

Legislative Analysis



INSTALLATION OF RESIDENTIAL LIFTS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4970 (reported as Substitute H-1)
Sponsor: Rep. Al Pscholka

House Bill 4971 (reported as Substitute H-1)
Sponsor: Rep. Aric Nesbitt

Committee: Regulatory Reform
Complete to 10-23-13

A SUMMARY OF HOUSE BILLS 4970 & 4971 AS REPORTED FROM COMMITTEE

House Bill 4970 (H-2) would amend Public Act 227 of 1967, which regulates the construction, installation, and inspections of elevators, to allow a licensed residential builder that is certified by the device's manufacturer to install residential stairway chairlifts and residential platform lifts. Currently, individuals who install, construct, repair, alter, or maintain elevators – including stairway chairlifts and platform lifts in private residences – must be licensed as elevator contractors.

Under the bill, an individual would only be allowed to install, construct, repair, alter, or maintain a residential stairway chairlift or residential platform lift if they obtained all of the necessary permits through the local municipality and met one of the following:

- Were licensed as a residential builder under Article 24 of the Occupational Code, and be certified by the manufacturer of the lift to install, construct, repair, alter, or maintain that chairlift or lift; or
- Were licensed as an elevator contractor.

All of the following would apply to a residential stairway chairlift or residential platform lift:

- The device must have a limited vertical travel, operating speed, and platform area.
- Operation must be under continuous control of the user.
- The device cannot penetrate more than one floor.
- The device cannot have a full passenger enclosure on its platform.

The bill would also exempt an individual who is altering or installing a residential stairway chairlift or residential platform lift from having to obtain a permit from LARA. Currently, a person is prohibited from installing or altering an elevator unless first issued a permit by LARA.

House Bill 4971 (H-1) would exempt individuals installing, constructing, repairing, altering, or maintaining a residential stairway chairlift or residential platform lift from

having to meet the elevator journeyman licensing requirements of Public Act 333 of 1976. Under that act, the installation, alteration, maintenance, repair, servicing, inspecting, adjusting, or testing of an elevator regulated under 1967 PA 227 must be performed by a licensed elevator journeyman.

"Residential stairway chairlift or residential platform lift" would mean an inclined stairway chairlift or inclined and vertical platform lift that is intended only for transportation of an individual whose mobility is impaired and that meets the requirements of Section 14a (which sets the requirements for individuals installing a device). The term does not include an elevator, escalator, moving walkway, material lift, dumbwaiter, personnel hoist, powered platform and equipment for exterior and interior building maintenance, amusement device, or state or orchestra lift or any portable equipment used to lift or transport individuals or material.

The bills are tie-barred to each other meaning that neither bill can take effect unless both are signed into law.

FISCAL IMPACT:

A fiscal analysis is in process.

BACKGROUND INFORMATION AND DISCUSSION:

Under current law, individuals who install, construct, repair, alter, or maintain elevators – including stairway chairlifts and platform lifts in private residences – must be licensed as elevator contractors. According to testimony, this is considered an overly burdensome regulation that makes the installation of certain residential chairlifts and platform lifts very expensive. Proponents of the bill believe that individuals certified by the device's manufacturer and that are licensed as residential builders are qualified to install these lifts and should not be required to obtain a separate elevator contractor license. Additionally, some areas of the state (mainly rural areas and parts of the Upper Peninsula) lack access to licensed elevator contractors, and it can be very difficult and expensive to have a residential lift installed. Under the bill, individuals who are certified by the manufacturer and possess a residential builder's license would be able to install these types of lifts.

Several groups expressed concern that allowing individuals other than licensed elevator contractors to install lift devices could jeopardize the safety of the resident. According to testimony, licensure as an elevator contractor is one way for the consumer to know the installer is qualified to do the work and can guarantee a certain level of competency and professionalism. A device that is installed incorrectly could cause serious injury or death to the user or others nearby. It was suggested that if access to qualified installers is an issue, it may be more beneficial to examine the requirements to become a journeyman rather than eliminate the licensure requirement for the installation of these lifts.

POSITIONS:

Van's Medical Equipment supports the bills. (9-24-13)

Michigan Department of Licensing and Regulatory Affairs is neutral on the bills. (10-15-13)

Detroit Elevator Company opposes the bills. (10-15-13)

Elevator Constructors Local 36 opposes the bills. (10-15-13)

International Union of Elevator Constructors 85 opposes the bills. (10-15-13)

Lifelong Mobility opposes the bills. (10-15-13)

Michigan AFL-CIO opposes the bills. (10-15-13)

Olen Inc. opposes the bills. (10-15-13)

Wright & Filippis opposes the bills. (10-15-13)

Legislative Analyst: Jeff Stoutenburg
Fiscal Analyst: Mark Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.