

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 13, 2007
Date

Committee on Business, Labor and Technology.

After consideration on the merits, the Committee recommends the following:

SB07-123 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. Title 9, Colorado Revised Statutes, is amended BY
4 THE ADDITION OF A NEW ARTICLE to read:

5 **ARTICLE 5.5**
6 **Elevator and Escalator Certification**

7 **9-5.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
8 BE CITED AS THE "ELEVATOR AND ESCALATOR CERTIFICATION ACT".

9 **9-5.5-102. Legislative declaration.** THE GENERAL ASSEMBLY
10 HEREBY DECLARES THAT IN ORDER TO ENSURE MINIMUM SAFETY
11 STANDARDS THROUGHOUT COLORADO, THE REGULATION OF
12 CONVEYANCES IS A MATTER OF STATEWIDE CONCERN. NOTHING IN THIS
13 ARTICLE SHALL BE CONSTRUED TO PREVENT A CITY, TOWN, COUNTY, OR
14 CITY AND COUNTY FROM REGULATING CONVEYANCES.

15 **9-5.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "ADMINISTRATOR" MEANS THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT OR THE DIRECTOR'S DESIGNEE.

1 (2) "ASCE" MEANS THE AMERICAN SOCIETY OF CIVIL ENGINEERS
2 OR ITS SUCCESSOR.

3 (3) "ASCE 21" MEANS THE AMERICAN SOCIETY OF CIVIL
4 ENGINEERS AUTOMATED PEOPLE MOVER STANDARDS PUBLISHED AS
5 "ASCE STANDARD NUMBER ASCE 21-96" OR ANY SUCCESSOR STANDARD
6 PUBLISHED BY ASCE.

7 (4) "ASME" MEANS THE AMERICAN SOCIETY OF MECHANICAL
8 ENGINEERS OR ITS SUCCESSOR.

9 (5) "ASME A17.1" MEANS THE SAFETY CODE FOR ELEVATORS AND
10 ESCALATORS PUBLISHED AS "A17.1 - 2000 SAFETY CODE FOR ELEVATORS
11 AND ESCALATORS" OR ANY SUCCESSOR STANDARD PUBLISHED BY ASME
12 INTERNATIONAL.

13 (6) "ASME A17.3" MEANS THE SAFETY CODE FOR ELEVATORS AND
14 ESCALATORS PUBLISHED AS "A17.3 - 2002 SAFETY CODE FOR EXISTING
15 ELEVATORS AND ESCALATORS" OR ANY SUCCESSOR STANDARD PUBLISHED
16 BY ASME INTERNATIONAL.

17 (7) "ASME A18.1" MEANS THE SAFETY CODE FOR ELEVATORS AND
18 ESCALATORS PUBLISHED AS "A18.1 - 2003 SAFETY STANDARD FOR
19 PLATFORM LIFTS AND STAIRWAY CHAIRLIFTS" OR ANY SUCCESSOR
20 STANDARD PUBLISHED BY ASME INTERNATIONAL.

21 (8) "CERTIFICATE OF OPERATION" MEANS A DOCUMENT ISSUED BY
22 THE ADMINISTRATOR FOR A CONVEYANCE INDICATING THAT THE
23 CONVEYANCE HAS BEEN INSPECTED AND APPROVED UNDER THIS ARTICLE.

24 (9) "CONVEYANCE" MEANS A MECHANICAL DEVICE TO WHICH THIS
25 ARTICLE APPLIES PURSUANT TO SECTION 9-5.5-104.

26 (10) "CONVEYANCE CONTRACTOR" MEANS A PERSON WHO
27 ENGAGES IN THE BUSINESS OF ERECTING, CONSTRUCTING, INSTALLING,
28 ALTERING, SERVICING, REPAIRING, OR MAINTAINING CONVEYANCES.

29 (11) "CONVEYANCE HELPER OR APPRENTICE" MEANS A PERSON
30 WHO WORKS UNDER THE GENERAL DIRECTION OF A CERTIFIED
31 CONVEYANCE MECHANIC.



1 (12) "CONVEYANCE MECHANIC" MEANS A PERSON WHO ERECTS,
2 CONSTRUCTS, INSTALLS, ALTERS, SERVICES, REPAIRS, OR MAINTAINS
3 CONVEYANCES.

4 (13) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
5 EMPLOYMENT.

6 (14) "DORMANT CONVEYANCE" MEANS A CONVEYANCE THAT HAS
7 BEEN TEMPORARILY PLACED OUT OF SERVICE.

8 (15) "INDEPENDENT CONVEYANCE INSPECTOR" MEANS A
9 DISINTERESTED CONVEYANCE INSPECTOR WHO IS RETAINED TO INSPECT A
10 CONVEYANCE BUT IS NOT EMPLOYED BY OR AFFILIATED WITH THE OWNER
11 OF THE CONVEYANCE NOR THE CONVEYANCE MECHANIC WHOSE REPAIR,
12 ALTERATION, OR INSTALLATION IS BEING INSPECTED.

13 (16) "LICENSEE" MEANS A PERSON WHO IS LICENSED AS A
14 CONVEYANCE CONTRACTOR, CONVEYANCE MECHANIC, OR CONVEYANCE
15 INSPECTOR PURSUANT TO THIS ARTICLE.

16 (17) "LOCAL JURISDICTION" MEANS A CITY, COUNTY, OR CITY AND
17 COUNTY OR ANY AGENT THEREOF.

18 (18) "NATIONALLY RECOGNIZED CONVEYANCE ASSOCIATION"
19 MEANS A CONVEYANCE ASSOCIATION THAT IS APPROVED TO CERTIFY
20 CONVEYANCE INSPECTORS BY A NATIONALLY RECOGNIZED STANDARDS
21 ASSOCIATION, INCLUDING, WITHOUT LIMITATION, ASME OR ASCE.

22 (19) "PRIVATE RESIDENCE" MEANS A SEPARATE DWELLING, OR A
23 SEPARATE APARTMENT IN A MULTIPLE-APARTMENT DWELLING, THAT IS
24 OCCUPIED BY MEMBERS OF A SINGLE-FAMILY UNIT.

25 **9-5.5-104. Scope.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2)
26 OF THIS SECTION, THIS ARTICLE SHALL APPLY TO THE DESIGN,
27 CONSTRUCTION, OPERATION, INSPECTION, TESTING, MAINTENANCE,
28 ALTERATION, AND REPAIR OF THE FOLLOWING EQUIPMENT:

29 (a) HOISTING AND LOWERING MECHANISMS EQUIPPED WITH A CAR
30 OR PLATFORM THAT MOVES BETWEEN TWO OR MORE LANDINGS. SUCH
31 EQUIPMENT INCLUDES, BUT IS NOT LIMITED TO, ELEVATORS AND PLATFORM
32 LIFTS, PERSONNEL HOISTS, STAIRWAY CHAIR LIFTS, DUMBWAITERS, AND



1 MATERIAL LIFTS.

2 (b) POWER-DRIVEN STAIRWAYS AND WALKWAYS FOR CARRYING
3 PERSONS BETWEEN LANDINGS. SUCH EQUIPMENT INCLUDES, BUT IS NOT
4 LIMITED TO, ESCALATORS AND MOVING WALKS.

5 (c) AUTOMATED PEOPLE MOVERS AS DEFINED IN ASCE 21.

6 (2) THIS ARTICLE SHALL NOT APPLY TO THE FOLLOWING:

7 (a) MATERIAL HOISTS;

8 (b) MANLIFTS;

9 (c) MOBILE SCAFFOLDS, TOWERS, AND PLATFORMS;

10 (d) POWERED PLATFORMS AND EQUIPMENT FOR EXTERIOR AND
11 INTERIOR MAINTENANCE;

12 (e) CONVEYORS AND RELATED EQUIPMENT;

13 (f) CRANES, DERRICKS, HOISTS, HOOKS, JACKS, AND SLINGS;

14 (g) INDUSTRIAL TRUCKS WITHIN THE SCOPE OF ASME
15 PUBLICATION B56;

16 (h) ITEMS OF PORTABLE EQUIPMENT THAT ARE NOT PORTABLE
17 ESCALATORS;

18 (i) TIERING OR PILING MACHINES USED TO MOVE MATERIALS
19 BETWEEN STORAGE LOCATIONS THAT OPERATE ENTIRELY WITHIN ONE
20 STORY;

21 (j) EQUIPMENT FOR FEEDING OR POSITIONING MATERIALS AT
22 MACHINE TOOLS, PRINTING PRESSES, AND OTHER SIMILAR EQUIPMENT;

23 (k) SKIP OR FURNACE HOISTS;

24 (l) WHARF RAMPS;

25 (m) RAILROAD CAR LIFTS OR DUMPERS;



1 (n) LINE JACKS, FALSE CARS, SHAFTERS, MOVING PLATFORMS, AND
2 SIMILAR EQUIPMENT USED BY A CERTIFIED CONVEYANCE CONTRACTOR FOR
3 INSTALLING A CONVEYANCE;

4 (o) CONVEYANCES AT FACILITIES REGULATED BY THE MINE SAFETY
5 AND HEALTH ADMINISTRATION IN THE UNITED STATES DEPARTMENT OF
6 LABOR, OR ITS SUCCESSOR, PURSUANT TO THE "FEDERAL MINE SAFETY
7 AND HEALTH ACT OF 1977", PUB.L. 91-173, CODIFIED AT 30 U.S.C. SEC.
8 801 ET SEQ., AS AMENDED;

9 (p) ELEVATORS WITHIN THE FACILITIES OF GAS OR ELECTRIC
10 UTILITIES THAT ARE NOT ACCESSIBLE TO THE PUBLIC; OR

11 (q) A PASSENGER TRAMWAY LICENSED PURSUANT TO SECTION
12 25-5-712, C.R.S.

13 **9-5.5-105. Similar or higher standards authorized.** THIS
14 ARTICLE SHALL NOT BE CONSTRUED TO PREVENT THE USE OF SYSTEMS,
15 METHODS, OR DEVICES OF EQUIVALENT OR SUPERIOR QUALITY, STRENGTH,
16 FIRE RESISTANCE, CODE EFFECTIVENESS, DURABILITY, AND SAFETY TO
17 THOSE REQUIRED BY THIS ARTICLE IF TECHNICAL DOCUMENTATION
18 DEMONSTRATES SUCH EQUIVALENCY OR SUPERIORITY.

19 **9-5.5-106. License required.** (1) (a) A PERSON SHALL NOT
20 ERECT, CONSTRUCT, ALTER, REPLACE, MAINTAIN, REMOVE, OR DISMANTLE
21 A CONVEYANCE WITHIN A BUILDING OR STRUCTURE UNLESS THE PERSON
22 IS LICENSED AS A CONVEYANCE MECHANIC AND IS WORKING UNDER THE
23 SUPERVISION OF A CERTIFIED CONVEYANCE CONTRACTOR. A PERSON
24 SHALL NOT WIRE A CONVEYANCE UNLESS THE PERSON IS LICENSED AS A
25 CONVEYANCE MECHANIC AND IS WORKING UNDER THE SUPERVISION OF A
26 CERTIFIED CONVEYANCE CONTRACTOR. NO OTHER LICENSE SHALL BE
27 REQUIRED FOR WORK DESCRIBED IN THIS PARAGRAPH (a).

28 (b) A PERSON SHALL NOT BE REQUIRED TO BE A CERTIFIED
29 CONVEYANCE CONTRACTOR OR LICENSED CONVEYANCE MECHANIC TO
30 REMOVE OR DISMANTLE CONVEYANCES THAT ARE DESTROYED AS A
31 RESULT OF A COMPLETE DEMOLITION OF A SECURED BUILDING OR
32 STRUCTURE OR WHERE THE HOISTWAY OR WELLWAY IS DEMOLISHED BACK
33 TO THE BASIC SUPPORT STRUCTURE AND NO ACCESS THAT ENDANGERS THE
34 SAFETY OF A PERSON IS PERMITTED.

1 (c) A CONVEYANCE HELPER OR APPRENTICE SHALL NOT BE
2 REQUIRED TO BE A LICENSED WHEN WORKING UNDER THE SUPERVISION OF
3 A LICENSED CONVEYANCE MECHANIC OR INSTRUCTOR.

4 (2) A PERSON SHALL NOT INSPECT A CONVEYANCE WITHIN A
5 BUILDING OR STRUCTURE, INCLUDING BUT NOT LIMITED TO A PRIVATE
6 RESIDENCE, FOR PURPOSES OF THE ISSUANCE OF A CERTIFICATE OF
7 OPERATION UNLESS LICENSED AS A CONVEYANCE INSPECTOR.

8 **9-5.5-107. License qualifications - contractor - mechanic -**
9 **inspector - repeal.** (1) (a) AN APPLICANT SHALL NOT BE LICENSED AS A
10 CONVEYANCE MECHANIC UNLESS THE APPLICANT POSSESSES A
11 CERTIFICATE OF COMPLETION OF A CONVEYANCE MECHANIC PROGRAM
12 APPROVED BY THE UNITED STATES DEPARTMENT OF LABOR OR ITS
13 SUCCESSOR.

14 (b) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS
15 SUBSECTION (1), AN APPLICANT SHALL QUALIFY IF THE APPLICANT
16 POSSESSES A CERTIFICATE OF COMPLETION OF AN APPRENTICESHIP
17 PROGRAM FOR CONVEYANCE MECHANICS, WHICH PROGRAM HAS
18 STANDARDS SUBSTANTIALLY EQUAL TO THOSE OF THIS ARTICLE AND IS
19 REGISTERED WITH THE OFFICE OF APPRENTICESHIP IN THE UNITED STATES
20 DEPARTMENT OF LABOR OR ITS SUCCESSOR, OR BY THE COLORADO
21 APPRENTICESHIP COUNCIL OR ITS SUCCESSOR.

22 (c) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS
23 SUBSECTION (1), AN APPLICANT SHALL QUALIFY IF THE APPLICANT HOLDS
24 A VALID LICENSE FROM ANOTHER STATE HAVING STANDARDS THAT, AT A
25 MINIMUM, ARE SUBSTANTIALLY SIMILAR TO THOSE IMPOSED BY THIS
26 ARTICLE AS DETERMINED BY THE ADMINISTRATOR.

27 (d) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS
28 SUBSECTION (1), AN APPLICANT SHALL QUALIFY IF THE APPLICANT:

29 (I) HAS PASSED AN EXAMINATION, AS DETERMINED BY THE
30 ADMINISTRATOR, ON THE CODES AND STANDARDS THAT APPLY TO
31 CONVEYANCES; AND

32 (II) FURNISHES TO THE ADMINISTRATOR ACCEPTABLE EVIDENCE
33 THAT THE APPLICANT WORKED AS A CONVEYANCE MECHANIC FOR AT
34 LEAST THREE YEARS WITHOUT DIRECT SUPERVISION.



1 (e) (I) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF
2 THIS SUBSECTION (1), AN APPLICANT WHO FURNISHES TO THE
3 ADMINISTRATOR ACCEPTABLE EVIDENCE THAT THE APPLICANT WORKED
4 AS A CONVEYANCE MECHANIC FOR THREE YEARS PRIOR TO JULY 1, 2007,
5 WITHOUT DIRECT SUPERVISION SHALL QUALIFY FOR A CERTIFICATE.

6 (II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2008.

7 (2) (a) AN APPLICANT SHALL NOT BE LICENSED AS A CONVEYANCE
8 INSPECTOR UNLESS THE APPLICANT IS CERTIFIED TO INSPECT
9 CONVEYANCES BY A NATIONALLY RECOGNIZED CONVEYANCE
10 ASSOCIATION.

11 (b) (I) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF
12 THIS SUBSECTION (2), AN APPLICANT SHALL QUALIFY IF THE APPLICANT
13 WAS APPOINTED OR DESIGNATED AS A CONVEYANCE INSPECTOR FOR A
14 CITY OR CITY AND COUNTY BEFORE JULY 1, 2007. AN APPLICANT WHO
15 QUALIFIES AS A CONVEYANCE INSPECTOR PURSUANT TO THIS PARAGRAPH
16 (b) SHALL NOT REMAIN CERTIFIED AFTER JULY 1, 2012, UNLESS THE
17 APPLICANT QUALIFIES TO BE CERTIFIED UNDER PARAGRAPH (a) OF THIS
18 SUBSECTION (2).

19 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2013.

20 (3) (a) A PERSON WHO IS NOT QUALIFIED TO BE A CONVEYANCE
21 CONTRACTOR SHALL NOT BE CERTIFIED AS A CONVEYANCE CONTRACTOR.

22 (b) TO QUALIFY TO BE A CERTIFIED CONVEYANCE CONTRACTOR, AN
23 APPLICANT SHALL DEMONSTRATE THE FOLLOWING QUALIFICATIONS:

24 (I) THE APPLICANT SHALL EMPLOY AT LEAST ONE LICENSED
25 CONVEYANCE MECHANIC; AND

26 (II) THE APPLICANT SHALL COMPLY WITH THE INSURANCE
27 REQUIREMENTS IN SECTION 9-5.5-115.

28 (c) IN LIEU OF QUALIFYING UNDER PARAGRAPH (b) OF THIS
29 SUBSECTION (3), AN APPLICANT SHALL QUALIFY IF THE APPLICANT
30 POSSESSES A VALID LICENSE OR CERTIFICATE ISSUED BY A STATE HAVING
31 STANDARDS SUBSTANTIALLY EQUIVALENT TO THOSE OF THIS ARTICLE.

1 **9-5.5-108. Licence - rules - issuance - renewal - fee.**

2 (1) (a) UPON THE ADMINISTRATOR'S APPROVAL OF AN APPLICATION, THE
3 ADMINISTRATOR SHALL LICENSE THE CONVEYANCE CONTRACTOR,
4 CONVEYANCE MECHANIC, OR CONVEYANCE INSPECTOR.

5 (b) THE ADMINISTRATOR SHALL PROMULGATE RULES REQUIRING
6 A CONVEYANCE MECHANIC TO OBTAIN AT LEAST EIGHT HOURS OF
7 CONTINUING EDUCATION EVERY TWO YEARS.

8 (2) (a) WHEN AN EMERGENCY EXISTS IN THIS STATE DUE TO A
9 DISASTER, ACT OF GOD, OR WORK STOPPAGE AND THE NUMBER OF
10 CERTIFIED CONVEYANCE MECHANICS IN THE STATE IS INSUFFICIENT TO
11 DEAL WITH THE EMERGENCY, A CERTIFIED CONVEYANCE CONTRACTOR
12 MAY RESPOND AS NECESSARY TO ASSURE THE SAFETY OF THE PUBLIC. A
13 PERSON WHO, IN THE JUDGMENT OF A CERTIFIED CONVEYANCE
14 CONTRACTOR, HAS AN ACCEPTABLE COMBINATION OF DOCUMENTED
15 EXPERIENCE AND EDUCATION TO PERFORM CONVEYANCE WORK WITHOUT
16 DIRECT SUPERVISION SHALL SEEK AN EMERGENCY CONVEYANCE
17 MECHANIC CERTIFICATION FROM THE ADMINISTRATOR WITHIN FIVE
18 BUSINESS DAYS AFTER COMMENCING WORK FOR WHICH CERTIFICATION AS
19 A CONVEYANCE MECHANIC IS REQUIRED.

20 (b) THE ADMINISTRATOR SHALL ISSUE EMERGENCY CONVEYANCE
21 MECHANIC CERTIFICATIONS PURSUANT TO PARAGRAPH (a) OF THIS
22 SUBSECTION (2). THE CERTIFIED CONVEYANCE CONTRACTOR
23 RECOMMENDING A PERSON FOR AN EMERGENCY CONVEYANCE MECHANIC
24 CERTIFICATION SHALL FURNISH SUCH PROOF OF THE PERSON'S
25 COMPETENCY AS THE ADMINISTRATOR MAY REQUIRE.

26 (c) EACH EMERGENCY CONVEYANCE MECHANIC CERTIFICATION
27 SHALL BE, AND SHALL STATE THAT IT IS, VALID FOR SIXTY DAYS AFTER THE
28 DATE OF ISSUANCE AND FOR SUCH PARTICULAR CONVEYANCES OR
29 GEOGRAPHICAL AREAS AS THE ADMINISTRATOR MAY DESIGNATE. SUCH
30 CERTIFICATION SHALL ENTITLE THE HOLDER TO THE RIGHTS OF A
31 CERTIFIED CONVEYANCE MECHANIC. THE ADMINISTRATOR SHALL RENEW
32 AN EMERGENCY CONVEYANCE MECHANIC CERTIFICATION DURING THE
33 EXISTENCE OF AN EMERGENCY. NO FEE SHALL BE CHARGED FOR THE
34 ISSUANCE OR RENEWAL OF AN EMERGENCY CONVEYANCE MECHANIC
35 CERTIFICATION.

36 (3) (a) A CERTIFIED CONVEYANCE CONTRACTOR SHALL NOTIFY THE

1 ADMINISTRATOR WHEN THERE ARE NO CERTIFIED CONVEYANCE
2 MECHANICS AVAILABLE TO PERFORM CONVEYANCE WORK. THE CERTIFIED
3 CONVEYANCE CONTRACTOR MAY REQUEST THAT THE ADMINISTRATOR
4 ISSUE A TEMPORARY CONVEYANCE MECHANIC CERTIFICATION TO A PERSON
5 WHO, IN THE JUDGMENT OF THE CERTIFIED CONVEYANCE CONTRACTOR,
6 HAS AN ACCEPTABLE COMBINATION OF DOCUMENTED EXPERIENCE AND
7 EDUCATION TO PERFORM CONVEYANCE WORK WITHOUT DIRECT
8 SUPERVISION. ANY SUCH PERSON SHALL IMMEDIATELY SEEK A
9 TEMPORARY CONVEYANCE MECHANIC CERTIFICATION FROM THE
10 ADMINISTRATOR AND SHALL PAY SUCH FEE AS THE ADMINISTRATOR SHALL
11 DETERMINE.

12 (b) EACH SUCH CERTIFICATION SHALL BE, AND SHALL STATE THAT
13 IT IS, VALID FOR THIRTY DAYS AFTER THE DATE OF ISSUANCE AND WHILE
14 EMPLOYED BY THE CERTIFIED CONVEYANCE CONTRACTOR WHO CERTIFIED
15 THE INDIVIDUAL AS QUALIFIED. THE CERTIFICATION SHALL BE RENEWABLE
16 AS LONG AS THERE IS A SHORTAGE OF CERTIFIED CONVEYANCE
17 MECHANICS.

18 (4) EXCEPT FOR CERTIFIED INSPECTORS WHO QUALIFIED DURING
19 THE IMMEDIATELY PRECEDING TWELVE MONTHS, THE ADMINISTRATOR
20 SHALL NOT RENEW A CERTIFICATION ISSUED UNDER THIS SECTION UNLESS
21 THE PERSON MEETS THE QUALIFICATIONS FOR CERTIFICATION UNDER
22 SECTION 9-5.5-107.

23 **9-5.5-109. License discipline.** (1) A CERTIFICATION ISSUED
24 PURSUANT TO THIS ARTICLE MAY BE SUSPENDED OR REVOKED UPON A
25 FINDING BY THE ADMINISTRATOR OF ANY OF THE FOLLOWING:

26 (a) A FALSE STATEMENT IN THE APPLICATION CONCERNING A
27 MATERIAL MATTER;

28 (b) FRAUD, MISREPRESENTATION, OR BRIBERY IN APPLYING FOR
29 CERTIFICATION;

30 (c) FAILURE TO NOTIFY THE ADMINISTRATOR AND THE OWNER OR
31 LESSEE OF A CONVEYANCE OF A CONDITION NOT IN COMPLIANCE WITH THIS
32 ARTICLE; OR

33 (d) A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF ANY
34 RULE ADOPTED PURSUANT TO THIS ARTICLE.

1 (2) THE SUSPENSION OR REVOCATION OF A LICENSE SHALL BE
2 MADE AS A RESULT OF A NOTICE OF VIOLATION IN ACCORDANCE WITH
3 SECTION 8-20-104, C.R.S.

4 (3) THE DEPARTMENT SHALL NOT ISSUE A LICENSE TO A PERSON
5 WHOSE LICENSE HAS BEEN REVOKED WITHIN THE LAST TWO YEARS.

6 **9-5.5-110. Accident reports.** THE OWNER SHALL REPORT, WITHIN
7 TWENTY-FOUR HOURS, ANY ACCIDENT THAT RESULTS IN SERIOUS INJURY
8 TO AN INDIVIDUAL.

9 **9-5.5-111. Registration of existing conveyances - fund.** (1) ON
10 OR BEFORE AUGUST 1, 2008, THE OWNER OR LESSEE OF EVERY EXISTING
11 CONVEYANCE SHALL REGISTER THE CONVEYANCE WITH THE
12 ADMINISTRATOR. THE REGISTRATION SHALL INCLUDE THE TYPE, RATED
13 LOAD AND SPEED, NAME OF MANUFACTURER, LOCATION, INTENDED
14 PURPOSE FOR USE, AND SUCH ADDITIONAL INFORMATION AS THE
15 ADMINISTRATOR MAY REQUIRE. CONVEYANCES CONSTRUCTED OR
16 COMPLETED AFTER JULY 1, 2008, SHALL BE REGISTERED BEFORE THEY ARE
17 PLACED IN SERVICE.

18 (2) (a) THE ADMINISTRATOR SHALL SET REGISTRATION FEES IN AN
19 AMOUNT NECESSARY TO OFFSET THE COSTS OF REGISTRATION AND OF THE
20 ADMINISTRATION OF THIS ARTICLE IN ACCORDANCE WITH SECTION
21 24-4-104, C.R.S.

22 (b) FEES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE
23 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
24 TO THE CONVEYANCE SAFETY FUND, REFERRED TO IN THIS ARTICLE AS THE
25 "FUND", WHICH IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN
26 THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
27 ASSEMBLY AND SHALL BE USED TO IMPLEMENT THIS ARTICLE. THE
28 MONEYS IN THE FUND SHALL NOT REVERT TO THE GENERAL FUND OR BE
29 TRANSFERRED TO ANY OTHER FUND AND SHALL BE SUBJECT TO PERIODIC
30 ADJUSTMENT IN ACCORDANCE WITH SECTION 24-75-402, C.R.S.

31 **9-5.5-112. Compliance.** (1) THE ADMINISTRATOR SHALL
32 PROMULGATE RULES FOR THE CONSTRUCTION, ALTERATION, REPAIR,
33 SERVICE, AND MAINTENANCE OF CONVEYANCES. SUCH RULES SHALL
34 CONFORM, WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE
35 STANDARDS, TO THE FOLLOWING STANDARDS:



- 1 (a) ASCE 21;
- 2 (b) ASME A17.1;
- 3 (c) ASME A17.3; AND
- 4 (d) ASME A18.1;

5 (2) THE ADMINISTRATOR MAY DESIGNATE ANY LOCAL
6 JURISDICTION TO ACT AS AN AGENT OF THE STATE FOR THE PURPOSES OF
7 IMPLEMENTING THIS ARTICLE IF THE LOCAL JURISDICTION HAS STANDARDS
8 THAT MEET OR EXCEED THE STANDARDS ESTABLISHED BY THIS ARTICLE.

9 **9-5.5-113. Conveyance - installation and repair.** (1) A
10 CONVEYANCE SHALL NOT BE ERECTED, CONSTRUCTED, INSTALLED, OR
11 ALTERED WITHIN A BUILDING OR STRUCTURE UNLESS IT CONFORMS TO THE
12 RULES ADOPTED BY THE ADMINISTRATOR UNDER THIS ARTICLE AND THE
13 WORK IS PERFORMED BY A CERTIFIED CONVEYANCE CONTRACTOR.

14 (2) A CONVEYANCE SHALL NOT BE ERECTED, CONSTRUCTED, OR
15 INSTALLED WITHIN A BUILDING OR STRUCTURE UNLESS A NOTICE HAS BEEN
16 SENT TO THE DEPARTMENT AND THE DEPARTMENT HAS APPROVED THE
17 CONSTRUCTION. THE NOTICE SHALL INCLUDE THE CONSTRUCTION PLANS
18 AND SHALL BE SENT AT LEAST THIRTY DAYS BEFORE SUCH CONSTRUCTION.

19 **9-5.5-114. New installations - annual inspections and**
20 **registrations - rules.** (1) (a) AFTER INSTALLATION OF ANY NEW
21 CONVEYANCE, THE OWNER OR LESSEE OF THE PROPERTY WHERE THE
22 CONVEYANCE IS LOCATED SHALL CERTIFY THAT A LICENSED INDEPENDENT
23 CONVEYANCE INSPECTOR HAS DETERMINED THAT THE CONVEYANCE IS
24 SAFE AND COMPLIES WITH ANY RULES ADOPTED BY THE ADMINISTRATOR.
25 UPON SUCH CERTIFICATION, THE ADMINISTRATOR SHALL ISSUE A
26 CERTIFICATE OF OPERATION FOR THE CONVEYANCE.

27 (b) A CONVEYANCE SHALL NOT BE OPERATED UNLESS THE
28 PROPERTY OWNER OR LESSEE OBTAINS A CERTIFICATE OF OPERATION FROM
29 THE ADMINISTRATOR.

30 (c) SUBJECT TO SUBSECTION (2) OF THIS SECTION, A FEE IN AN
31 AMOUNT DETERMINED BY THE ADMINISTRATOR SHALL BE PAID FOR A
32 CERTIFICATE OF OPERATION. THE ADMINISTRATOR SHALL SET SUCH FEE



1 IN ACCORDANCE WITH SECTION 24-4-104, C.R.S., TO APPROXIMATE THE
2 ACTUAL COST OF ISSUING A CERTIFICATE OF OPERATION.

3 (d) THE FEE FOR A CERTIFICATE OF OPERATION ON NEWLY
4 INSTALLED CONVEYANCES FOR PRIVATE RESIDENCES SHALL BE PAID AFTER
5 AN INSPECTION BY A CERTIFIED CONVEYANCE INSPECTOR.

6 (2) (a) A PERSON SHALL NOT BE REQUIRED TO PAY A FEE FOR THE
7 ISSUANCE OR RENEWAL OF A CERTIFICATE OF OPERATION FOR AN EXISTING
8 CONVEYANCE IN A PRIVATE RESIDENCE.

9 (b) UPON REQUEST, THE ADMINISTRATOR SHALL PROVIDE NOTICE
10 TO THE OWNER OF A PRIVATE RESIDENCE WHERE A CONVEYANCE IS
11 LOCATED WITH RELEVANT INFORMATION ABOUT CONVEYANCE SAFETY
12 REQUIREMENTS. THE PENALTY PROVISIONS OF THIS ARTICLE SHALL NOT
13 APPLY TO PRIVATE RESIDENCE OWNERS.

14 (3) THE ADMINISTRATOR SHALL PROMULGATE RULES REQUIRING
15 THE PERIODIC INSPECTION OF CONVEYANCES BY A LICENSED INDEPENDENT
16 CONVEYANCE INSPECTOR AND THE PERIODIC EXPIRATION OF CERTIFICATES
17 OF OPERATION.

18 **9-5.5-115. Insurance.** (1) EACH CONVEYANCE CONTRACTOR
19 SHALL SUBMIT TO THE ADMINISTRATOR AN INSURANCE POLICY,
20 CERTIFICATE OF INSURANCE, OR CERTIFIED COPY OF EITHER ISSUED BY AN
21 INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO. SUCH
22 POLICY SHALL PROVIDE GENERAL LIABILITY COVERAGE OF AT LEAST ONE
23 MILLION DOLLARS FOR THE INJURY OR DEATH OF EACH PERSON IN EACH
24 OCCURRENCE AND COVERAGE FOR AT LEAST FIVE HUNDRED THOUSAND
25 DOLLARS FOR PROPERTY DAMAGE IN EACH OCCURRENCE. IN ADDITION, A
26 CONVEYANCE CONTRACTOR SHALL SUBMIT EVIDENCE OF THE INSURANCE
27 COVERAGE MANDATED BY THE "WORKERS' COMPENSATION ACT OF
28 COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S.

29 (2) CERTIFIED CONVEYANCE INSPECTORS SHALL SUBMIT TO THE
30 ADMINISTRATOR AN INSURANCE POLICY, CERTIFICATE OF INSURANCE, OR
31 CERTIFIED COPY OF EITHER ISSUED BY AN INSURANCE COMPANY
32 AUTHORIZED TO DO BUSINESS IN COLORADO. SUCH POLICY SHALL
33 PROVIDE GENERAL LIABILITY COVERAGE OF AT LEAST ONE MILLION
34 DOLLARS FOR THE INJURY OR DEATH OF EACH PERSON IN EACH
35 OCCURRENCE AND COVERAGE FOR AT LEAST FIVE HUNDRED THOUSAND



1 DOLLARS FOR PROPERTY DAMAGE IN EACH OCCURRENCE.

2 (3) THE ADMINISTRATOR SHALL NOT CERTIFY A CONVEYANCE
3 CONTRACTOR OR CONVEYANCE INSPECTOR UNLESS THE APPLICANT HAS
4 DELIVERED THE POLICY, CERTIFIED COPY, OR CERTIFICATE OF INSURANCE
5 REQUIRED BY THIS SECTION IN A FORM APPROVED BY THE ADMINISTRATOR.
6 A CERTIFIED CONVEYANCE CONTRACTOR OR CONVEYANCE INSPECTOR
7 SHALL NOTIFY THE ADMINISTRATOR AT LEAST TEN DAYS BEFORE A
8 MATERIAL ALTERATION, AMENDMENT, OR CANCELLATION OF A POLICY IS
9 MADE.

10 **9-5.5-116. Enforcement - rules.** (1) THE ADMINISTRATOR MAY
11 ADOPT RULES TO ADMINISTER AND ENFORCE THIS ARTICLE. THE
12 ADMINISTRATOR MAY USE CERTIFIED CONVEYANCE INSPECTORS FOR ANY
13 INVESTIGATION OF AN ALLEGED VIOLATION OF THE RULES OR THIS
14 ARTICLE. THE ADMINISTRATOR MAY APPOINT AN ADVISORY BOARD TO
15 ASSIST IN THE FORMULATION OF RULES AUTHORIZED BY THIS SECTION.

16 (2) A PERSON MAY REQUEST AN INVESTIGATION INTO AN ALLEGED
17 VIOLATION OF THE RULES OR THIS ARTICLE, OR OF A DANGER POSED BY
18 ANY CONVEYANCE, BY GIVING NOTICE TO THE ADMINISTRATOR OF SUCH
19 VIOLATION OR DANGER. SUCH NOTICE SHALL BE IN WRITING, SHALL SET
20 FORTH WITH REASONABLE PARTICULARITY THE GROUNDS FOR THE NOTICE,
21 AND SHALL BE SIGNED BY THE PERSON MAKING THE REQUEST. UPON THE
22 REQUEST OF A PERSON SIGNING THE NOTICE, SUCH PERSON'S NAME SHALL
23 NOT APPEAR ON ANY COPY OF SUCH NOTICE OR ANY RECORD PUBLISHED,
24 RELEASED, OR MADE AVAILABLE.

25 (3) UPON RECEIPT OF SUCH NOTIFICATION, IF THE ADMINISTRATOR
26 DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT
27 SUCH VIOLATION OR DANGER EXISTS, THE ADMINISTRATOR SHALL
28 INVESTIGATE IN ACCORDANCE WITH THIS ARTICLE TO DETERMINE IF SUCH
29 VIOLATION OR DANGER EXISTS. IF THE ADMINISTRATOR DETERMINES THAT
30 THERE ARE NO REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION OR
31 DANGER EXISTS, THE ADMINISTRATOR SHALL NOTIFY THE PARTY IN
32 WRITING OF SUCH DETERMINATION.

33 **9-5.5-117. Liability.** THIS ARTICLE SHALL NOT BE CONSTRUED TO
34 RELIEVE OR LESSEN THE RESPONSIBILITY OR LIABILITY OF A PERSON
35 OWNING, OPERATING, CONTROLLING, MAINTAINING, ERECTING,
36 CONSTRUCTING, INSTALLING, ALTERING, INSPECTING, TESTING, OR



1 REPAIRING A CONVEYANCE FOR DAMAGES TO PERSON OR PROPERTY
2 CAUSED BY A DEFECT, NOR DOES THE STATE OF COLORADO ASSUME ANY
3 SUCH LIABILITY OR RESPONSIBILITY BY THE ADOPTION OR ENFORCEMENT
4 OF THIS ARTICLE.

5 **9-5.5-118. Criminal penalties.** A PERSON WHO VIOLATES
6 SECTION 9-5.5-106 OR 9-5.5-111 COMMITS A CLASS 3 MISDEMEANOR AND,
7 UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION
8 18-1.3-501, C.R.S.

9 **9-5.5-119. Dangerous conveyance - administrative orders.**
10 (1) IF, UPON THE INSPECTION OF A CONVEYANCE, THE CONVEYANCE IS
11 FOUND TO BE IN A DANGEROUS CONDITION, AN IMMEDIATE HAZARD TO
12 THOSE RIDING OR USING IT, OR DESIGNED OR OPERATED IN AN INHERENTLY
13 DANGEROUS MANNER, THE CERTIFIED CONVEYANCE INSPECTOR SHALL
14 NOTIFY THE OWNER AND ADMINISTRATOR OF SUCH DANGEROUS
15 CONDITION, AND THE ADMINISTRATOR SHALL ORDER SUCH ALTERATIONS
16 OR ADDITIONS AS MAY BE DEEMED NECESSARY TO ELIMINATE THE
17 DANGER.

18 (2) (a) IN LIEU OF REPAIRING OR ALTERING A DANGEROUS
19 CONVEYANCE PURSUANT TO SUBSECTION (1) OF THIS SECTION, AN OWNER
20 OR A LESSEE MAY HAVE THE CONVEYANCE MADE DORMANT. A DORMANT
21 CONVEYANCE SHALL NOT BE USED UNTIL IT IS MADE SAFE IN COMPLIANCE
22 WITH THIS ARTICLE. IN ORDER TO QUALIFY UNDER THIS SUBSECTION (2),
23 THE OWNER OR LESSEE OF A DORMANT CONVEYANCE SHALL:

24 (I) REMOVE THE FUSES AND LOCK THE MAINLINE DISCONNECT
25 SWITCH IN THE "OFF" POSITION;

26 (II) PARK THE CAR AND CLOSE AND LATCH THE HOISTWAY DOORS;

27 (III) HAVE A CERTIFIED CONVEYANCE INSPECTOR PLACE A WIRE
28 SEAL ON THE MAINLINE DISCONNECT SWITCH; AND

29 (IV) PREVENT THE CONVEYANCE FROM BEING USED.

30 (b) A CONVEYANCE SHALL NOT BE MADE DORMANT FOR MORE
31 THAN FIVE YEARS. UPON MAKING A CONVEYANCE DORMANT, A CERTIFIED
32 CONVEYANCE INSPECTOR SHALL REPORT THE FACT TO THE
33 ADMINISTRATOR.



1 **9-5.5-120. Repeal of article.** THIS ARTICLE IS REPEALED,
2 EFFECTIVE JULY 1, 2017. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF THE
3 ADMINISTRATOR AND THE DEPARTMENT SHALL BE SUBJECT TO REVIEW
4 PURSUANT TO SECTION 24-34-104, C.R.S.

5 **SECTION 2.** 8-20-104 (2) (a), Colorado Revised Statutes, is
6 amended to read:

7 **8-20-104. Enforcement of law - penalties - definitions.**
8 (2) (a) The director may issue a notice of violation to a person who is
9 believed to have violated this article, section 22-32-124 or 23-71-122,
10 C.R.S., or rules promulgated pursuant to this article, ARTICLE 5.5 OF TITLE
11 9, C.R.S., OR RULES PROMULGATED PURSUANT TO ARTICLE 5.5 OF TITLE 9,
12 C.R.S. The notice shall be delivered to the alleged violator personally, by
13 certified mail, return receipt requested, or by any means that verifies
14 receipt as reliably as certified mail, return receipt requested.

15 **SECTION 3.** 24-34-104, Colorado Revised Statutes, is amended
16 BY THE ADDITION OF A NEW SUBSECTION to read:

17 **24-34-104. General assembly review of regulatory agencies**
18 **and functions for termination, continuation, or reestablishment.**
19 (48) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE
20 ON JULY 1, 2017: THE CERTIFICATION OF CONVEYANCES AND
21 CONVEYANCE MECHANICS, CONTRACTORS, AND INSPECTORS PURSUANT TO
22 ARTICLE 5.5 OF TITLE 9, C.R.S.

23 **SECTION 4. Effective date.** This act shall take effect July 1,
24 2007.

25 **SECTION 5. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety."

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