

BILL ANALYSIS

Senate Research Center
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S.B. 1441
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Licensing and Regulation (TDLR) is responsible for implementing Chapter 754, Health and Safety Code, to help ensure safe operation of certain elevators, escalators, and related equipment in Texas. If an elevator, escalator, or related equipment is not in compliance with key safety laws and rules, TDLR must ensure the building owner in which the unsafe equipment is located completely shuts down and disconnects the equipment. TDLR identified in 2014 during preparation of its 2015-2019 strategic plan that a less expensive, less onerous, and safe measure to make unsafe elevators, escalators, and related equipment unavailable and placed in an "Out of Use" status would not require the equipment to be fully disconnected when it is shut down.

S.B. 1441 provides TDLR with "Out of Use" authority for elevators, escalators, and related equipment when the equipment is not in compliance with key safety code provisions; allows equipment and building owners to take their equipment "out of use" and to postpone required annual inspections until such time as the equipment is brought into compliance; and protects building owners from potential enforcement proceedings for failure to have annual inspections completed on equipment.

As proposed, S.B. 1441 amends current law relating to standards for elevators, escalators, and related equipment and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation (TCLR) is modified in SECTION 1 (Section 754.014, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to TCLR in SECTION 2 (Section 754.015, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 754.014(a), Health and Safety Code, to require the Texas Commission of Licensing and Regulation (TCLR) by rule to adopt standards for the installation, maintenance, alteration, operation, testing, removal from service, and inspection of equipment used by the public in certain buildings as set forth.

SECTION 2. Amends Section 754.015, Health and Safety Code, by adding Subsection (c-1) and amending Subsection (d), as follows:

(c-1) Authorizes TCLR by rule to adopt requirements for inspection and certification of equipment that is transferred to another person.

(d) Includes a fee for applying to remove equipment from service among the reasonable fees set by TCLR that the executive director of the Texas Department of Licensing and Regulation (executive director) is authorized to charge. Makes nonsubstantive changes.

SECTION 3. Amends Section 754.019(a), Health and Safety Code, to require the owner to have the equipment inspected annually by a registered elevator inspector, unless the equipment has been removed from service in accordance with TCLR rules.

SECTION 4. Requires TCLR, as soon as practicable after the effective date of this Act, to adopt the rules necessary to implement the changes in law made by this Act.

SECTION 5. Effective date: upon passage or September 1, 2015.