

SECOND REGULAR SESSION

# HOUSE BILL NO. 2127

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CAMPBELL.

Read 1<sup>st</sup> time March 7, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2828L.011

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### AN ACT

To repeal sections 701.359, 701.363, and 701.377, RSMo, and to enact in lieu thereof three new sections relating to elevator safety and inspection.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 701.359, 701.363, and 701.377, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 701.359, 701.363, and 701.377, to read as follows:

701.359. **1.** A political subdivision which has, on August 28, 1994, adopted the ANSI elevator codes specified in 701.353 and maintains, and continues to maintain at all times, after enactment of sections 701.350 to 701.380, a duly constituted department, bureau, or division for the purposes of enforcing these codes, is exempt from the provisions of 701.353, except insofar as the statute requires state certification of inspection or inspections by certified inspectors. Adoption of any code by a political subdivision or the establishment of any code pursuant to sections 701.350 to 701.380 does not preempt common law or statutory liability.

**2. The board shall grant variances from the rules and regulations promulgated pursuant to sections 701.350 to 701.380 for all equipment regulated by such sections that is located in any political subdivision that has adopted a safety code equal to or more stringent than the standards listed in section 701.357.**

701.363. Each privately owned or operated installation and each installation owned or operated by the state of Missouri or any political subdivision of the state shall have a state certificate of inspection and meet the safety code promulgated pursuant to sections 701.350 to 701.380; **provided, however, that any device that is not used by the general public shall be exempt from the provisions of sections 701.350 to 701.380.**

701.377. As otherwise provided by sections 701.350 to 701.380, the board shall set fees

2 for inspection, permits, licenses, certificates, and plan review required by the provisions of  
3 sections 701.350 to 701.380. Fees shall be determined by the board to provide sufficient funds  
4 for the operation of the board, except that no fee for the certificate shall exceed twenty-five  
5 dollars. The board may alter the fee schedule once each year, **except that no fee for inspections**  
6 **and any expenses incurred by any board certified safety inspector shall exceed a total of**  
7 **one hundred twenty-five dollars, and no fee for reinspections and expenses incurred by any**  
8 **board certified safety inspector shall exceed a total of seventy-five dollars.** Any funds  
9 collected pursuant to sections 701.350 to 701.380 shall be deposited in the "Elevator Safety  
10 Fund" which is hereby created. Moneys shall be appropriated from the fund for the expense of  
11 the board. Any unexpended funds in the elevator safety fund at the close of the biennium shall  
12 revert to the general revenue as required by section 33.080, RSMo. A municipality or other  
13 political subdivision enforcing the provisions of sections 701.350 to 701.380 under the  
14 provisions of subsection 2 of section 701.365 and which performs the plan review, permitting,  
15 inspections, and certifications as required, the fee for that inspection shall be paid directly to the  
16 municipality or political subdivision and shall not be preempted by sections 701.350 to 701.380,  
17 except that any fee established by the board for the issuance of appropriate state certificates shall  
18 be paid to the board.