

SENATE No. 2365

The Commonwealth of Massachusetts

SENATE, DECEMBER 19, 1984.

The committee on Ways and Means, to whom was committed the House bill providing for the regulation of elevators by the commonwealth (House, No. 5198), reports, recommending that the same ought to pass., with an amendment, substituting a new draft with the same title (Senate, No. 2365).

For the Committee

ALLAN R. MCKINNON

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

AN ACT PROVIDING FOR THE REGULATION OF ELEVATORS BY THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 143 of the General Laws is hereby
2 amended by striking out section 62, as most recently amend-
3 ed by chapter 158 of the acts of 1975 and inserting in place
4 thereof the following section: —

5 *Section 62.* The commissioner shall cause a system of elevator
6 inspection to be instituted and maintained in the com-
7 monwealth. The commissioner shall assign an adequate
8 number of competent inspectors for all elevators in the com-
9 monwealth. The commissioner shall have supervision of the
10 installation, alteration, maintenance, inspection and approval
11 of all elevators and shall enforce the regulations of the board
12 of elevator regulations. No elevator shall be installed or altered
13 until a copy of the plans and specifications of such elevator
14 or of the proposed alterations shall have been filed by the
15 owner of the premises where such elevator is to be installed
16 or altered, or by the manufacturer of such elevator, with the
17 certificate of approval or a specification of requirements shall
18 have been issued by him. The word "elevator" shall include
19 moving stairways.

1 SECTION 2. Said chapter 143 is hereby further amended by
2 striking out section 62A and inserting in place thereof the
3 following section: —

4 *Section 62A.* The owner or person in control of a building in
5 which an elevator is operated shall pay fees to be determined
6 annually by the secretary of administration under the provi-
7 sion of section three B of chapter seven for inspection and safety
8 tests by an inspector assigned by the commissioner, provided
9 however that said fees shall be set at a rate sufficient to meet
10 the cost of the executive office of public safety for providing
11 said inspections and safety tests. The owner or person in con-

12 trol of a building in which an elevator is operated shall be sub-
13 ject to the following inspections and safety tests:

14 (1) For the inspection of a new installation, repair, or
15 replacement of power passenger and freight elevators,
16 hydraulic and electric passenger and freight elevators, hand
17 power operated service elevators and temporary workmen's
18 elevators.

19 (2) For each safety test and inspection of elevators and
20 devices as described in paragraph (1).

21 (3) For the inspection of a new installation of a private
22 residence elevator or an inclined lift.

1 SECTION 3. Said chapter 143 is hereby further amended by
2 striking out section 63 as amended by section 45 of chapter 802
3 of the acts of 1972 and inserting in place thereof the following
4 section: —

5 *Section 63.* On completion of the work of installation or altera-
6 tion, the manufacturer of the elevator or the person making
7 the alterations shall make a practical test of the safety devices
8 of the elevator in the presence of an inspector assigned by the
9 commissioner. If the test is satisfactory to said inspector, he
10 shall issue a certificate approving the elevator and safety
11 devices thereof.

1 SECTION 4. Said chapter 143 is hereby further amended by
2 striking out section 64, as most recently amended by section
3 46 of chapter 802 of the acts of 1972, and inserting in place
4 thereof the following section: —

5 *Section 64.* All elevators shall be thoroughly inspected and
6 a practical test made of the safety devices required therefor
7 at intervals of not more than one year and at such other times
8 as may be deemed necessary by the inspector. The inspection
9 and practical test shall be made by a licensed elevator con-
10 struction man, maintenance or repairman in the presence of
11 an inspector assigned by the commissioner. The owner or per-
12 son in control of a building in which the elevator is located shall
13 arrange for such inspection and practical test within six
14 months from the time of notice from an inspector assigned by
15 the commissioner. Within ten days after the inspection, said
16 inspector shall file a complete written report of all changes

17 and defects in apparatus or equipment to the commissioner,
18 upon forms to be furnished by him.

1 SECTION 5. Said chapter 143 is hereby further amended by
2 striking out section 65, as most recently amended by section
3 47 of chapter 802 of the acts of 1972, and inserting in place
4 thereof the following section:—

5 *Section 65.* If in the judgment of an inspector assigned by the
6 commissioner that an elevator is safe, and if the elevator has
7 been constructed in the manner required by law or by the
8 regulations of the board of elevator regulations or the state
9 building code, the inspector shall issue a certificate to that ef-
10 fect to the owner of the elevator or to the person in charge
11 thereof, who shall post the certificate in a conspicuous place
12 in or near the cab or car of such elevator. If such elevator is
13 judged unsafe, the inspector shall immediately post con-
14 spicuously upon the entrance or door of the cab or car of such
15 elevator, or upon the elevator, a notice of its dangerous con-
16 dition, and shall prohibit the use of the elevator until it has
17 been made safe to his satisfaction. No person shall remove
18 such notice or operate such elevator until the inspector has
19 issued his certificate as aforesaid.

1 SECTION 6. Said chapter 143 is hereby further amended by
2 striking out section 66, as most recently amended by chapter
3 36 of the acts of 1978, and inserting in place thereof the follow-
4 ing section:-

5 *Section 66.* Any owner, operator or person in charge of an
6 elevator or any person employed to inspect, repair or install
7 an elevator shall immediately, if an accident occurs during
8 such installation or repair, or if he thinks such elevator is un-
9 safe, make a written report thereof to an inspector assigned
10 by the commissioner of public safety, who shall forthwith in-
11 spect such elevator. If an accident occurs to an elevator, the
12 operator, person in charge or owner having knowledge thereof
13 shall immediately report such accident to an inspector assign-
14 ed by the commissioner, who shall forthwith inspect such
15 elevator. Upon completion of his inspection, said inspector shall
16 provide a copy of any accident report received by him in ac-
17 cordance with this section to each person who reported, or was

18 involved in the accident so reported, and said inspector shall
19 obtain a receipt for each report so provided.

1 SECTION 7. Said chapter 143 is hereby further amended by
2 striking out section 68, as amended by section 49 of chapter
3 802 of the acts of 1972 and inserting in place thereof the follow-
4 ing section:—

5 *Section 68.* The board of elevator regulations shall promulgate
6 amendments to the regulations relating to the construction,
7 installation, alteration and operation of all elevators, and
8 relative to the location, design and construction of shafts or
9 enclosures for elevators, safety devices, gates and other
10 safeguards, protection against the elevator or hoisting
11 machinery, and means to prevent the spread of fire, and also
12 amendments to the regulations designed to make uniform the
13 work of inspectors assigned to the division of inspection by the
14 commissioner of public safety.

1 SECTION 8. Subsection (a) of section 70 of said chapter 143,
2 as most recently amended by chapter 926 of the acts of 1973,
3 is hereby further amended by striking out, in line 2, the words
4 “or local inspector”.

1 SECTION 9. Subsection (d) of said section 70 of said chapter
2 143, as appearing in section 2 of chapter 439 of the acts of 1959,
3 is hereby amended by striking out, in line 2, the words “or in-
4 spector of buildings”

1 SECTION 10. Section 71B of said chapter 143 is hereby amend-
2 ed by striking out the last sentence, added by chapter 985 of
3 the acts of 1973, and inserting in place thereof the following
4 sentence:—

5 No person shall work as an elevator inspector or supervis-
6 ing elevator inspector in the employ of the department of
7 public safety unless he holds a license granted by the board,
8 for the construction, maintenance, or repair of elevators as
9 provided by this section.

1 SECTION 11. The secretary of administration is hereby
2 directed to evaluate and increase after consultation with the

3 secretary of public safety, the fees for the testing and inspec-
4 tion of elevators as required by section 62A of chapter 143 of
5 the General Laws, provided that such fees shall be effective
6 on July 1, 1985.

1 SECTION 12. This act shall become effective on July 1, 1985.
2 All inspections or tests made under the provisions of chapter
3 143 of the general laws prior to the effective date of this act,
4 shall have the full force and effect for the twelve month period
5 after the date of inspection or as otherwise proscribed by said
6 chapter.

