

- SUBJECT:** Exempting certain buildings from elevator-safety inspections
- COMMITTEE:** Licensing and Administrative Procedures — favorable, with amendments
- VOTE:** 9 ayes — Wilson, Kubiak, Brimer, Dear, Goolsby, D. Jones, Pickett, Torres, Yarbrough
- 0 nays
- SENATE VOTE:** On final passage, March 16 — voice vote
- WITNESSES:** For — Frank Meyers, TU Electric and Association of Electric Companies of Texas.
- Against — None
- BACKGROUND:** In 1993 the Legislature enacted a requirement that the Texas Department of Licensing and Regulation (TDLR) set up standards and annual inspections of elevators, escalators and similar equipment in buildings that contain equipment that the public is generally invited to use (i.e., hotels, motels, apartment houses, churches, shopping centers and commercial establishments) and buildings owned and operated by the state or local governments.
- TDLR had interpreted the 1993 law to exclude buildings where public access was restricted and did not apply the standards or annual inspections to industrial facilities. The executive director of TDLR asked the attorney general whether the law applied to elevators used exclusively by employees or service contractors. The attorney general held (DM 94-096, December 22, 1994) that the reference to use by the public applied to any and all individuals in any building except a private home.
- DIGEST:** SB 739, as amended, would require standards and annual inspections of elevators, escalators and similar equipment that is "open to the general public" and would specifically exempt equipment in an industrial facility where access is limited principally to employees.

As amended, the bill would also specifically exempt from TDLR standards and annual inspections equipment in a private building for a labor union, trade association, private club or charitable organization that has no more than two floors.

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

These proposed amendments to the 1993 law would not change the intent or the application of the elevator safety law. Until the attorney general's opinion dated December 22, 1994, interpreting the law to apply to all buildings except private homes, TDLR had not set standards or inspected elevators, escalators, or similar equipment used in buildings with restricted public access. The 1993 legislation was aimed at the public, not industrial facilities. SB 739 would merely clarify the legislative intent regarding this equipment safety issue.

There is no need or reason for the state to set standards or inspect elevators in industrial facilities, which are required to meet standards set by the federal Occupational Safety and Health Administration (OSHA). These standards are tailored to industrial areas and require periodic inspections, servicing and upgrades to ensure safe operations.

The state standards were never intended to apply to industrial buildings, and the costs associated with retrofitting the equipment to meet these unnecessary standards could be extremely high. TU Electric says it could cost as much as \$1 million to retrofit equipment in industrial sites and that the changes would have no impact on safety. These needless additional costs would be passed on to the consumer.

**OPPONENTS
SAY:**

Employees in the workplace should be entitled to the same basic safety requirements that safeguard the general public. The state should be required to set standards and inspect all elevators, escalators and similar equipment for the public good and safety no matter the type building or the type of user. The attorney general's interpretation of the 1993 law was correct — it should apply to all equipment designed to carry any and all individuals in any building except a private home. OSHA sets federal standards but does not perform annual inspections, leaving a clear role for the state in safeguarding workers.

NOTES:

The committee amendment would add a provision limiting standards to equipment "that is open to the general public," rather than "that the public is generally invited to use," and the exemption for private buildings for labor unions, trade associations, private clubs or charitable organizations that have no more than two floors.