

## CHAPTER 26.

[ S. B. 91. ]

ELEVATORS AND OTHER LIFTING  
DEVICES—MOVING WALKS.

AN ACT relating to the operation, erection, installation, alteration and repair of elevators, escalators, dumbwaiters, belt manlifts, automobile parking elevators and moving walks; providing for the inspection, issuance of permits, collection of fees; prescribing certain powers and duties of certain officials in connection therewith; providing penalties.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. For the purposes of this chapter, except where a different interpretation is required by the context:

Lifting devices, regulation of.  
Definitions.

(1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee or otherwise;

(2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator and moving walk, all as defined herein;

(3) "Existing installations" means all conveyances for which plans were completed and accepted by the owner, or the plans and specifications for which have been filed with and approved by the department of labor and industries before the effective date of this act and work on the erection of which was begun not more than twelve months thereafter;

(4) "Elevator" means a hoisting or lowering machine equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors or landings of a building structure;

(a) "Passenger elevator" means an elevator on which passengers are permitted to ride and may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;

Lifting devices, regulation of.  
Definitions.

(b) "Freight elevator" means an elevator used primarily for carrying freight and on which only the operator, the persons necessary for loading and unloading and such employees as may be approved by the department of labor and industries are permitted to ride;

(c) "Sidewalk elevator" means a freight elevator which operates between a sidewalk or other area exterior to the buildings and floor levels inside the building below such area, which has no landing opening into the building at its upper limit of travel and which is not used to carry automobiles;

(5) "Escalator" means a power driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, whose total inside height, whether or not provided with fixed or removable shelves, does not exceed four feet, the capacity of which does not exceed five hundred pounds and is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator located in either a stationary or horizontally moving hoistway and used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator and where no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a type of passenger carrying device on which passengers stand or walk and whose passenger carrying surface remains parallel to its direction of motion;

(9) "Manlift" means a device consisting of a power driven endless belt provided with steps or platforms and hand hold attached to it for the transportation of personnel from floor to floor;

(10) "Division" means the division of safety of the department of labor and industries;

(11) "Supervisor" means the supervisor, of the division of safety of the department of labor and industries;

(12) "Inspector" means any safety or elevator inspector of the division including assistant and deputy inspectors, or the mechanical or elevator inspectors of the municipality having in effect an elevator ordinance as hereinafter set forth;

(13) "Permit" means a permit issued by the supervisor to construct, install or operate a conveyance.

SEC. 2. The purpose of this act is to provide for Purpose.  
the safe mechanical and electrical operation, erection, installation, alteration, inspection, and repair of conveyances, and all such operation, erection, installation, alteration, inspection, and repair subject to the provisions of this act shall be reasonably safe to persons and property and in conformity with the provisions of this act and the applicable statutes of the state of Washington, and all orders, rules and regulations of the department of labor and industries issued by authority thereof. Conformity in this respect with the applicable rules and regulations set forth in the American Standard Safety Code for Elevators, Dumbwaiters and Escalators shall be prima facie evidence that such operation, erection, installation, alteration, inspection and repair is reasonably safe to persons and property.

SEC. 3. The director of the department of labor Administrator.  
and industries shall administer this act through the supervisor of the division of safety. The supervisor

Rules and regulations.

shall promulgate and adopt such rules and regulations governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances as may be necessary and appropriate and shall also promulgate and adopt minimum standards governing existing installations: *Provided*, That in the execution of this rule making power and prior to the promulgation and adoption of rules and regulations by the supervisor, he shall consider generally the rules and regulations for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters and Escalators, and any amendatory or supplemental provisions thereto, and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this act. Nothing in this act shall limit the authority of the division to prescribe or enforce general or special safety orders in accordance with the provisions of chapter 49.16 RCW.

Proviso.

Conveyances subject to act.

SEC. 4. All privately owned conveyances and all publicly owned conveyances are subject to the provisions of this act except as hereinafter specifically excluded.

Scope as to joint occupancy with exempted municipality.

SEC. 5. In the event that municipalities otherwise exempted herein, which occupy any building or structure exclusively or jointly with a county or other political subdivision, those municipalities shall govern the operation, erection, installation, alteration, inspection and repair of any conveyance located in such building or structure.

Party responsibility enumerated.

SEC. 6. (1) The person or firm installing, relocating or altering any conveyance shall be responsible for its operation and maintenance until the operating permit therefor has been issued by the supervisor except during the period when any limited

operating permit as defined in section 9 paragraph (2) of this act shall be in effect, and shall also be responsible for all tests of new, relocated, and altered equipment until the operating permit thereof has been issued by the supervisor.

(2) The owner or his duly appointed agent shall be responsible for the safe operation and proper maintenance of the conveyance after the operating permit has been issued by the supervisor and also during the period of effectiveness of any limited operating permit as defined in section 9 paragraph (2) of this act. The owner shall be responsible for all periodic tests required by the supervisor.

SEC. 7. All new and existing conveyances shall have a serial number painted on or attached as directed by the supervisor. This serial number shall be assigned by the supervisor and shown on all required permits.

Conveyances  
to have serial  
number.

SEC. 8. (1) An installation permit shall be obtained from the supervisor before erecting, installing, relocating, or altering a conveyance.

Installation  
permit  
required.

(2) The installer of the conveyance shall submit an application for such permit in duplicate, in such form as the supervisor may prescribe.

(3) The permit issued by the supervisor shall be kept posted conspicuously at the site of installation.

(4) No permit shall be required for repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength and design.

SEC. 9. (1) An operating permit shall be required for each conveyance operated in the state of Washington except during its erection by the person or firm responsible for its installation. A permit issued by the supervisor shall remain in

Operating per-  
mit required.

effect and be kept conspicuously posted near the conveyance or in the machine room thereof.

(2) The supervisor may permit the temporary use of any conveyance during its installation or alteration, under the authority of a limited permit issued by the supervisor for each class of service. Limited permits shall be issued for a period not to exceed thirty days and may be renewed at the discretion of the supervisor. Where a limited permit is issued, a notice bearing the information that the equipment has not been finally approved shall be conspicuously posted.

(3) The supervisor may at any time and after giving notice and an opportunity to be heard in accordance with the provisions of chapter 34.04 RCW, in the interest of safety, revoke any current permit to operate a conveyance.

Acceptance tests—Notice of.

SEC. 10. (1) The person or firm installing, relocating or altering conveyances shall notify the supervisor in writing, at least seven days before completion of the work, and shall subject the new, moved, or altered portions of the equipment to the acceptance tests.

(2) All new, altered, or relocated conveyances where a permit has been issued, shall be inspected for compliance with the requirements of this act by an inspector in the employ of the division who shall also witness the test specified.

Requirement modifications, when.

SEC. 11. The requirements of this act are intended to apply to all conveyance installations except as modified or waived by the supervisor. They are intended to be modified or waived whenever any requirements are shown to be impracticable, such as involving expense not justified by the protection secured: *Provided*, That equivalent or safer construction is secured in other ways. Such exceptions shall apply only to the installation covered by the application for waiver.

Proviso.

SEC. 12. (1) The supervisor shall appoint and employ inspectors, as may be necessary to carry out the provisions of this act, under the provisions of the rules and regulations adopted by the state personnel board in accordance with chapter 41.06 RCW.

Employment  
of inspectors.

(2) The supervisor shall cause all conveyances to be inspected and tested at least once each year. Inspectors shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with the rules and regulations promulgated and adopted by the supervisor. All installations shall be inspected by the supervisor before any initial permit for operation shall be issued. Permits shall not be issued until the fees required herein have been paid.

Annual in-  
spections—  
Scope.

(3) If inspection shows a conveyance to be in an unsafe condition, the supervisor shall issue an inspection report in writing requiring the repairs or alterations to be made to the conveyance which are necessary to render it safe, and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed.

(4) No fee shall be charged for the yearly inspections or for the initial inspection after installation or alteration. If however, the conveyance does not meet the requirements of the department, and if another inspection is required to confirm compliance by the person having control over the conveyance with the regulations of the department, then an inspection fee of ten dollars per conveyance to be inspected shall be charged for such first reinspection, and if there is still failure to comply with the rules of the department, a fee of twenty-five

Reinspection  
fees.

dollars shall be charged for every unit requiring a further reinspection. These fees are in addition to the fees charged under section 13 of this act and must be paid before issuance of an operating permit.

Supplemental inspection fees.

(5) Any person, firm, corporation or governmental agency may secure supplemental inspections of conveyances by paying to the division a fee of twenty-five dollars per day plus the standard per diem and mileage allowed by the division to its inspectors.

(6) Any inspection of a conveyance by the supervisor in accordance with the provisions of this act shall constitute inspection and compliance with the requirements of chapter 49.16 RCW.

Construction or alteration permits—Application for.

SEC. 13. (1) Before a permit is issued for the construction, alteration, relocation or installation of a conveyance subject to the provisions of this act, application for such permit shall be made to the supervisor accompanied by a fee as set forth in the fee schedule in this section. No work shall be done until the permit has been issued. Construction and alteration permits shall be valid for one year from date of issue. Renewals may be obtained for one dollar for each permit. No permit or fees shall be required for ordering repairs and replacement of damaged, broken or worn parts necessary for normal maintenance and no permit or fee shall be required for any conveyance exempted by section 20 of this act.

Construction and alteration fee schedule.

The construction and alteration fee schedule shall be:

TOTAL COST	FEE
\$250.00 to and including \$1,000.....	\$ 10.00
\$1,001 to and including \$15,000	
For first \$1,001.....	15.00
For each additional \$1,000.....	2.00



\$15,001 to and including \$50,000	
For each \$15,001.....	43.00
For each additional \$1,000 or fraction....	1.00
Over \$50,001	
For first \$50,001.....	78.00
For each additional \$1,000 or fraction....	.50

(2) Fees for annual operation shall be paid in accordance with the following schedule and no annual operating permit shall be issued for the operation of a conveyance until such fees have been received by the division.

Annual operation fee.

CONVEYANCE	ANNUAL FEE
Each power operated passenger and freight elevator .....	\$ 15.00
Each belt manlift .....	8.00
Each dumbwaiter .....	8.00
Each escalator .....	7.50
Each moving walk .....	8.00
Each automobile parking elevator .....	15.00

SEC. 14. Whenever any conveyance is being operated without the permit herein required, the attorney general or the prosecuting attorney of the county may apply to the superior court of the county in which the conveyance is located for an injunction restraining the operation thereof until such condition is corrected. No bond shall be required from the division in such proceedings.

Injunctive relief to prevent unauthorized operation.

SEC. 15. If all corrections stated on the inspection report are not complied with, a hearing before the supervisor may be held at the supervisor's request in accordance with the provisions of chapter 34.04 RCW, at which the owner, operator, or other person in charge of the conveyance shall appear and show cause why he should not comply with the report. Failure to do so, without sufficient reasons, will be prima facie evidence of noncompliance.

Hearing to determine compliance.

Hearing order  
—Review.

SEC. 16. If it appears to the supervisor after hearing that the conveyance is unsafe and that the requirements contained in the inspection report should be complied with or that other things should be done to make such equipment safe, the supervisor may order or confirm the withholding of the permit and may make such requirements as he deems proper for repair or alterations and for the correction of such unsafe conditions. Such orders may thereafter be reheard by the supervisor or reviewed by the courts in the manner specified for safety orders of the division.

Review under  
chapter 34.04  
RCW.

SEC. 17. Any person aggrieved by any order of the supervisor may have the same reviewed by the courts in accordance with the provisions of chapter 34.04 RCW.

Penalty.

SEC. 18. (1) The construction, installation, relocation, alteration, or operation of a conveyance by any person owning or having the custody, management or operation thereof without a permit except as provided in sections 8 and 9 of this act is a misdemeanor and shall be punishable by a fine not to exceed two hundred fifty dollars, or ninety days in the county jail. Each day of violation shall be a separate offense. No prosecution shall be maintained where the issuance or renewal of a permit has been requested but upon which no action has been taken by the supervisor.

(2) Every person who shall wilfully or continuously violate or fail to comply with any rule or regulation of the division promulgated under authority of this act, shall be punished by a penalty of not more than two hundred fifty dollars.

Accidents—  
Notice of and  
investigation.

SEC. 19. The owner or his duly authorized agent shall promptly notify the supervisor of each and every accident to a person requiring the service of a physician or disability exceeding one day, and shall

afford the supervisor every facility for investigating and inspecting such accident. The supervisor shall without delay, after being notified, make an inspection and shall have placed on file a full and complete report of such accident. Such report shall give in detail all material facts and information available and the cause or causes, so far as they can be determined. The report shall be open to public inspection at all reasonable hours. When an accident involves the failure or destruction of any part of the construction or the operating mechanism of a conveyance, the use of such device is forbidden until it has been made safe and until it has been reinspected and any repairs, changes, or alterations have been approved by the supervisor and a permit on such a form as he may prescribe has been issued by him. The removal of any part of the damaged construction or operating mechanism from the premises is forbidden until permission to do so has been granted by the supervisor.

SEC. 20. The provisions of this act shall not apply where; Act inapplicable, where.

(1) Conveyances are permanently removed from service and made effectively inoperative;

(2) Where the conveyance is of a temporary nature erected or for use during or for the duration of construction work only;

(3) Conveyances are located within and are subject to the inspection of any municipality having in effect an elevator code prior to the adoption of this act, and the provisions of which municipal elevator code are equal to or in conformity with the provisions and safety standards of the American Standard Safety Code for Elevators, Dumbwaiters and Escalators.

(4) Belt manlifts are installed and used exclusively by persons enumerated by or governed by

Title 51 RCW and which are subject to inspection as required by RCW 49.16.120.

Disposition of moneys.

SEC. 21. All moneys received or collected under the terms of this act shall be deposited in the general fund.

Severability.

SEC. 22. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 21, 1963.

Passed the House March 5, 1963.

Approved by the Governor March 11, 1963.

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CHAPTER 27.

[ S. B. 149. ]

AIR POLLUTION.

AN ACT relating to the control and prevention of air pollution; amending sections 11 and 16, chapter 232, Laws of 1957 and RCW 70.94.110 and 70.94.160; and adding a new section to chapter 232, Laws of 1957 and chapter 70.94 RCW.

*Be it enacted by the Legislature of the State of Washington:*

RCW 70.94.110 amended.

SECTION 1. Section 11, chapter 232, Laws of 1957 and RCW 70.94.110 are each amended to read as follows:

Air pollution. City selection committees.

There shall be a separate and distinct city selection committee for each county included within a district. The membership of such committees shall consist of the mayor of each city and town within such county, which is also included within the district. A majority of the members of each city selection committee shall constitute a quorum.

RCW 70.94.160 amended.

SEC. 2. Section 16, chapter 232, Laws of 1957 and RCW 70.94.160 are each amended to read as follows: