

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE JUNE 26, 2008

AMENDED IN SENATE JUNE 19, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2629

Introduced by Assembly Member Evans

February 22, 2008

An act to amend ~~Section~~ *Sections 7311.2 and 7317* of, and to add Section 7311.25 to, the Labor Code, relating to safety of conveyances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2629, as amended, Evans. Conveyances: exclusions.

Existing law both prohibits a conveyance from being operated and prohibits a conveyance from being erected, constructed, installed, or materially altered unless a permit for that action is issued by or on behalf of the Division of Occupational Safety and Health of the Department of Industrial Relations and unless the permit is kept posted conspicuously on the conveyance or kept at the construction site, respectively. Existing law establishes other safety-related requirements applicable to specified conveyances.

Existing law requires a person who, without supervision, erects, constructs, installs, alters, tests, maintains, services or repairs, removes, or dismantles a conveyance to be certified as a competent conveyance mechanic by the division. *An exemption from that certification requirement is provided for platform lifts and stairway chairlifts installed in specified private residences.*

This bill would remove from the exemption conveyances located in a multiunit residential building serving more than 2 dwelling units and not accessible to the public.

This bill would permit manlifts that are installed and used in agricultural production, processing, and handling facilities to be inspected and maintained in accordance with specified standards by a competent person designated by the owner or operator of the facilities even if that person is not certified as a competent conveyance mechanic. Annual inspections required by statute still would be required to be performed by a certified competent conveyance mechanic.

Existing law exempts from specified safety-related requirements conveyances under the jurisdiction of the United States government, located in a single-unit private home and not accessible to the public, and located in a multiunit residential building serving no more than 2 dwelling units and not accessible to the public, except that the conveyances in the last category are required to be inspected by the division upon completion of installation prior to being placed in service or after major alterations.

This bill would also exempt from the specified requirements conveyances located in a hydroelectric facility. However, the bill would require that conveyances located in a single-unit private home and not accessible to the public be inspected by the division upon completion of installation prior to being placed in service or after major alterations.

This bill would also make nonsubstantive changes to existing provisions, including updating the name of a federal agency office.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7311.2 of the Labor Code is amended to
- 2 read:
- 3 7311.2. (a) ~~On and after June 30, 2003, except~~ *Except* as
- 4 provided in subdivisions (b) and (c) of Section 7301.5, ~~any~~ *a* person
- 5 who, without supervision, erects, constructs, installs, alters, tests,
- 6 maintains, services or repairs, removes, or dismantles ~~any~~ *a*
- 7 conveyance covered by this chapter, shall be certified as a certified
- 8 competent conveyance mechanic by the division. This section does
- 9 not apply to platform lifts and stairway chairlifts installed in a

1 private residence as provided in paragraph (2) ~~or (3)~~ of subdivision
2 (a) of Section 7317.

3 (b) Before March 1, 2003, the division shall establish an
4 application procedure and all requirements for certification under
5 this section as a certified competent conveyance mechanic,
6 consistent with all of the following:

7 (1) At a minimum, a certified competent conveyance mechanic
8 applicant shall meet both of the following requirements:

9 (A) ~~Three years~~ *years of* work experience in the conveyance
10 industry in construction, maintenance, and service and repair of
11 conveyances covered by this chapter. This experience shall be
12 verified by current and previously licensed elevator contractors or
13 by current and previously certified qualified conveyance
14 companies, as required by the division.

15 (B) One of the following:

16 (i) Satisfactory completion of a written examination
17 administered by the division on the most recent applicable codes
18 and standards.

19 (ii) A certificate of completion and successfully passing the
20 mechanic examination of a nationally recognized training program
21 for the conveyance industry, such as the National Elevator Industry
22 Educational Program or its equivalent.

23 (iii) A certificate of completion of an apprenticeship program
24 for elevator mechanic, having standards substantially equal to
25 those of this chapter, and which program shall be registered with
26 the ~~Bureau~~ *Office* of Apprenticeship and Training of the United
27 States Department of Labor or a state apprenticeship council.

28 (iv) A certificate or license from another state having standards
29 substantially equal to or more comprehensive than those of this
30 chapter.

31 (v) The applicant applies on or before December 31, 2003, and
32 within the three years immediately prior to January 1, 2003, has
33 documented at least three years of actual work experience in the
34 conveyance industry in construction, maintenance, and service
35 and repair of conveyances covered by this chapter. This experience
36 shall be as a journey-level mechanic working without direct and
37 immediate supervision, and shall be verified by currently and
38 previously licensed conveyance contractors or by current and
39 previously certified qualified conveyance companies, as required
40 by the division.

1 (2) At a minimum, each application for certification as a certified
 2 competent conveyance mechanic shall include the information
 3 required by the division and the fee required by this chapter.

4 ~~SECTION 1.~~

5 *SEC. 2.* Section 7311.25 is added to the Labor Code, to read:

6 7311.25. (a) As used in this section, the following terms have
 7 the following meanings:

8 (1) “Agricultural production, processing, and handling facilities”
 9 includes grain elevators, feed mills, flour mills, rice mills, rice
 10 dryers, and other similar facilities.

11 (2) “Applicable Elevator Safety Orders” means the Elevator
 12 Safety Orders referenced in Subchapter 6 (commencing with
 13 Section 3000) of Chapter 4 of Division 1 of Title 8 of the California
 14 Code of Regulations, and any successors to those orders.

15 (b) Notwithstanding Section 7311.2 or any other provision of
 16 this chapter, an owner or operator of agricultural production,
 17 processing, and handling facilities may designate a competent
 18 person in his or her employ to maintain, repair, service, lubricate,
 19 or test manlifts installed and used at the facilities if the manlifts
 20 are maintained and inspected in accordance with applicable
 21 Elevator Safety Orders. The designated competent person need
 22 not be a certified competent conveyance mechanic.

23 (c) The designated competent person may inspect the manlifts
 24 each month as required by applicable Elevator Safety Orders, but
 25 only a certified competent conveyance company or mechanic may
 26 perform the inspection required by Section 7304 to take place at
 27 least annually.

28 ~~SEC. 2.~~

29 *SEC. 3.* Section 7317 of the Labor Code is amended to read:

30 7317. (a) Except as provided in subdivision (b), the following
 31 conveyances are exempt from this chapter:

32 (1) Conveyances under the jurisdiction of the United States
 33 government.

34 (2) Conveyances located in a single-unit private home and not
 35 accessible to the public.

36 (3) Conveyances located in a multiunit residential building
 37 serving no more than two dwelling units and not accessible to the
 38 public.

39 (4) Conveyances located in a hydroelectric facility.

1 (b) Conveyances otherwise exempted pursuant to paragraphs
2 (2) and (3) of subdivision (a) shall be inspected by the division
3 upon completion of installation prior to being placed in service or
4 after major alterations. The inspection shall be for safety and
5 compliance with orders or regulations applicable to the type of
6 conveyance installed.

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