

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 10-1231

BY REPRESENTATIVE(S) Sonnenberg, Acree, Gardner C., Gerou, Kerr J., Priola, Stephens;
also SENATOR(S) Tochtrop.

CONCERNING THE REGULATION OF CONVEYANCES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 9-5.5-103 (10), Colorado Revised Statutes, is amended, and the said 9-5.5-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

9-5.5-103. Definitions. As used in this article, unless the context otherwise requires:

(10) "Certificate of operation" means a document issued by the administrator or an approved local jurisdiction for a conveyance indicating that the conveyance has been inspected by a THE ADMINISTRATOR, AN APPROVED LOCAL JURISDICTION, OR A LICENSED third-party licensed conveyance inspector and approved under this article.

(18.5) "PRIVATE RESIDENCE CONVEYANCE" MEANS A POWERED PASSENGER CONVEYANCE THAT IS LIMITED IN SIZE, CAPACITY, RISE, AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SPEED AND IS DESIGNED TO BE INSTALLED IN A PRIVATE RESIDENCE OR IN A MULTIPLE-FAMILY DWELLING AS A MEANS OF ACCESS TO A PRIVATE RESIDENCE.

SECTION 2. The introductory portion to 9-5.5-104 (1) and 9-5.5-104 (1) (a), Colorado Revised Statutes, are amended to read:

9-5.5-104. Scope. (1) Except as provided in subsection (2) of this section, this article ~~shall apply~~ APPLIES to the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment:

(a) Hoisting and lowering mechanisms equipped with a car or platform that moves between two or more landings. Such equipment includes ~~but is not limited to~~, elevators and platform lifts, personnel hoists, ~~stairway chair lifts~~, and dumbwaiters.

SECTION 3. The introductory portion to 9-5.5-104 (2) and 9-5.5-104 (2) (q) and (2) (r), Colorado Revised Statutes, are amended, and the said 9-5.5-104 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

9-5.5-104. Scope. (2) This article ~~shall~~ DOES not apply to the following:

(q) A passenger tramway defined in section 25-5-702, C.R.S.; ~~or~~

(r) Conveyances in a single-family residence; OR

(s) STAIRWAY CHAIR LIFTS AS DEFINED IN ASME A18.1 - 2005.

SECTION 4. Repeal. 9-5.5-107 (3) (c), Colorado Revised Statutes, is repealed as follows:

9-5.5-107. License qualifications - contractor - mechanic - inspector - repeal. (3) (c) ~~In lieu of qualifying under paragraph (b) of this subsection (3), an applicant shall qualify if the applicant possesses a valid license or certificate issued by a state having standards substantially equivalent to those of this article.~~

SECTION 5. 9-5.5-109 (1) (c), Colorado Revised Statutes, is amended to read:

9-5.5-109. License discipline. (1) A certification issued pursuant to this article may be suspended or revoked upon a finding by the administrator of any of the following:

(c) Failure to notify the OWNER OR LESSEE OF A CONVEYANCE AND THE administrator ~~and the owner or lessee of a conveyance~~ OR APPROVED LOCAL JURISDICTION, IF ANY, of a condition not in compliance with this article; or

SECTION 6. 9-5.5-113, Colorado Revised Statutes, is amended to read:

9-5.5-113. Conveyance - installation and repair - notice of construction and initial inspection. (1) THE OWNER OR LESSEE OF a conveyance shall not ~~be erected, constructed, installed, or altered~~ ERECT, CONSTRUCT, INSTALL, OR ALTER A CONVEYANCE within a building or structure unless it conforms to the rules adopted by the administrator under this article and the work is performed by a certified conveyance contractor.

(2) THE OWNER OR LESSEE OF a conveyance shall not ~~be erected, constructed, or installed~~ ERECT, CONSTRUCT, OR INSTALL A CONVEYANCE within a building or structure unless a notice, INCLUDING THE CONSTRUCTION PLANS, has been sent to the administrator or approved local jurisdiction AT LEAST THIRTY DAYS PRIOR TO CONSTRUCTION and the administrator or approved local jurisdiction has approved the construction. ~~The notice shall include the construction plans and shall be sent at least thirty days before such construction.~~

(3) THE OWNER OR LESSEE OF THE PROPERTY WHERE A NEW OR ALTERED CONVEYANCE IS LOCATED SHALL NOT OPERATE OR PERMIT IT TO BE OPERATED UNLESS:

(a) THE CONVEYANCE HAS PASSED AN INITIAL INSPECTION CONDUCTED BY THE ADMINISTRATOR, APPROVED LOCAL JURISDICTION, OR THIRD-PARTY INSPECTOR;

(b) THE PERSON CONDUCTING THE INSPECTION DETERMINES THAT

THE CONVEYANCE IS SAFE AND COMPLIES WITH THE RULES ADOPTED BY THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION; AND

(c) THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION HAS ISSUED A CERTIFICATE OF OPERATION FOR THE CONVEYANCE.

SECTION 7. 9-5.5-114 (1), Colorado Revised Statutes, is amended, and the said 9-5.5-114 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

9-5.5-114. Periodic inspections and registrations - rules.

(1) (a) ~~After installation of any new conveyance,~~ The ADMINISTRATOR SHALL PROMULGATE RULES REQUIRING THE owner or lessee of ~~the property where the~~ A conveyance is located ~~shall~~ TO PERIODICALLY certify that THE ADMINISTRATOR, AN APPROVED LOCAL JURISDICTION, OR a licensed third-party conveyance inspector has determined that the conveyance is safe and complies with ~~any~~ THE rules adopted by the administrator or approved local jurisdiction. Upon such certification, the administrator or approved local jurisdiction shall issue a certificate of operation for the conveyance.

(b) ~~A conveyance shall not be operated unless the property owner or lessee obtains a certificate of operation from the administrator or approved local jurisdiction.~~

(c) ~~A fee in an amount determined by the administrator shall be paid for a certificate of operation issued by the administrator. The administrator shall set such fee in accordance with section 24-4-104, C.R.S., to approximate the actual cost of issuing a certificate of operation.~~

(4) THE ADMINISTRATOR SHALL PROMULGATE RULES ALLOWING THE CONTINUED OPERATION OF A PRIVATE RESIDENCE CONVEYANCE THAT WAS INSTALLED PRIOR TO JANUARY 1, 2008, IN A BUILDING THAT IS NOT A SINGLE-FAMILY RESIDENCE.

(5) THE OWNER OR LESSEE OF A CONVEYANCE SHALL NOT PERMIT THE CONVEYANCE TO BE OPERATED UNLESS THE OWNER OR LESSEE OBTAINS A CERTIFICATE OF OPERATION FROM THE ADMINISTRATOR OR APPROVED LOCAL JURISDICTION.

(6) THE OWNER OR LESSEE SHALL PAY A FEE IN AN AMOUNT

DETERMINED BY THE ADMINISTRATOR FOR A CERTIFICATE OF OPERATION ISSUED BY THE ADMINISTRATOR. THE ADMINISTRATOR SHALL SET THE FEE IN ACCORDANCE WITH SECTION 24-4-104, C.R.S., TO APPROXIMATE THE ACTUAL COST OF ISSUING A CERTIFICATE OF OPERATION.

SECTION 8. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO