ELEVATOR SAFETY BOARD

Act 227 of 1967

AN ACT to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to regulate the construction, installation, alteration, maintenance, and repair of certain residential lifts; to prescribe the functions of the director of the department of licensing and regulatory affairs; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal acts and parts of acts.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 2015, Act 35, Eff. Aug. 19, 2015
Compiler's Notes: Enacting section 3 of Act 35 of 2015 provides:"Enacting section 3. It is the intent of the legislature that the enactment of this amendatory act does not affect the department of licensing and regulatory affairs' examination or examination requirements for licensure as a residential builder under article 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412."

The People of the State of Michigan enact:

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408.801 Elevators; applicability of definitions in American standard safety code.

Sec. 1.

The definitions in section 3 of the standard are applicable to this act, except where they conflict with definitions in this act.

History: 1967, Act 227, Eff. Nov. 2, 1967
Compiler's Notes: For transfer of powers and duties relating to promulgation of rules by the elevator safety board from the department of labor to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

408.802 Definitions.

Sec. 2.

(1) "Approved" means that which the director designates as acceptable to the department.
(2) "Board" means the elevator safety board.
(3) "Department" means the department of labor.
(4) "Director" means the director of labor or his duly designated representative.
(5) "Division" means the elevator safety division of the department.
(6) "Dormant elevator" means an elevator that is still intact and on the premises but the premises are vacated or the equipment is entirely disconnected in an approved manner.
(7) "Repairs" where used herein shall mean only such work as is necessary to maintain present equipment in a safe and serviceable condition and to adjust or replace defective, broken or worn parts, with parts made of equivalent material, strength and design, and where the replacing part performs the same function as the replaced part.
(8) "Major alteration" means an alteration as defined in the standard. Any person, firm or corporation performing such major alteration shall obtain a permit from the department as outlined in section 15 of this act.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 1980, Act 282, Imd. Eff. Oct. 9, 1980

408.803 Definitions; E.

Sec. 3.

(1) "Elevator" means the machinery, construction, apparatus, and equipment of an incline lift, escalator, moving walk, or device serving 2 or more landings used in raising and lowering a car, cage, or platform which is guided. The term includes a passenger elevator, freight elevator, gravity elevator, workmen's elevator, dumbwaiter, manlift, or other lifting or lowering apparatus that is guided. The term does not include:

(a) An elevating device within the scope of 1911 PA 163, MCL 425.101 to 425.113.

(b) A feeding machine or belted bucket, scoop, roller, or any similar type of freight conveyor.

(c) A lubrication hoist or other similar mechanism.

(d) A piling or stacking machine that is used within 1 story and does not penetrate a floor.

(e) A residential stairway chairlift or residential platform lift.

(f) An outside material hoist used for raising or lowering construction materials while a building or structure is under construction within the scope of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(2) "Elevator contractor" means a person that is engaged in the business of constructing, installing, maintaining, repairing, or altering elevators, including the installing or maintaining of electric wiring, fixtures, apparatus, and appliances in connection with the operation or control of elevators.

(3) "Elevator contractor license" means a license issued by the director to an elevator contractor that authorizes the licensee to engage in the construction, installation, alteration, maintenance, or repair of elevators.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 2015, Act 35, Eff. Aug. 19, 2015

Compiler's Notes: Enacting section 3 of Act 35 of 2015 provides:"Enacting section 3. It is the intent of the legislature that the enactment of this amendatory act does not affect the department of licensing and regulatory affairs' examination or examination requirements for licensure as a residential builder under article 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412."

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408.804 Definitions; G to S.

Sec. 4.

(1) "General inspector" means an individual who holds a general certificate of competency and is employed by this state as an elevator inspector or in an elevator inspection supervisory capacity.

(2) "Incline lift" means an elevator that is designed and operated to transport individuals or material from 1 level to another. The term does not include the enclosure or building, an incline lift under the jurisdiction of the ski area safety board, or a residential stairway chairlift or residential platform lift.

(3) "Inspector" means a general or special inspector.

(4) "Person" means an individual, corporation, limited liability company, partnership, association, governmental entity, or any other legal entity.

(5) "Residential stairway chairlift or residential platform lift" means an inclined stairway chairlift or inclined and vertical platform lift in or at a private residence that is intended only for transportation of an individual whose mobility is impaired, meets the requirements of section 14a, and is manufactured in compliance with the American society of mechanical engineers standard 18.1-2008 or any revision to that standard approved by the department. 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 stage or orchestra lift or any portable equipment used to lift or transport individuals or material.

(6) "Special inspector" means an individual who holds a special certificate of competency and is commissioned under this act.

(7) "Standard" means the American standard safety code for elevators, dumbwaiters, escalators, and moving walks, A 17.1-1965.

(8) "State construction code" means the code, as that term is defined in section 2a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1502a.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 2015, Act 35, Eff. Aug. 19, 2015

Compiler's Notes: Enacting section 3 of Act 35 of 2015 provides:"Enacting section 3. It is the intent of the legislature that the enactment of this amendatory act does not affect the department of licensing and regulatory affairs' examination or examination requirements for licensure as a residential builder under article 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412."

408.805 Inapplicability of act to certain municipalities.

Sec. 5.

This act does not apply to or in any city, village or township having elevator inspection regulations under ordinances comparable to this act.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.806 Elevators; compliance with American standard safety code; adoption by rule; conflicts; applicability to residential incline elevator for use by members of homeowners association accessing shoreline of Great Lake or connecting waterway; "homeowners association" defined.

Sec. 6.

(1) An elevator shall be constructed, equipped, maintained, repaired, and used with respect to the supporting members, car or platform, hoistways, guides, cables, doors and gates, safety stops and mechanisms, electrical apparatus and wiring, mechanical apparatus, counterweights, and all other appurtenances in accordance with the American standard safety code for elevators, dumbwaiters, escalators and moving walks, A 17.1-1965, and subsequent editions and amendments if adopted by rule of the board, and with rules adopted by the board. In case of conflict between the rules and the standard, the rules apply.

(2) The construction standards that apply to a private residential incline elevator apply to an incline elevator for the exclusive use of members of a homeowners association and their guests in accessing the shoreline of a Great Lake or connecting waterway. A homeowners association shall maintain at least $1,000,000.00 of insurance coverage against liability arising from construction or use of an incline elevator constructed according to the standards that apply to a private residential incline elevator.

(3) As used in subsection (2), "homeowners association" means an incorporated organization of the owners or lessees of not more than 20 residential dwellings.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 2011, Act 48, Imd. Eff. May 27, 2011

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408.807 Elevator safety board; creation; appointment, qualifications, and terms of members; vacancy; compensation and expenses.

Sec. 7.

(1) The elevator safety board consisting of 11 members is created, 1 of whose members is the director. The governor shall appoint, with the advice and consent of the senate, the other 10 members for terms of 4 years. The governor shall fill a vacancy on the board for the remainder of the unexpired term with a representative of the same interest as that of the predecessor. Of the appointed members, 1 shall be a representative of owners and lessees of elevators within this state, 2 shall be representatives of insurance companies authorized to insure elevators in this state, 2 shall be representatives of the elevator constructors' union, 1 shall be a representative of a municipality in the state having a population of at least 500,000, 1 shall be a representative of architects and consulting engineers, 2 shall be representatives of manufacturers of elevators used in this state, and 1 shall be a representative of the general public.

(2) The per diem compensation of the members of the board, other than the director, and the schedule for reimbursement of expenses shall be established annually by the legislature.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 1976, Act 362, Imd. Eff. Dec. 23, 1976
Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of elevator safety board to department of licensing and regulatory affairs, see E.R.O. No. 2017-1, compiled at MCL 339.3102.

408.808 Elevator safety board; powers and duties generally; rules establishing fee schedules; conducting business at public meeting; notice of meeting.

Sec. 8.

(1) The board shall have the following powers and duties:

(a) To promulgate rules for the inspection, design, construction, installation, alteration, maintenance, and use of elevators in this state pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(b) To prepare examinations, interview applicants to determine their qualifications, examine qualified applicants for elevator contractor licenses or certificates of competency, and certify to the director the names of persons who successfully pass the examination given by the board.

(c) When submitted by the director, to grant exceptions or variations from the literal requirements of this act or rules promulgated by the board when it is clearly evident that exceptions or variations are necessary to prevent undue hardship or when existing conditions prevent compliance with the literal requirements, if the board believes reasonable safety will be secured by granting the exception or variation.

(d) To hear and decide appeals referred to the board by the director when requested to do so by a person, firm, or corporation aggrieved by an order or act of the department, or its authorized representatives, and to adopt rules of procedure for appeals.

(e) To conduct hearings to determine whether an elevator contractor license or certificate of competency or commission should be suspended or revoked and to make recommendation to the director.

(2) The board, with the advice of the director, shall promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, to establish the fee schedules for licenses, permits, certificates, and inspections. The fees shall reflect the actual costs and expenses for the department of labor in issuing licenses, permits, certificates, and conducting inspections. The fees currently established by the board shall be in effect until the board promulgates rules to establish the fee schedules.

(3) The business which the elevator safety board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

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History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 1976, Act 362, Imd. Eff. Dec. 23, 1976 ;-- Am. 1977, Act 191, Imd. Eff. Nov. 17, 1977 ;-- Am. 1980, Act 282, Imd. Eff. Oct. 9, 1980

Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of elevator safety board to department of licensing and regulatory affairs, see E.R.O. No. 2017-1, compiled at MCL 339.3102.

Admin Rule: R 408.8101 et seq. of the Michigan Administrative Code.

408.809 Enforcement of act and rules.

Sec. 9.

The director shall enforce the provisions of this act and the rules promulgated by the board pursuant to this act and where, owning to special conditions, a literal enforcement of the provisions of these rules will result in unnecessary hardship or involve practical difficulties, the director, upon application in specific cases, may authorize variations or modifications of the terms of these rules which will not be contrary to the public interest and so the spirit of these rules shall be observed, public safety secured, and substantial justice done.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 1980, Act 282, Imd. Eff. Oct. 9, 1980

Compiler's Notes: Near the beginning of this section, “owning to special” evidently should read “owing to special”.

408.810 General and special inspectors; qualifications; application requirements for examination as elevator inspectors; acceptance or rejection of applications; issuance of certificates of competency; reexamination.

Sec. 10.

(1) A person is not authorized to serve as a general inspector unless he has had 3 years' experience in elevator construction or the equivalent as determined by the board, and holds a general certificate of competency issued by the director. A person is not authorized to serve as a special inspector unless he has had 3 years' experience in designing, installing, maintaining or inspecting elevators and holds a special certificate of competency issued by the director.

(2) An applicant for examination as an inspector of elevators shall submit to the department a completed application on a form to be furnished by the department. The application shall record the applicant's formal education, names and addresses of his previous employers, dates of employment and type of work performed. He shall also submit a letter from 1 or more of his previous employers certifying as to his character and experience. The required examination fee shall accompany the application.

(3) An application shall be rejected which contains any wilful falsification. Qualifications of the applicant shall be determined by the board. A qualified applicant for a certificate of competency as a general or special inspector shall be examined by the board. The applicant shall be accepted or rejected on the merits of his application and examination.

(4) Upon recommendation by the board, a certificate of competency for the inspection of elevators shall be issued to a successful applicant by the director. A rejected applicant is entitled after the expiration of 90 days, and upon payment of the required examination fee, to another examination. If an applicant fails to pass the prescribed examination a second time, he will not be permitted to be reexamined for 1 year after the second examination.

History: 1967, Act 227, Eff. Nov. 2, 1967

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408.811 Special inspectors; designation by insurers or local units; commissions; renewal fees; compensation.

Sec. 11.

From the holders of special certificates of competency in the inspection of elevators, a company authorized to insure elevators in this state, may designate persons who are commissioned by the state to inspect elevators in the state covered by such company's policies. A local government having an approved elevator inspection department may designate persons to inspect elevators in such governments' jurisdiction. When requested, such persons shall have issued to them by the director, upon payment of the required fee, commissions to serve as special inspectors of elevators in the state. Commissions shall be renewed annually upon payment of the required fee. Special inspectors shall not be compensated by this state.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.812 Elevator contractors' licenses; applications, qualifications, expiration; exemptions.

Sec. 12.

A person, firm or corporation who is to install, construct, repair, alter and maintain an elevator shall secure from the director an elevator contractor license. The license shall be issued by the director, after his receipt of an acceptable application in writing and of the fee, to a person, firm or corporation found qualified to perform such work, and who is certified by the board as having successfully passed the examination given by the board. The application is not acceptable to the board until the applicant has shown by sworn affidavit that he or the person qualified for the applicant has had at least 5 years' experience as an elevator constructor or journeyman, or equivalent. A license shall expire on December 31 of the year in which it is issued.

The contractor licensing requirements under this section for maintenance and repair work, as defined in this act, shall not apply to any firm, person, or corporation maintaining elevators in their leased or owned premises: Provided, That such elevators are not used by the general public, and that the work is performed by their permanent

employees in accordance with approved procedures and practices.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.813 Certificates of competency, commissions and licenses; reissuance when lost or destroyed.

Sec. 13.

A certificate of competency, commission or elevator contractor license shall be reissued upon receipt of an application by the director and payment of the renewal fee without another examination, when it is proven to the director's satisfaction that the document is lost or destroyed.

History: 1967, Act 227, Eff. Nov. 2, 1967

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408.814 Certificates of competency, commissions and licenses; suspension or revocation; grounds, hearing, notice.

Sec. 14.

A certificate of competency, commission or elevator contractor license may be suspended or revoked by the director upon recommendation of the board for incompetence, neglect, misrepresentation or failure to comply with the requirements of this act, or with the rules made by the board. Such a document shall not be suspended or revoked until a hearing has been conducted after at least 15 days' written notice has been mailed to the holder of the document by ordinary mail. The hearing shall be held before the board not more than 30 days after the date of the notice, unless the hearing date is extended for cause shown.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.814a Residential chairlift or residential stairway platform lift; installation, construction, repair, alteration, or maintenance; requirements.

Sec. 14a.

(1) An individual shall not install, construct, repair, alter, or maintain a residential stairway chairlift or residential platform lift unless that individual meets all of the following:

(a) He or she is 1 of the following:

(i) Certified by the manufacturer of the residential stairway chairlift or residential platform lift to install, construct, repair, alter, or maintain that chairlift or lift.

(ii) Licensed as an elevator contractor under this act.

(b) He or she has, or the person that employs or has engaged him or her as an agent has, liability insurance in the principal amount of at least $1,000,000.00 for each occurrence and at least $2,000,000.00 in the aggregate.

(c) Before commencing the work, obtains all permits required by the municipality in which the premises are located.

(d) In performing the work, complies with both of the following:

(i) The state construction code.

(ii) The American society of mechanical engineers standard 18.1-2008 or any revision to that standard approved by the department.

(2) An individual shall not install, construct, repair, alter, or maintain a residential stairway chairlift or residential platform lift unless the device meets all of the following:

(a) The device has a limited vertical travel, operating speed, and platform area.

(b) Operation of the device is under continuous control of the user or passenger.

(c) The device does not penetrate more than 1 floor.

(d) The device does not have a full passenger enclosure on the platform of the device.

(e) The device is not operated by means of hydraulic propulsion.

(f) The device is not rated to transport a load greater than 750 pounds.

(g) If the device is a residential platform lift, the device does not travel vertically more than 6 feet on a slope that is 90 degrees.

(3) A permit from the department under section 15(1) is not required to alter or install a residential stairway chairlift or residential platform lift.

History: Add. 2015, Act 35, Eff. Aug. 19, 2015

Compiler's Notes: Enacting section 3 of Act 35 of 2015 provides:"Enacting section 3. It is the intent of the legislature that the enactment of this amendatory act does not affect the department of licensing and regulatory affairs' examination or examination requirements for licensure as a residential builder under article 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412."

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408.815 Permit for installation or alteration; plans and specifications; approval; form; fee; emergency alterations; issuance by municipality; receipt of completed application; time period for issuance; report; "completed application" defined.

Sec. 15.

(1) A person shall not install or alter an elevator without first obtaining a permit from the department. The department shall only issue a permit to a person that is licensed by the director as an elevator contractor. Elevator hoistway enclosures shall meet the requirements of the standard. The licensee shall submit detailed plans and specifications of all elevator equipment and the elevator hoistway enclosure, in triplicate, to the department, and approval of those plans and specifications is required before the permit is issued. A person shall apply for a permit on a form provided by the department. The department shall not issue a permit if the appropriate fee is not paid. For emergency alterations, the permit shall be obtained within 72 hours from the time of alteration.

(2) In a municipality that maintains its own approved elevator inspection department, a person shall submit elevator installation or alteration plans and specifications to that department for its approval and, if approved, the municipality shall issue a permit for the installation or alteration of that elevator.

(3) The department shall issue an initial or renewal elevator contractor license or installation or alteration permit not later than 90 days after the applicant files a completed application. An application is considered received on the date the application is received by any agency or department of this state. If an application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled from the date the applicant is notified by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license or permit and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license or permit.

(4) If the department fails to issue or deny a license or permit within the time required by subsection (3), the department shall return the license or permit fee and shall reduce the license or permit fee for the applicant's next renewal application, if any, by 15%. A failure to issue a license or permit within the time required under this section does not allow the department to otherwise delay the processing of the application, and the department shall place that application, when completed, in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based on the fact that the license or permit fee was refunded or discounted under this subsection.

(5) The director of the department shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with occupational issues. The director shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 90-day time period described in subsection (3).

(b) The number of applications denied.

(c) The number of applicants not issued a license or permit within the 90-day time period and the amount of money returned to licensees or permittees under subsection (4).

(6) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing or permit fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another

department or agency of this state.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 2004, Act 269, Imd. Eff. July 23, 2004 ;-- Am. 2015, Act 35, Eff. Aug. 19, 2015
Compiler's Notes: Enacting section 3 of Act 35 of 2015 provides:"Enacting section 3. It is the intent of the legislature that the enactment of this amendatory act does not affect the department of licensing and regulatory affairs' examination or examination requirements for licensure as a residential builder under article 24 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2412."

408.816 Fees for services; determination; payment; deposits.

Sec. 16.

(1) Fees for the following matters shall be determined by the board subject to section 15:
(a) Commission.
(b) Certificate of competency examination.
(c) Elevator contractor license.
(d) Contractor examination.
(e) Permit, each elevator or device.
(f) Certificate of operation.
(g) Appeal for hearing before board.
(h) Inspection by general inspector.
(i) Special.
(2) Fees shall be paid to the director. Fees received by the director shall be transmitted to the state treasurer for deposit in the general fund. These funds shall be disbursed only as appropriated by the legislature.

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 2004, Act 269, Imd. Eff. July 23, 2004

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408.817 Inspections; entry on premises, assistance.

Sec. 17.

The director and his inspectors during reasonable hours may enter any premises within this state without hindrance for the purpose of examining equipment covered by this act in accordance with the rules promulgated by the board. The holder of a certificate of operation shall provide assistance required by the director or the inspector in making the inspection.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.818 Certificates of operation; annual issuance.

Sec. 18.

The director shall issue a certificate of operation annually in accordance with the rules promulgated by the board.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.819 Sealing elevator out of service; grounds.

Sec. 19.

A general inspector may seal an elevator out of service in accordance with the rules promulgated by the board or when any of the following conditions exist:

(a) When in case of emergency, in the opinion of the general inspector, the elevator is in such condition as to render it unsafe for operation.

(b) Failure to secure a certificate of operation or to renew such certificate.

(c) Failure to comply with a correction order issued by an inspector.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.820 Smoking or carrying lighted tobacco in passenger elevators prohibited; posting sign; receptacles.

Sec. 20.

(1) A person shall not smoke or carry lighted tobacco in any form in a passenger elevator in any building, structure, or premises in this state. A person who has control or management of any building, structure, or premises equipped with a passenger elevator shall not permit smoking or the carrying of lighted tobacco in any form in the elevator.

(2) The owner, occupant, firm, or corporation that has control or management of a building, structure, or premises equipped with 1 or more passenger elevators shall do both of the following:

(a) Post in each elevator a sign reading, "Smoking prohibited by law — violators subject to fine of $50.00 or 90 days' imprisonment".

(b) Provide and locate near each elevator entrance at each floor a noncombustible receptacle approved by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, for the proper disposal of cigar and cigarette stubs, pipe ash, or lighted tobacco in any form.

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History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 2006, Act 202, Imd. Eff. June 19, 2006
Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

408.821 Violations of act or rules; penalties.

Sec. 21.

(1) Except as provided in subsection (2), a person, firm, or corporation who violates this act or a rule promulgated by the board, or who fails or neglects to pay the fees authorized in this act, shall be punished for the first offense by a fine of not more than $50.00, and for each subsequent offense by a fine of not more than $100.00, or imprisonment in the county jail for not more than 90 days, or both.

(2) A member of the elevator safety board who intentionally violates section 8(2) with regard to a meeting shall be subject to the penalties provided in Act No. 267 of the Public Acts of 1976 for violations of that act.

(3) A person, firm, or corporation who operates or continues to operate an elevator, sealed out of service, without the approval of the director shall be punished by a fine not to exceed $25.00 for each day the elevator is operated without the approval in addition to the penalties provided in subsection (1).

History: 1967, Act 227, Eff. Nov. 2, 1967 ;-- Am. 1977, Act 191, Imd. Eff. Nov. 17, 1977

408.822 Saving clause.

Sec. 22.

A prosecution arising from a violation of the act repealed herein pending at the time this act becomes effective, or a prosecution which may be started within 1 year after the effective date of this act in consequence of any violation of the repealed act which was committed previous to the effective date of this act, shall be tried and determined as if such act had not been repealed.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.823 Repeals.

Sec. 23.

Act No. 82 of the Public Acts of 1937, as amended, being sections 408.351 to 408.374 of the Compiled Laws of 1948, is repealed.

History: 1967, Act 227, Eff. Nov. 2, 1967

408.824 Elevator safety board; membership, rules and fees, continuation.

Sec. 24.

The membership of the board as now constituted shall continue to serve in accordance with their terms of office and the rules and fees heretofore established in Act No. 360 of the Public Acts of 1965, as amended, being sections 408.364 and 408.365 of the Compiled Laws of 1948, shall remain in full force and effect until the board shall appropriately revise, change or amend them, anything to the contrary herein contained notwithstanding.

History: 1967, Act 227, Eff. Nov. 2, 1967

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