of equipment.

In the last several years the State has given over the inspection duties to the Municipality on the assumption that all inspections would be made in accordance with the ANSI code and will be at least as stringent if not more so than State Inspections.



Subsidiary of

**UNITED
TECHNOLOGIES.**

Senator Joe Josephson
Subject : Senate Bill No. 182
Page 2

The State at that time kept the right to make spot checks on Municipal elevators should it be determined that safety hazards and other considerations be involved.

It is the writers opinion that current inspections being made by the Municipality are not as indepth as those made by the State.

Certain requirements being forced upon owners outside the Municipality are not being requested on similar installations within the Anchorage area.

Every nine days OTIS Elevators alone move the equivalent of the worlds population and we are exposed to tremendous liabilities. Subsequently, we encourage professional safety inspections by both our service mechanics, installation crews and the appropriate inspection agency to ensure that all aspects of the installation are within the ANSI guidelines.

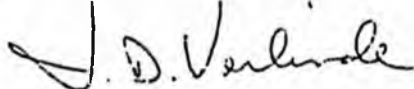
By the same token we would encourage the Municipality to become more stringent in their inspections as we fear that any new competitors that come into our State may take shortcuts in installation and maintenance services to provide more attractive pricing with their products or services.

Although we realize the section indicates that it is up to the Commissioner to determine that the inspection and certification by the Municipality adequately protect the public we feel that this is a provision which will be ineffectively regulated and enforced. We feel the Commissioner is not intimately familiar with elevator systems and unless the inspectors are in constant training they themselves will not be able to understand the "workings" of the new computerized equipment.

We respectfully request that you reconsider your Senate Bill and not ammend Section 2 AS18.60.800 (b)(2).

Respectfully submitted,

OTIS ELEVATOR COMPANY



J. D. Verlinde
Manager - Alaska

CC: Senator John Sackett
Senator Don Bennett
Senator Pat Rodey
Senator Richard Eliason
Senator Bob Mulcahy

THIS

I. REQUEST

Bill/Resolution No.: Senate Bill 182
 Title: "...elevator safety standards..."
 Sponsor: Senator Josephson
 Requestor: Labor and Commerce

II. FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Worker Protection
 BRU, Program of Subprogram(s) Affected: Labor Standards and Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not applicable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: ^{PBL} Robert J. Bacolas, Sr. *R. Bacolas*
 Division: Labor Standards and Safety

Phone: 465-4870
 Date: March 23, 1983

Approved by Commissioner: Jim Robison *Jim Robison*
 Department: Labor

Date: March 23, 1983