

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 934 Session of 2017

INTRODUCED BY BAKER, YUDICHAK, LEACH, ARGALL, RAFFERTY, COSTA, MCGARRIGLE, SABATINA, TARTAGLIONE, STREET, KILLION, FARNESE, BLAKE, BOSCOLA, BROWNE, DINNIMAN, SCAVELLO, McILHINNEY AND VOGEL, OCTOBER 31, 2017

SENATOR WARD, LABOR AND INDUSTRY, AS AMENDED, JUNE 5, 2018

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
2 as amended, "An act providing for and reorganizing the
3 conduct of the executive and administrative work of the
4 Commonwealth by the Executive Department thereof and the
5 administrative departments, boards, commissions, and officers
6 thereof, including the boards of trustees of State Normal
7 Schools, or Teachers Colleges; abolishing, creating,
8 reorganizing or authorizing the reorganization of certain
9 administrative departments, boards, and commissions; defining
10 the powers and duties of the Governor and other executive and
11 administrative officers, and of the several administrative
12 departments, boards, commissions, and officers; fixing the
13 salaries of the Governor, Lieutenant Governor, and certain
14 other executive and administrative officers; providing for
15 the appointment of certain administrative officers, and of
16 all deputies and other assistants and employes in certain
17 departments, boards, and commissions; providing for the
18 regulation of pari-mutuel thoroughbred horse racing and
19 harness horse racing activities, imposing certain taxes and
20 providing for the disposition of funds from pari-mutuel
21 tickets; and prescribing the manner in which the number and
22 compensation of the deputies and all other assistants and
23 employes of certain departments, boards and commissions shall
24 be determined," in powers and duties of the Department of
25 Labor and Industry, its departmental administrative and
26 advisory boards and departmental administrative officers,
27 further providing for FEES AND FOR Industrial Board and
28 establishing the Elevator Safety Board. <--

29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

1 ~~Section 1. Section 2214(g) and (h) of the act of April 9,~~ <--  
2 ~~1929 (P.L.177, No.175), known as The Administrative Code of~~  
3 ~~1929, are amended to read:~~

4 SECTION 1. SECTION 613-A(A) (11) OF THE ACT OF APRIL 9, 1929 <--  
5 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,  
6 AMENDED OCTOBER 30, 2017 (P.L.379, NO.40), IS AMENDED TO READ:

7 SECTION 613-A. DEPARTMENT OF LABOR AND INDUSTRY TO COLLECT  
8 FEES.--(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
9 DEPARTMENT IS AUTHORIZED TO CHARGE FEES FOR THE FOLLOWING  
10 PURPOSES AND IN THE FOLLOWING AMOUNTS:

11 \* \* \*

12 (11) FEES FOR VARIANCE REQUESTS:

13 (I) INDUSTRIAL BOARD VARIANCE, APPEAL  
14 AND REQUEST FOR EXTENSION OF TIME:

15 (A) STANDARD FEE..... 321

16 (B) FOR EXPEDITED ACTION ON  
17 VARIANCES, APPEALS OR REQUESTS  
18 FOR EXTENSIONS OF TIME..... 1,321

19 (II) ACCESSIBILITY ADVISORY BOARD  
20 VARIANCE, APPEAL OR REQUEST FOR  
21 EXTENSION OF TIME:

22 (A) STANDARD FEE..... 321

23 (B) FOR EXPEDITED ACTION ON  
24 VARIANCES, APPEALS OR REQUESTS  
25 FOR EXTENSIONS OF TIME..... 1,321

26 (III) ELEVATOR SAFETY BOARD VARIANCE,  
27 APPEAL OR REQUEST FOR EXTENSION OF  
28 TIME:

29 (A) STANDARD FEE..... 321

30 (B) FOR EXPEDITED ACTION ON

1 VARIANCES, APPEALS OR REQUESTS

2 FOR EXTENSIONS OF TIME..... 1,321

3 \* \* \*

4 SECTION 2. SECTION 2214(G) AND (H) OF THE ACT ARE AMENDED TO  
5 READ:

6 Section 2214. Industrial Board.--The Industrial Board  
7 created by this act shall have the power, and its duty shall be:

8 \* \* \*

9 (g) To establish such technical advisory boards or  
10 committees as may be necessary for the performance of its  
11 duties, including, but not limited to, a Fire and Panic Advisory  
12 Board[, an Elevator Advisory Board] and a Boiler Advisory Board;

13 (h) To have jurisdiction under the following acts:

14 (1) The act of May 30, 1895 (P.L.129, No.99), entitled "An  
15 act to provide for safety guards upon passenger elevators and  
16 providing a penalty for violation thereof."

17 (2) The act of April 27, 1927 (P.L.465, No.299), referred to  
18 as the Fire and Panic Act.

19 [(3) The act of May 2, 1929 (P.L.1513, No.451), referred to  
20 as the Boiler Regulation Law.

21 (4) The act of May 2, 1929 (P.L.1518, No.452), referred to  
22 as the Elevator Regulation Law.]

23 (5) The act of May 18, 1937 (P.L.654, No.174), entitled, as  
24 amended, "An act to provide for the safety and to protect the  
25 health and morals of persons while employed; prescribing certain  
26 regulations and restrictions concerning places where persons are  
27 employed, and the equipment, apparatus, materials, devices and  
28 machinery used therein; prescribing certain powers and duties of  
29 the Department of Labor and Industry relative to the enforcement  
30 of this act; and fixing penalties."

1 (6) The act of May 27, 1937 (P.L.926, No.249), referred to  
2 as the Bedding and Upholstery Law.

3 [(7) The act of July 31, 1941 (P.L.616, No.261), known as <--  
4 the "Employment Agency Law."

5 †(8) The act of May 14, 1949 (P.L.1342, No.402), known as <--  
6 the "Dry Cleaning and Dyeing Law."

7 (9) The act of December 27, 1951 (P.L.1793, No.475),  
8 referred to as the Liquefied Petroleum Gas Act.]

9 (10) The act of July 25, 1961 (P.L.857, No.372), referred to  
10 as the Stuffed Toy Manufacturing Act.

11 (11) The act of August 22, 1961 (P.L.1034, No.467), entitled  
12 "An act requiring a guard to be posted when a manhole is  
13 entered; imposing powers and duties on the Department of Labor  
14 and Industry; and authorizing said department to promulgate  
15 rules and regulations relating to manholes, and providing  
16 penalties."

17 (12) The act of June 2, 1971 (P.L.115, No.5), entitled "An  
18 act requiring the use of safety glazing materials in hazardous  
19 locations in residential, commercial and public buildings,  
20 imposing duties on the Department of Labor and Industry and  
21 providing penalties."

22 (12.1) THE ACT OF JUNE 18, 1998 (P.L.655, NO.85), KNOWN AS <--  
23 THE BOILER AND UNFIRED PRESSURE VESSEL LAW.

24 (12.2) THE ACT OF JUNE 19, 2002 (P.L.421, NO.61), KNOWN AS  
25 THE PROPANE AND LIQUEFIED PETROLEUM GAS ACT.

26 (13) Any other acts assigned by the Secretary of Labor and  
27 Industry.

28 Section 2 3. The act is amended by adding a section to read: <--

29 Section 2214.1. Elevator Safety Board.--(a) The Elevator  
30 Safety Board is established and shall consist of the members as

1 provided in this section.

2 (b) The Governor shall appoint the members of the board with  
3 one representative from each of the following:

4 (1) The Department of Labor and Industry.

5 (2) An elevator manufacturing company.

6 (3) An elevator servicing company.

7 (4) An architectural design or elevator consulting  
8 profession.

9 (5) An elevator inspector.

10 (6) A labor organization specializing in the installation,  
11 maintenance and repair of elevators and other conveyances.

12 (7) A building owner or manager.

13 (8) A municipality.

14 (9) The general public.

15 (c) Within thirty (30) days of the effective date of this  
16 section, the Governor shall make the initial appointments to the  
17 board.

18 (d) The board shall have term limitations and structure as  
19 follows:

20 (1) The members of the board shall serve for a term of three  
21 (3) years- AND, EXCEPT FOR THE MEMBER UNDER PARAGRAPH (2), MAY <--  
22 NOT SERVE FOR MORE THAN THREE (3) CONSECUTIVE TERMS.

23 (2) The representative of the Department of Labor and  
24 Industry or its designee shall serve continuously.

25 (3) The members shall serve without salary.

26 (4) The members shall receive reimbursement from the  
27 Commonwealth ~~for~~ IN SUCH AMOUNTS AS DETERMINED BY THE DEPARTMENT <--  
28 OF LABOR AND INDUSTRY FOR REASONABLE TRAVEL, LODGING AND OTHER  
29 expenses necessarily incurred by them in the performance of  
30 their duties.

1 (5) The Governor shall appoint one member to serve as  
2 chairperson, who shall be the deciding vote in the event of a  
3 tie vote.

4 (e) (1) The board shall meet and organize within one  
5 hundred twenty (120) days of the effective date of this section  
6 and at that meeting shall elect one secretary of the board to  
7 serve during the term to be fixed by the rules and regulations  
8 adopted by the board. The board shall meet monthly at a time and  
9 place to be fixed by the ~~board~~ DEPARTMENT OF LABOR AND INDUSTRY <--  
10 and at times as it is deemed necessary for the consideration of  
11 code regulations, appeals, variances and the transaction of  
12 other business. Special meetings may be called as provided in  
13 the rules and regulations adopted by the board. THE DEPARTMENT <--  
14 OF LABOR AND INDUSTRY SHALL SET THE PLACE AND TIME OF SPECIAL  
15 MEETINGS.

16 (2) Any member absent from three consecutive meetings shall  
17 be dismissed and the vacancy shall be filled in the same manner  
18 as the appointment of the absent member.

19 (f) (1) The board shall recommend regulations to the  
20 Secretary of Labor and Industry relating to construction,  
21 maintenance and inspection of elevators and safe operation of  
22 elevators. The board may consult with engineering authorities  
23 and other appropriate organizations regarding the application of  
24 elevator industry codes and standards.

25 ~~(2) The board shall review any International Code Council <--~~  
26 ~~code being reviewed by the Uniform Construction Code Review and~~  
27 ~~Advisory Council as the code relates to the construction,~~  
28 ~~maintenance and inspection of elevators and safe operation of~~  
29 ~~elevators. The review by the board may include recommendations~~  
30 ~~to accept, reject or modify the International Code Council code~~

1 being reviewed.

2 ~~(3)~~ (2) The Secretary of Labor and Industry shall review any <--  
3 recommendations for regulations submitted by the board and, if  
4 the secretary approves the recommendations, shall promulgate  
5 regulations consistent with the recommendations.

6 ~~(4)~~ (3) The board may grant exceptions and variances from <--  
7 the requirements of applicable codes and standards, regulations <--  
8 or municipal ordinances OR REGULATIONS if the changes would not <--  
9 jeopardize the safety and welfare of the general public or  
10 individuals employed in the elevator industry. THE DEPARTMENT OF <--  
11 LABOR AND INDUSTRY SHALL ACCEPT APPLICATIONS FOR ALL EXCEPTIONS  
12 AND VARIANCES AND SHALL MAKE RECOMMENDATIONS ON THE APPLICATIONS  
13 TO THE BOARD.

14 ~~(5)~~ (4) The board may hold hearings and hear appeals on <--  
15 matters relating to this section in accordance with regulations  
16 and procedures established by the board in consultation with the  
17 Department of Labor and Industry.

18 Section 3 4. Within seven days of the first meeting of the <--  
19 Elevator Safety Board, the Department of Labor and Industry  
20 shall publish a notice in the Pennsylvania Bulletin stating the  
21 date of the meeting.

22 SECTION 5. THIS AMENDATORY ACT SHALL BE KNOWN AND MAY BE <--  
23 CITED AS KRISTOPHER'S LAW.

24 Section 4 6. This act shall take effect as follows: <--

25 (1) The amendment of ~~section~~ SECTIONS 613-A(A) (11) AND <--  
26 2214(g) and (h) of the act shall take effect upon the date of  
27 the first meeting of the Elevator Safety Board as stated in  
28 the notice required under section 3 4. <--

29 (2) The remainder of this act shall take effect in 60  
30 days.