

Date of Hearing: April 12, 2023

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Ash Kalra, Chair

AB 871 (Haney) – As Amended April 3, 2023

SUBJECT: Safety in employment: conveyances

SUMMARY: Removes the exception for platform lifts and stairway chairlifts installed in private residences from the requirement to obtain a permit from the Division of Occupational Safety and Health (Cal/OSHA) for the erection, construction, installation, or material alteration of a conveyance and requires Cal/OSHA to establish a permit application procedure that enables submissions through an online portal.

Specifically, **this bill:**

- 1) Removes the exception for platform lifts and stairway chairlifts installed in private residences from the requirement to obtain a permit from the Division of Occupational Safety and Health (Cal/OSHA) for the erection, construction, installation, or material alteration of a conveyance.
- 2) Requires Cal/OSHA to establish a permit application procedure that enables submissions through an online portal and all requirements for obtaining a permit, as specified.
- 3) Requires a person who, without supervision, constructs, services, repairs, or tests a conveyance, including a moving platform lift or stairway chairlift, to be certified by Cal/OSHA as a certified competent conveyance mechanic.
- 4) Increases the amount of work experience in the conveyance industry that an applicant for certification must have from 3 to 4 years.
- 5) Authorizes a person, unless subject to an exception for temporary or emergency certification, 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 meet the following requirements:
 - a) The person is employed by a certified qualified conveyance company.
 - b) The person is enrolled in an elevator apprenticeship program registered with a state apprenticeship council.
 - c) The person is certified as a competent conveyance apprentice by Cal/OSHA.
- 6) States that the bill's provisions shall become operative on July 1, 2024.

EXISTING LAW:

- 1) Defines “conveyance” to mean any elevator, dumbwaiter, escalator, moving platform lift, stairway chairlift, material lift or dumbwaiter with automatic transfer device, automated people mover, or other equipment, as described. Labor Code §7300.1(i).

- 2) Requires a permit from Cal/OSHA for the erection, construction, installation, or material alteration of a conveyance. Labor Code §7301.1(a).
- 3) Requires, except as provided, that a person who, without supervision, installs, services, repairs, or tests a conveyance be certified by Cal/OSHA as a certified competent conveyance mechanic. Applicants for this certification must possess, among other things, 3 years' work experience in the conveyance industry and meet one of the following requirements:
 - a) Satisfactory completion of a written examination administered by Cal/OSHA on the most recent applicable codes and standards.
 - b) A certificate of completion and successfully passing the mechanic examination of a nationally recognized training program for the conveyance industry, such as the National Elevator Industry Educational Program or its equivalent.
 - c) A certificate of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this chapter, and which program shall be registered with the Bureau of Apprenticeship and Training of the United States Department of Labor or a state apprenticeship council.
 - d) A certificate or license from another state having standards substantially equal to or more comprehensive than those of this chapter.
 - e) The applicant applies on or before December 31, 2003, and within the three years immediately prior to January 1, 2003, has documented at least three years of actual work experience in the conveyance industry in construction, maintenance, and service and repair of conveyances. This experience shall be as a journey-level mechanic working without direct and immediate supervision, and shall be verified, as specified. Labor Code §7311.2(a), §7311.2(b)(1).
- 4) Makes the above provisions inapplicable to platform lifts and stairway chairlifts installed in private residences, which includes the following:
 - a) Conveyances located in a single-unit private home and not accessible to the public.
 - b) Conveyances located in a multiunit residential building serving no more than two dwelling units and not accessible to the public. Labor Code §7301.1(a), §7317(a)(2) and (a)(3).

FISCAL EFFECT: Unknown

COMMENTS: In California, Private Residence Elevators (PRE) are neither regulated nor inspected by Cal/OSHA despite their increasing utilization by home care workers, renters—both short and long-term, and homeowners. PREs nationally were linked to 4,600 injuries and 22 deaths from 1981 through 2019.¹ More than 41 deaths in four years² were related to home elevators according to the Consumer Product Safety Commission (CPSC), a federal agency.

¹ Consumer Product Safety Commission Press Release, June 24, 2021, found at: [Vacation Rental Homes Can Pose a Deadly Hazard - Kids Can Be Crushed to Death in Dangerous Home Elevator Gaps | CPSC.gov](https://www.cpsc.gov/Default.aspx?CPSC_Dept=ConsumerSafety&Page=News-Events&NewsID=1225).

There are 20,851 Elevator Installation & Service businesses in the US as of 2023, an increase of 1.2% from 2022, many of whom manufacture their own PRE.³ Many manufacturers are not CA compliant but, without sufficient regulations, are still installed in CA. There have been over 100,000 PRE recalls from dozens of different elevator manufacturers as listed on the Consumer Product Safety Commission website in the last 10+ years.⁴ Many of the recalls are from children getting trapped in between the hoist way landing door and the elevator cab doors.

According to the author, “this bill will correct inherent safety issues unintentionally created by unregulated PRE (private residential elevators) being installed by unlicensed and untrained workers in the State of California. The unwitting use of unlicensed PRE by individuals, including those with special needs, significantly increases the inherent dangers posed by these units, many of which are relied upon by marginalized communities.

On average in the US there are 325 million elevator trips each day rarely resulting in injury or death, but in PRE it’s a different story. Most homeowners and their guest are unaware of the dangers they face every time they ride their PRE. It is time our most underserved and vulnerable population are awarded the same safety standards & protections in their own homes or as guests that make commercial elevators one of the safest forms of transportation in the US.”

Committee Comments

Committee staff recommend the author amend the bill subsequent to this committee to strike out the exemption for personal residence elevators provided in Labor Code §7317(a)(2) and (3).

Arguments in Support

The International Union of Elevator Constructors (IUEC) Local 8, states in support, “The Governor and the State of CA have placed a strong emphasis on registered apprenticeships. AB 871 will help encourage more apprentices with the addition of apprentice licensing requirements for working on elevators. More skilled and trained workers lead to a safer industry, both commercial and residential. A comparable plan has previously been implemented in the state of Nevada. With the addition of apprenticeship licensing fees, and including permitting and inspection requirements for PRE’s, AB 871 will be a helpful means of creating additional funding for the State, especially in times of a possible deficit.”

Arguments in Opposition

None on file.

² Consumer Product Safety Commission, Press Release, September 29, 2022, found at: [CPSC Recalls More Than 100,000 Residential Elevators in 2021-2022 | CPSC.gov](#).

³ IBISWorld, Elevator Installation and Service in the U.S., “Number of Businesses 2004-2029,” updated February 14, 2023.

⁴ Consumer Product Safety Commission, Press Release, September 29, 2022, found at: [CPSC Recalls More Than 100,000 Residential Elevators in 2021-2022 | CPSC.gov](#).

Prior Legislation

SB 1886 (Torlakson) Chapter 1149, Statutes of 2002, required that on or after June 30, 2003, no conveyance, except a platform lift or stairway chair lift installed in a private residence, may be erected, constructed, installed, or materially altered without a permit from Cal/OSHA.

REGISTERED SUPPORT / OPPOSITION:

Support

California Labor Federation
International Brotherhood of Electrical Workers, Local 18
International Union of Elevator Constructors, Local 8
San Francisco Building and Construction Trades Council
SEIU California
State Building and Construction Trades Council of CA

Opposition

None on file.

Analysis Prepared by: Megan Lane / L. & E. /