

52:27D-126f

LEGISLATIVE HISTORY CHECKLIST

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(Elevators--inspection)

NJSA: 52:27D-126f

LAWS OF: 1997 CHAPTER: 336

BILL NO: S492

SPONSOR(S): Bennett and Arnone

DATE INTRODUCED: January 22, 1996

COMMITTEE: ASSEMBLY: Housing
SENATE: Budget & Appropriations; Community

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
First reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 8, 1998
SENATE: May 22, 1997

DATE OF APPROVAL: January 12, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes 10-28-96 & 6-3-96

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 336, *approved January 12, 1998*
Senate, No. 492 (*First Reprint*)

1 AN ACT concerning the testing and inspecting of elevator devices and
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. As used in this section:

8 "Elevator device" means a hoisting and lowering device equipped
9 with a car or platform which moves in guides for the transportation of
10 individuals or freight in a substantially vertical direction through
11 successive floors or levels of a building or structure. The term
12 includes, without limitation, elevators, dumbwaiters, wheelchair lifts,
13 manlifts, stairway chairlifts and any device within the scope of ASME
14 A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1
15 (Safety Standard for Belt Manlifts), except escalators and moving
16 walks. It shall not include any conveyor devices that are process
17 equipment.

18 "Qualified elevator device inspection firm" means any entity,
19 whether a sole proprietorship, partnership, association or corporation,
20 that is engaged in the business of inspecting, testing, installing,
21 maintaining or repairing elevator devices, or the business of inspecting
22 and testing elevator devices, is registered for those purposes with the
23 Department of Community Affairs, and employs at least one qualified
24 elevator device inspector.

25 "Qualified elevator device inspector" means any person who is
26 employed by a qualified elevator device inspection firm and who is
27 licensed by the Department of Community Affairs to conduct the
28 routine, periodic and acceptance inspections and tests of elevator
29 devices required pursuant to the provisions of the "State Uniform
30 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

31 b. No elevator devices which, under the provisions of the "State

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted October 28, 1996.

1 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et
2 seq.), are subject to routine, periodic and acceptance inspections and
3 tests by the local enforcing agency or the Department of Community
4 Affairs shall be subject to such inspections and tests, nor shall the
5 owner of the structure be charged any fees therefor, if those elevator
6 devices are subjected to acceptance testing and are routinely and
7 periodically inspected and tested by a qualified elevator device
8 inspection firm, and the owner has registered each such elevator
9 device with the Department of Community Affairs and has indicated
10 in the registration application form, or in a supplement to that form,
11 the identity of the qualified elevator device inspection firm that has
12 been given responsibility for inspection and testing of the elevator
13 device.

14 The inspections and tests, including the frequency thereof,
15 conducted by a qualified elevator device inspector shall be in
16 accordance with such rules and regulations as the Commissioner of
17 Community Affairs may prescribe pursuant to the "State Uniform
18 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and
19 subsection e. of this section. Acceptance testing and the five-year test
20 shall be witnessed by the local enforcing agency or the Department of
21 Community Affairs in accordance with such rules and regulations as
22 the Commissioner of Community Affairs may prescribe pursuant to the
23 "State Uniform Construction Code Act," P.L.1975, c.217
24 (C.52:27D-119 et seq.) and subsection e. of this section. No qualified
25 elevator device inspector shall act in that capacity when his work on
26 the elevator device is the work being inspected.

27 c. If, upon inspection or test, a qualified elevator device inspector
28 shall find that an elevator device is in a dangerous condition, or if
29 there is an immediate hazard to persons riding on or using any such
30 device, the inspector shall immediately prohibit any further use of the
31 device and shall so notify in writing the owner and the local enforcing
32 agency or Department of Community Affairs, as the case may be. The
33 device shall remain out of service until such time as the inspector shall
34 certify in writing that the dangerous condition or immediate hazard has
35 been removed or corrected and that the device is safe for public use.
36 If the local enforcing agency or the department shall determine, in
37 response to a complaint or otherwise, that an elevator device is in a
38 dangerous condition or that there is an immediate hazard to persons
39 riding on or using that device, the local enforcing agency or the
40 department may require the owner of the elevator device to make such
41 repairs as may be necessary, or take other corrective action, within
42 such time as the local enforcing agency or the department, as the case
43 may be, shall prescribe.

44 d. Any qualified elevator device inspector or qualified elevator
45 device inspection firm violating the provisions of this section shall be
46 subject to a penalty in accordance with section 20 of P.L.1975, c.217

1 (C.52:27D-138) and shall also be subject to suspension or revocation
2 by the Department of Community Affairs of licensure or registration
3 as a qualified elevator device inspector or qualified elevator device
4 inspection firm, as the case may be.

5 e. The Commissioner of Community Affairs, in accordance with the
6 provisions of the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
8 effectuate the purposes of this act. The rules and regulations shall
9 provide for, but not be limited to, the qualifications for licensing of
10 qualified elevator device inspectors, the registration of qualified
11 elevator device inspection firms, the manner and form of licensure and
12 registration, the fee for each such license or registration, the manner
13 in which test results pursuant to this act are to be recorded, and
14 minimum liability insurance requirements for qualified elevator device
15 inspection firms, for which proof thereof shall be provided by the firms
16 to the department. License and registration fees shall be designed to
17 cover, but not exceed, the actual costs the department shall incur in
18 administering the provisions of this act.

19 ¹f. The Department of Community Affairs shall conduct a review
20 and perform an analysis of the impact on the safety record of elevator
21 devices in this State as a result of the implementation of this section.
22 The review and analysis shall be performed biennially. A written
23 report of the results of the review and analysis shall be submitted to
24 the Governor and the Legislature, with the first report submitted
25 within 48 months following the effective date of P.L. , c. (C.)
26 (now pending before the Legislature as this bill.)¹
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28 2. This act shall take effect on the first day of the fourth month
29 following enactment.
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34 Provides for alternate means for testing and inspecting elevator
35 devices in certain cases.

1 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
2 effectuate the purposes of this act. The rules and regulations shall
3 provide for, but not be limited to, the qualifications for licensing of
4 qualified elevator device inspectors, the registration of qualified
5 elevator device inspection firms, the manner and form of licensure and
6 registration, the fee for each such license or registration, the manner
7 in which test results pursuant to this act are to be recorded, and
8 minimum liability insurance requirements for qualified elevator device
9 inspection firms, for which proof thereof shall be provided by the firms
10 to the department. License and registration fees shall be designed to
11 cover, but not exceed, the actual costs the department shall incur in
12 administering the provisions of this act.

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14 2. This act shall take effect on the first day of the fourth month
15 following enactment.

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18 STATEMENT

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20 This bill provides that elevator devices, including elevators,
21 dumbwaiters, and manlifts, which are subjected to acceptance testing
22 and are routinely and periodically inspected and tested by a qualified
23 elevator device inspection firm would not be subject to the routine,
24 periodic and acceptance inspections and tests by a local enforcing
25 agency or the Department of Community Affairs. These inspections
26 and tests, including the frequency thereof, conducted by a qualified
27 elevator device inspector would have to be in accordance with rules
28 and regulations prescribed by the Commissioner of Community Affairs.

29 The bill provides that the rules and regulations must address the
30 licensing of qualified elevator device inspectors, the registration of
31 qualified elevator device inspection firms, the manner and form of
32 licensure and registration, the fee for each license or registration, the
33 manner in which test results are recorded and the minimum liability
34 insurance coverage required for qualified elevator device inspection
35 firms. Acceptance testing and the five-year test would be witnessed
36 by the local enforcing agency or the Department of Community
37 Affairs. No elevator inspector would be permitted to inspect his own
38 work.

39 Under the provisions of the bill, the owner must register each
40 elevator device with the Department of Community Affairs and
41 indicate on the registration form, the identity of the qualified elevator
42 device inspection firm responsible for inspecting and testing the
43 elevator devices.

44 The bill provides that if a qualified elevator device inspector finds
45 that an elevator device is in a dangerous condition or creates an
46 immediate hazard, he is required to prohibit further use of it and to

1 notify in writing the owner and the local enforcing agency or
2 Department of Community Affairs, as the case may be. The elevator
3 device is required to remain out of service until the inspector certifies
4 in writing that the dangerous condition or immediate hazard has been
5 corrected and that the elevator device is safe for public use. If at any
6 time a local enforcing agency or the department determines that an
7 elevator device is in a dangerous condition or creates an immediate
8 hazard, it may require the owner of the device to make the necessary
9 repairs.

10 Under the bill, a "qualified elevator device inspector" is a person
11 who is: (1) employed by a qualified elevator device inspection firm and
12 (2) licensed with the department to conduct the routine, periodic and
13 acceptance inspections and tests of elevator devices required pursuant
14 to the "State Uniform Construction Code Act;" and a "qualified
15 elevator device inspection firm" is a firm engaged in the business of
16 inspecting, testing, installing, maintaining or repairing elevator
17 devices, or the business of inspecting and testing elevator devices, is
18 registered with the Department of Community Affairs, and employs at
19 least one qualified elevator device inspector.

20 Any qualified elevator device inspector or inspection firm which
21 violates any provision of the bill would be subject to penalties in
22 accordance with section 20 of P.L.1975, c.217 (C.52:27D-138) and
23 suspension or revocation of licensure or registration by the
24 department.

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29 Provides for alternate means for testing and inspecting elevator
30 devices in certain cases.

[Passed Both Houses]

[First Reprint]

SENATE, No. 492

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1996

By Senator **BENNETT** and Assemblyman **Arnone**

1 AN ACT concerning the testing and inspecting of elevator devices and
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. As used in this section:

8 "Elevator device" means a hoisting and lowering device equipped
9 with a car or platform which moves in guides for the transportation of
10 individuals or freight in a substantially vertical direction through
11 successive floors or levels of a building or structure. The term
12 includes, without limitation, elevators, dumbwaiters, wheelchair lifts,
13 manlifts, stairway chairlifts and any device within the scope of ASME
14 A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1
15 (Safety Standard for Belt Manlifts), except escalators and moving
16 walks. It shall not include any conveyor devices that are process
17 equipment.

18 "Qualified elevator device inspection firm" means any entity,
19 whether a sole proprietorship, partnership, association or corporation,
20 that is engaged in the business of inspecting, testing, installing,
21 maintaining or repairing elevator devices, or the business of inspecting
22 and testing elevator devices, is registered for those purposes with the
23 Department of Community Affairs, and employs at least one qualified
24 elevator device inspector.

25 "Qualified elevator device inspector" means any person who is
26 employed by a qualified elevator device inspection firm and who is
27 licensed by the Department of Community Affairs to conduct the
28 routine, periodic and acceptance inspections and tests of elevator

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted October 28, 1996.

1 devices required pursuant to the provisions of the "State Uniform
2 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

3 b. No elevator devices which, under the provisions of the "State
4 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et
5 seq.), are subject to routine, periodic and acceptance inspections and
6 tests by the local enforcing agency or the Department of Community
7 Affairs shall be subject to such inspections and tests, nor shall the
8 owner of the structure be charged any fees therefor, if those elevator
9 devices are subjected to acceptance testing and are routinely and
10 periodically inspected and tested by a qualified elevator device
11 inspection firm, and the owner has registered each such elevator
12 device with the Department of Community Affairs and has indicated
13 in the registration application form, or in a supplement to that form,
14 the identity of the qualified elevator device inspection firm that has
15 been given responsibility for inspection and testing of the elevator
16 device.

17 The inspections and tests, including the frequency thereof,
18 conducted by a qualified elevator device inspector shall be in
19 accordance with such rules and regulations as the Commissioner of
20 Community Affairs may prescribe pursuant to the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and
22 subsection e. of this section. Acceptance testing and the five-year test
23 shall be witnessed by the local enforcing agency or the Department of
24 Community Affairs in accordance with such rules and regulations as
25 the Commissioner of Community Affairs may prescribe pursuant to the
26 "State Uniform Construction Code Act," P.L.1975, c.217
27 (C.52:27D-119 et seq.) and subsection e. of this section. No qualified
28 elevator device inspector shall act in that capacity when his work on
29 the elevator device is the work being inspected.

30 c. If, upon inspection or test, a qualified elevator device inspector
31 shall find that an elevator device is in a dangerous condition, or if
32 there is an immediate hazard to persons riding on or using any such
33 device, the inspector shall immediately prohibit any further use of the
34 device and shall so notify in writing the owner and the local enforcing
35 agency or Department of Community Affairs, as the case may be. The
36 device shall remain out of service until such time as the inspector shall
37 certify in writing that the dangerous condition or immediate hazard has
38 been removed or corrected and that the device is safe for public use.
39 If the local enforcing agency or the department shall determine, in
40 response to a complaint or otherwise, that an elevator device is in a
41 dangerous condition or that there is an immediate hazard to persons
42 riding on or using that device, the local enforcing agency or the
43 department may require the owner of the elevator device to make such
44 repairs as may be necessary, or take other corrective action, within
45 such time as the local enforcing agency or the department, as the case
46 may be, shall prescribe.

1 d. Any qualified elevator device inspector or qualified elevator
2 device inspection firm violating the provisions of this section shall be
3 subject to a penalty in accordance with section 20 of P.L.1975, c.217
4 (C.52:27D-138) and shall also be subject to suspension or revocation
5 by the Department of Community Affairs of licensure or registration
6 as a qualified elevator device inspector or qualified elevator device
7 inspection firm, as the case may be.

8 e. The Commissioner of Community Affairs, in accordance with the
9 provisions of the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
11 effectuate the purposes of this act. The rules and regulations shall
12 provide for, but not be limited to, the qualifications for licensing of
13 qualified elevator device inspectors, the registration of qualified
14 elevator device inspection firms, the manner and form of licensure and
15 registration, the fee for each such license or registration, the manner
16 in which test results pursuant to this act are to be recorded, and
17 minimum liability insurance requirements for qualified elevator device
18 inspection firms, for which proof thereof shall be provided by the firms
19 to the department. License and registration fees shall be designed to
20 cover, but not exceed, the actual costs the department shall incur in
21 administering the provisions of this act.

22 ¹f. The Department of Community Affairs shall conduct a review
23 and perform an analysis of the impact on the safety record of elevator
24 devices in this State as a result of the implementation of this section.
25 The review and analysis shall be performed biennially. A written
26 report of the results of the review and analysis shall be submitted to
27 the Governor and the Legislature, with the first report submitted
28 within 48 months following the effective date of P.L. , c. (C.)
29 (now pending before the Legislature as this bill.)¹
30

31 2. This act shall take effect on the first day of the fourth month
32 following enactment.
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34

35 _____
36
37 Provides for alternate means for testing and inspecting elevator
38 devices in certain cases.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 492

STATE OF NEW JERSEY

DATED: DECEMBER 15, 1997

The Assembly Housing Committee reports without recommendation Senate Bill No. 492 (1R).

Senate Bill No. 492 (1R) provides that an elevator device regularly maintained, inspected and tested by a qualified elevator device inspection firm will not be subject to the six-month routine and one-year periodic inspection and test witnessing requirements of current law, and the payment of fees that would otherwise be applicable. Currently, inspectors for governmental enforcing agencies are required to witness the acceptance testing and routine and periodic inspections and tests of elevator devices. Owners of elevators are required to pay for the tests and inspections and for the witnessing of them by the inspectors who are public employees or employees of a private on-site inspection agency working under contract with a municipality. Under the bill, these devices could be inspected and tested by qualified elevator device inspection firms in accordance with rules and regulations prescribed by the Commissioner of the Department of Community Affairs (DCA). However, acceptance testing and the required five-year test would still have to be witnessed by an inspector for a local enforcing agency or the DCA.

The bill requires the DCA to license qualified elevator device inspectors; to register qualified elevator device inspection firms; to impose fees for licenses and registrations; to set forth the manner in which test results will be recorded and to require minimum liability insurance coverage required for qualified elevator device inspection firms.

Under the provisions of the bill, an elevator device owner would have to register each device with the department and indicate on the registration form the identity of the qualified elevator device inspection firm responsible for inspecting and testing the elevator devices. If a qualified elevator device inspector finds that an elevator device is in a dangerous condition or creates an immediate hazard, the inspector would be required to prohibit further use of it and to notify in writing the device's owner and the local enforcing agency or DCA, as the case may be. The elevator device would have to remain out of service until the inspector certifies in writing that the dangerous

condition or immediate hazard has been corrected and that the elevator device is safe for public use. The committee believes that this alternate means for testing and inspecting elevators is prudent and appropriate because it provides that the company which is legally liable for the safe functioning of the elevator will be careful and thorough. The bill requires that the maintenance company perform the tests; otherwise, the municipal or state government will perform them.

If at any time a local enforcing agency or the department determines that an elevator device is in a dangerous condition or creates an immediate hazard, it may require the owner of the device to make the necessary repairs.

Any qualified elevator device inspector or inspection firm that violates any provision of the bill would be subject to penalties in accordance with section 20 of P.L.1975, c.217 (C.52:27D-138) and suspension or revocation of licensure or registration by the department.

This bill is identical to Assembly Bill No. 2202, which was amended and reported without recommendation by the committee on December 15, 1997.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 492

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 28, 1996

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 492 with committee amendments.

Senate Bill No. 492, as amended, provides that an elevator device regularly maintained, inspected and tested by a qualified elevator device inspection firm will not be subject to the six-month routine and one-year periodic inspection and test witnessing requirements of current law, and the payment of fees that would otherwise be applicable. Currently, inspectors for governmental enforcing agencies are required to witness the acceptance testing and routine and periodic inspections and tests of elevator devices. Owners of elevators are required to pay for the tests and inspections and for the witnessing of them by the inspectors who are public employees or employees of a private on-site inspection agency working under contract with a municipality. Under the bill, these devices could be inspected and tested by qualified elevator device inspection firms in accordance with rules and regulations prescribed by the Commissioner of the Department of Community Affairs (DCA). However, acceptance testing and the required five-year test would still have to be witnessed by an inspector for a local enforcing agency or the DCA.

The bill requires the DCA to license qualified elevator device inspectors; to register qualified elevator device inspection firms; to impose fees for licenses and registrations; to set forth the manner in which test results will be recorded and to require minimum liability insurance coverage required for qualified elevator device inspection firms.

Under the provisions of the bill, an elevator device owner would have to register each device with the department and indicate on the registration form the identity of the qualified elevator device inspection firm responsible for inspecting and testing the elevator devices. If a qualified elevator device inspector finds that an elevator device is in a dangerous condition or creates an immediate hazard, the inspector would be required to prohibit further use of it and to notify in writing the device's owner and the local enforcing agency or DCA,

as the case may be. The elevator device would have to remain out of service until the inspector certifies in writing that the dangerous condition or immediate hazard has been corrected and that the elevator device is safe for public use.

If at any time a local enforcing agency or the department determines that an elevator device is in a dangerous condition or creates an immediate hazard, it may require the owner of the device to make the necessary repairs.

Any qualified elevator device inspector or inspection firm that violates any provision of the bill would be subject to penalties in accordance with section 20 of P.L.1975, c.217 (C.52:27D-138) and suspension or revocation of licensure or registration by the department.

According to the sponsor, the purpose of this bill is to eliminate unnecessary duplication of inspection work. The enforcement procedures currently in operation are redundant and unnecessarily costly and the less costly procedures provided by this bill will sufficiently protect public safety.

In fiscal year 1995, 10,464 routine and periodic inspections were performed by the department serving as the enforcing agency, 7,781 such inspections by local enforcing agencies using municipal inspectors, and 23,120 such inspections by private on-site inspection agencies under contract with municipalities. The total fees for such inspections received by the department were \$1,723,992, and it is estimated that fees received by municipal enforcing agencies totaled approximately \$1 million. Private on-site agency fees for these inspections totaled approximately \$4 million. Fees revenues collected by the department, local enforcing agencies and private on-site agencies would be reduced by the enactment of this bill since witnessing of inspections would no longer be required in all cases.

The DCA published in the New Jersey Register on June 17, 1996 proposed changes to elevator inspections and testing similar in purpose to the provisions of this bill.

COMMITTEE AMENDMENTS

The committee amended the bill at the request of Senator Kenny with the approval of the sponsor to require the Department of Community Affairs to conduct biennially a review and analysis of the impact of this bill on the safety of elevator devices in this State. A report of the results of the review and analysis would be submitted to the Governor and Legislature.

FISCAL IMPACT

The Department of Community Affairs (DCA) has advised the Office of Legislative Services (OLS) for the purposes of a fiscal note

prepared in 1995 on an identical bill that it did not have any information regarding the potential number of persons and firms that would seek to be registered under this bill, and what the consequences would be upon the licensing of elevator subcode officials and inspectors and upon fees paid for inspections. However, DCA noted that any impact would be revenue-neutral for the State, since the elevator subcode enforcement program is presently fully fee-supported and would continue to be so under the bill, since the level inspections and witnessing of inspections that will continue to be conducted will continue to be fee supported.

SENATE COMMUNITY AFFAIRS COMMITTEE
STATEMENT TO

SENATE, No. 492

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Senate Community Affairs Committee reports favorably Senate Bill No. 492.

This bill would provide that elevator devices, including elevators, dumbwaiters, and manlifts, which are subjected to acceptance testing and are routinely and periodically inspected and tested by a qualified elevator device inspection firm would not be subject to the routine, periodic, and acceptance inspections and tests by a local enforcing agency or the Department of Community Affairs. These inspections and tests, including the frequency thereof, conducted by a qualified elevator device inspector would have to be in accordance with rules and regulations prescribed by the commissioner of community affairs.

The bill would also provide that the rules and regulations must address the licensing of qualified elevator device inspectors, the registration of qualified elevator device inspection firms, the manner and form of licensure and registration, the fee for each license or registration, the manner in which test results are recorded and the minimum liability insurance coverage required for qualified elevator device inspection firms. Acceptance testing and the five-year test would be witnessed by the local enforcing agency or the Department of Community Affairs. No elevator inspector would be permitted to inspect his own work.

Under the provisions of the bill, the owner would have to register each elevator device with the Department of Community Affairs and indicate on the registration form the identity of the qualified elevator device inspection firm responsible for inspecting and testing the elevator devices.

The bill would provide further that if a qualified elevator device inspector finds that an elevator device is in a dangerous condition or creates an immediate hazard, he would be required to prohibit further use of it and to notify in writing the device's owner and the local enforcing agency or Department of Community Affairs, as the case may be. The elevator device would have to remain out of service until the inspector certifies in writing that the dangerous condition or immediate hazard has been corrected and that the elevator device is safe for public use. If at any time a local enforcing agency or the department determines that an elevator device is in a dangerous condition or creates an immediate hazard, it may require the owner of the device to make the necessary repairs.

Under the bill, a "qualified elevator device inspector" is a person who is employed by a qualified elevator device inspection firm and is licensed with the department to conduct the routine, periodic, and acceptance inspections and tests of elevator devices required pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.). A "qualified elevator device inspection firm" is a firm which engages in the business of inspecting, testing, installing, maintaining, or repairing elevator devices, or in the business of inspecting and testing elevator devices, is registered with the Department of Community Affairs, and employs at least one qualified elevator device inspector.

Any qualified elevator device inspector or inspection firm which violates any provision of the bill would be subject to penalties in accordance with section 20 of P.L.1975, c.217 (C.52:27D-138) and suspension or revocation of licensure or registration by the department.