

AMENDED IN ASSEMBLY APRIL 3, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 871**

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**Introduced by Assembly Member Haney**

February 14, 2023

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An act to amend, repeal, and add ~~Section~~ *Sections 7301.1 and 7311.2* of the Labor Code, relating to safety in employment.

LEGISLATIVE COUNSEL’S DIGEST

AB 871, as amended, Haney. Safety in employment: conveyances.

~~Existing law requires the Division of Occupational Safety and Health to establish requirements for certified competent conveyance mechanic applicants that require, among other things, 3 years’ work experience in the conveyance industry, as specified.~~

~~This bill, beginning on July 1, 2024, would require an applicant to have 4 years’ work experience in the conveyance industry.~~

~~Existing law requires a permit from the Division of Occupational Safety and Health for the erection, construction, installation, or material alteration of a conveyance, as defined. Existing law requires, except as provided, that a person who, without supervision, installs, services, repairs, or tests a conveyance, as defined, conveyance be certified by the division as a certified competent conveyance mechanic. Existing law requires the division to establish requirements for certified competent conveyance mechanic applicants that require, among other things, 3 years’ work experience in the conveyance industry, as specified. Existing law makes these provisions inapplicable to platform lifts and stairway chairlifts installed in private residences, as specified.~~

~~This bill would remove the exception for platform lifts and stairway chairlifts installed in private residences and would require that the~~

*division to establish a permit application procedure that enables submissions through an online portal and all requirements for a permit, as specified. The bill would require a person who, without supervision, constructs, services, repairs, or tests a conveyance, including a moving platform lift or stairway chairlift, to be certified by the division as a certified competent conveyance mechanic, as specified. The bill would increase the amount of work experience in the conveyance industry that an applicant must have to 4 years. The bill would authorize a person, except as provided, to install, service, repair, or test a conveyance under the supervision of a certified competent conveyance mechanic at a 1 to 1 ratio if they are employed by a certified qualified conveyance company, enrolled in an elevator apprenticeship program, and certified as a competent conveyance apprentice by the division, as specified. The bill would make its provisions operative on July 1, 2024.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 7301.1 of the Labor Code is amended to  
2     read:  
3     7301.1. (a) On and after June 30, 2003, no conveyance may  
4     be erected, constructed, installed, or materially altered, as defined  
5     by regulation of the division, unless a permit has been obtained  
6     from the division before the work is commenced. A copy of the  
7     permit shall be kept at the construction site at all times while the  
8     work is in progress and shall be made available for inspection upon  
9     request. This section shall not apply to platform lifts and stairway  
10    chairlifts installed in a private residence as provided in paragraph  
11    (2) or (3) of subdivision (a) of Section 7317.  
12    (b) Before March 1, 2003, the division shall establish an  
13    application procedure and all requirements for a permit under this  
14    section, which shall include the following:  
15    (1) At a minimum, the applicant for a permit under this section  
16    shall meet all of the following requirements:  
17    (A) The applicant shall hold a current elevator contractor's  
18    license issued pursuant to Chapter 9 (commencing with Section  
19    7000) of Division 3 of the Business and Professions Code.  
20    (B) The applicant shall be a certified qualified conveyance  
21    company.

1 (C) The applicant shall submit proof of the following types of  
2 insurance coverage, in the form of certified copies of policies or  
3 certificates of insurance:

4 (i) Liability insurance to provide general liability coverage of  
5 not less than one million dollars (\$1,000,000) for the injury or  
6 death of any one person or persons in any one occurrence, with  
7 coverage of not less than five hundred thousand dollars (\$500,000)  
8 for property damage in any one occurrence.

9 (ii) Workers' compensation insurance coverage.

10 (D) In the event of any material alteration, nonrenewal, or  
11 cancellation of any insurance required by this subparagraph, the  
12 applicant or permit holder shall submit written notice thereof to  
13 the division within five working days.

14 (2) At a minimum, each application for a permit under this  
15 section shall include all of the following:

16 (A) Copies of specifications and accurately scaled and fully  
17 dimensioned plans showing the location of the installation in  
18 relation to the plans and elevation of the building; the location of  
19 the machinery room and the equipment to be installed, relocated,  
20 or altered; and all structural supporting members thereof, including  
21 foundations. The plans and specifications shall identify all materials  
22 to be employed and all loads to be supported or conveyed. The  
23 plans and specifications shall be sufficiently complete to illustrate  
24 all details of construction and design.

25 (B) The name, residence, and business address of the applicant  
26 and each partner, or for a corporation, the principal officers and  
27 anyone who is authorized to accept service of process or official  
28 notices; the number of years the applicant has engaged in the  
29 business of constructing, erecting, installing, or altering  
30 conveyances; and the approximate number of persons to be  
31 employed on the permitted job.

32 (C) The permit fee.

33 (3) The division shall establish, and may from time to time  
34 amend, a fee for a permit under this section in an amount sufficient  
35 to defray the division's actual costs in administering the permit  
36 process, including the costs of investigation, revocation, or other  
37 associated costs. Permit fees collected by the division are  
38 nonrefundable.

39 (c) (1) The permit shall expire when the work authorized by  
40 that permit is not commenced within six months after the date of

1 issuance, or within a shorter period as the division may specify at  
2 the time the permit is issued.

3 (2) The permit shall expire following commencement of work,  
4 if the permitholder suspends or abandons the work for a period of  
5 60 days, or for a shorter period of time as the division may specify  
6 at the time the permit is issued.

7 (3) Upon application and for good cause shown, the division  
8 may extend a permit that would otherwise expire under this  
9 subdivision.

10 (d) The division may revoke any permit at any time, upon good  
11 cause, and after notice and an opportunity to be heard.

12 (e) *This section shall become inoperative on July 1, 2024, and*  
13 *as of January 1, 2025, is repealed.*

14 SEC. 2. *Section 7301.1 is added to the Labor Code, to read:*

15 7301.1. (a) *On and after July 1, 2024, no conveyance may be*  
16 *erected, constructed, installed, or materially altered, as defined*  
17 *by regulation of the division, unless a permit has been obtained*  
18 *from the division before the work is commenced. A copy of the*  
19 *permit shall be kept at the construction site or private residence*  
20 *at all times while the work is in progress and shall be made*  
21 *available for inspection upon request.*

22 (b) *The division shall establish an application procedure that*  
23 *enables submissions through an online portal and all requirements*  
24 *for a permit under this section, which shall include the following:*

25 (1) *At a minimum, the applicant for a permit under this section*  
26 *shall meet all of the following requirements:*

27 (A) *The applicant shall hold a current elevator contractor's*  
28 *license issued pursuant to Chapter 9 (commencing with Section*  
29 *7000) of Division 3 of the Business and Professions Code.*

30 (B) *The applicant shall be a certified qualified conveyance*  
31 *company.*

32 (C) *The applicant shall submit proof of the following types of*  
33 *insurance coverage, in the form of certified copies of policies or*  
34 *certificates of insurance:*

35 (i) *Liability insurance to provide general liability coverage of*  
36 *not less than one million dollars (\$1,000,000) for the injury or*  
37 *death of any one person or persons in any one occurrence, with*  
38 *coverage of not less than five hundred thousand dollars (\$500,000)*  
39 *for property damage in any one occurrence.*

40 (ii) *Workers' compensation insurance coverage.*

1 (D) In the event of any material alteration, nonrenewal, or  
2 cancellation of any insurance required by this subparagraph, the  
3 applicant or permitholder shall submit written notice thereof to  
4 the division within five working days.

5 (2) At a minimum, each application for a permit under this  
6 section shall include all of the following:

7 (A) Copies of specifications and accurately scaled and fully  
8 dimensioned plans showing the location of the installation in  
9 relation to the plans and elevation of the building; the location of  
10 the machinery room and the equipment to be installed, relocated,  
11 or altered; and all structural supporting members thereof,  
12 including foundations. The plans and specifications shall identify  
13 all materials to be employed and all loads to be supported or  
14 conveyed. The plans and specifications shall be sufficiently  
15 complete to illustrate all details of construction and design.

16 (B) The name, residence, and business address of the applicant  
17 and each partner, or for a corporation, the principal officers and  
18 anyone who is authorized to accept service of process or official  
19 notices; the number of years the applicant has engaged in the  
20 business of constructing, erecting, installing, or altering  
21 conveyances; and the approximate number of persons to be  
22 employed on the permitted job.

23 (C) The permit fee.

24 (3) The division shall establish, and may from time to time  
25 amend, a fee for a permit under this section in an amount sufficient  
26 to defray the division's actual costs in administering the permit  
27 process, including the costs of investigation, revocation, or other  
28 associated costs. Permit fees collected by the division are  
29 nonrefundable.

30 (c) (1) The permit shall expire when the work authorized by  
31 that permit is not commenced within six months after the date of  
32 issuance, or within a shorter period as the division may specify at  
33 the time the permit is issued.

34 (2) The permit shall expire following commencement of work,  
35 if the permitholder suspends or abandons the work for a period  
36 of 60 days, or for a shorter period of time as the division may  
37 specify at the time the permit is issued.

38 (3) Upon application and for good cause shown, the division  
39 may extend a permit that would otherwise expire under this  
40 subdivision.

1 (d) *The division may revoke any permit at any time, upon good*  
2 *cause, and after notice and an opportunity to be heard.*

3 (e) *This section shall become operative on July 1, 2024.*

4 ~~SECTION 1.~~

5 SEC. 3. Section 7311.2 of the Labor Code is amended to read:

6 7311.2. (a) On and after June 30, 2003, except as provided in  
7 subdivisions (b) and (c) of Section 7301.5, any person who, without  
8 supervision, erects, constructs, installs, alters, tests, maintains,  
9 services or repairs, removes, or dismantles any conveyance covered  
10 by this chapter, shall be certified as a certified competent  
11 conveyance mechanic by the division. This section does not apply  
12 to platform lifts and stairway chairlifts installed in a private  
13 residence as provided in paragraph (2) or (3) of subdivision (a) of  
14 Section 7317.

15 (b) Before March 1, 2003, the division shall establish an  
16 application procedure and all requirements for certification under  
17 this section as a certified competent conveyance mechanic,  
18 consistent with both of the following:

19 (1) At a minimum, a certified competent conveyance mechanic  
20 applicant shall meet both of the following requirements:

21 (A) Three years' work experience in the conveyance industry  
22 in construction, maintenance, and service and repair of conveyances  
23 covered by this chapter. This experience shall be verified by current  
24 and previously licensed elevator contractors or by current and  
25 previously certified qualified conveyance companies, as required  
26 by the division.

27 (B) One of the following:

28 (i) Satisfactory completion of a written examination  
29 administered by the division on the most recent applicable codes  
30 and standards.

31 (ii) A certificate of completion and successfully passing the  
32 mechanic examination of a nationally recognized training program  
33 for the conveyance industry, such as the National Elevator Industry  
34 Educational Program or its equivalent.

35 (iii) A certificate of completion of an apprenticeship program  
36 for elevator mechanic, having standards substantially equal to  
37 those of this chapter, and which program shall be registered with  
38 the Bureau of Apprenticeship and Training of the United States  
39 Department of Labor or a state apprenticeship council.

1 (iv) A certificate or license from another state having standards  
2 substantially equal to or more comprehensive than those of this  
3 chapter.

4 (v) The applicant applies on or before December 31, 2003, and  
5 within the three years immediately prior to January 1, 2003, has  
6 documented at least three years of actual work experience in the  
7 conveyance industry in construction, maintenance, and service  
8 and repair of conveyances covered by this chapter. This experience  
9 shall be as a journey-level mechanic working without direct and  
10 immediate supervision, and shall be verified by currently and  
11 previously licensed conveyance contractors or by current and  
12 previously certified qualified conveyance companies, as required  
13 by the division.

14 (2) At a minimum, each application for certification as a certified  
15 competent conveyance mechanic shall include the information  
16 required by the division and the fee required by this chapter.

17 (c) This section shall become inoperative on July 1, 2024, and  
18 as of January 1, 2025, is repealed.

19 ~~SEC. 2.~~

20 *SEC. 4.* Section 7311.2 is added to the Labor Code, to read:

21 7311.2. (a) Except as provided in subdivisions (b) and (c) of  
22 Section 7301.5, any person who, without supervision, erects,  
23 constructs, installs, alters, tests, maintains, services or repairs,  
24 removes, or dismantles any conveyance covered by this chapter,  
25 shall be certified as a certified competent conveyance mechanic  
26 by the division.

27 (b) Before March 1, 2003, the division shall establish an  
28 application procedure and all requirements for certification under  
29 this section as a certified competent conveyance mechanic,  
30 consistent with both of the following:

31 (1) At a minimum, a certified competent conveyance mechanic  
32 applicant shall meet both of the following requirements:

33 (A) Four years' work experience in the conveyance industry  
34 in construction, maintenance, and service and repair of conveyances  
35 covered by this chapter. This experience shall be verified by current  
36 and previously licensed elevator contractors or by current and  
37 previously certified qualified conveyance companies, as required  
38 by the division.

39 (B) One of the following:

1 (i) Satisfactory completion of a written examination  
2 administered by the division on the most recent applicable codes  
3 and standards.

4 (ii) A certificate of completion and successfully passing the  
5 mechanic examination of a nationally recognized training program  
6 for the conveyance industry, such as the National Elevator Industry  
7 Educational Program or its equivalent.

8 (iii) A certificate of completion of an apprenticeship program  
9 for elevator mechanic, having standards substantially equal to  
10 those of this chapter, and which program shall be registered with  
11 the Bureau of Apprenticeship and Training of the United States  
12 Department of Labor or a state apprenticeship council.

13 (iv) A certificate or license from another state having standards  
14 substantially equal to or more comprehensive than those of this  
15 chapter.

16 (v) The applicant applies on or before December 31, 2003, and  
17 within the three years immediately prior to January 1, 2003, has  
18 documented at least three years of actual work experience in the  
19 conveyance industry in construction, maintenance, and service  
20 and repair of conveyances covered by this chapter. This experience  
21 shall be as a journey-level mechanic working without direct and  
22 immediate supervision, and shall be verified by currently and  
23 previously licensed conveyance contractors or by current and  
24 previously certified qualified conveyance companies, as required  
25 by the division.

26 (2) At a minimum, each application for certification as a certified  
27 competent conveyance mechanic shall include the information  
28 required by the division and the fee required by this chapter.

29 (c) Except as provided in subdivisions (b) and (c) of Section  
30 7301.5, a person who meets the following criteria may erect,  
31 construct, install, alter, test, maintain, service, repair, remove, or  
32 dismantle any conveyance covered by this chapter under the  
33 supervision of a certified competent conveyance mechanic at a 1  
34 to 1 ratio:

35 (1) The person is employed by a certified qualified conveyance  
36 company.

37 (2) The person is enrolled in an elevator apprenticeship program  
38 registered with a state apprenticeship council.

39 (3) The person is certified as a competent conveyance apprentice  
40 by the Division of Occupational Safety and Health.



- 1     (d) This section shall become operative on July 1, 2024.

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