

File No. 230425

Committee Item No. \_\_\_\_\_

Board Item No. 38

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: April 18, 2023

#### Cmte Board

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                                     |                               |
|--------------------------|-------------------------------------|-------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Assembly Bill 871 - 4/3/23    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | CSAC and LCC Position         |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Labor and Employment Analysis |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____                         |
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Prepared by: Lisa Lew

Date: April 14, 2023

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Supporting California Assembly Bill No. 871 (Haney) - Safety in Employment: Conveyances]

2  
3 **Resolution supporting California Assembly Bill No. 871, authored by Assembly Member**  
4 **Matt Haney, to improve safety in employment related to elevator construction by**  
5 **requiring the California Division of Occupational Safety and Health to issue permits for**  
6 **the construction of all elevators, increase work standards for mechanic certification,**  
7 **and enable submissions through an online portal.**  
8

9 WHEREAS, The construction and maintenance of elevators is a critical life safety  
10 function currently regulated in California by the Division of Occupational Safety and Health;  
11 and

12 WHEREAS, Existing law requires a permit prior to the erection, construction,  
13 installation or material alteration of some elevators, and exempts elevators in private  
14 residences from this requirement; and

15 WHEREAS, Existing law requires elevator workers to be certified as a competent  
16 conveyance mechanic by among other things, having three years' work experience in the  
17 conveyance industry; and

18 WHEREAS, Whether an elevator is in a public facility or private residence, it is  
19 essential that it be installed and maintained in the safest manner possible; and

20 WHEREAS, Assembly Bill 871 would require all elevators receive a permit from the  
21 California Division of Occupational Safety and Health; and

22 WHEREAS, AB 871 would also require that an applicant to become a certified  
23 competent conveyance mechanic must have at least four years' actual work experience in the  
24 conveyance industry as a journey-level mechanic working without direct and immediate  
25 supervision; and

1           WHEREAS, AB 871 will require the establishment of an online portal to submit  
2 applications to assist applicants in timely processing; and

3           WHEREAS, AB 871 has been assigned to the Assembly Labor and Employment  
4 Committee; and

5           WHEREAS, Pursuant to Board of Supervisors Rule 2.82, a copy of AB 871 is  
6 submitted with his resolution and the California State Association of Counties, League of  
7 California Cities have not taken a position on the bill; and

8           WHEREAS, Support of AB 871 will ensure higher quality work in the conveyance  
9 industry, resulting in increased safety for both workers and Californians who take elevators;  
10 now, therefore, be it

11           RESOLVED, That the San Francisco Board of Supervisors supports AB 871; and, be it

12           FURTHER RESOLVED, That the Board directs the Clerk to transmit a copy of this  
13 resolution to San Francisco's legislative delegation, Senator Scott Wiener and  
14 Assemblymembers Matt Haney and Phil Ting.

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 4.~~

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.

O

**From:** [Barnes, Bill \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Buckley, Jeff \(BOS\)](#)  
**Cc:** [Safai, Ahsha \(BOS\)](#)  
**Subject:** RE: Resolution in Support of AB 871  
**Date:** Tuesday, April 11, 2023 3:10:16 PM  
**Attachments:** [image001.png](#)

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Page 2, lines 3-5 confirm that CSAC and LCC have not taken a position.

**BILL BARNES** (he/him/his)

Chief of Staff

Supervisor Ahsha Safai

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

415.554.7896 (direct)

415.554.6975 (main line)

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**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Sent:** Tuesday, April 11, 2023 2:55 PM  
**To:** Buckley, Jeff (BOS) <jeff.buckley@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>  
**Subject:** RE: Resolution in Support of AB 871

Hello,

Thank you for the legislation submission. Per Board Rule 2.8.2, please confirm that organizations such as the [California State Association of Counties](#), [League of California Cities](#), or the National League of Cities have not taken a position on these bills. If they have, please provide a copy of their statement for completeness of the file.

**Lisa Lew**

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T 415-554-7718 | F 415-554-5163

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**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



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The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that

*a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

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**From:** Buckley, Jeff (BOS) <[jeff.buckley@sfgov.org](mailto:jeff.buckley@sfgov.org)>

**Sent:** Tuesday, April 11, 2023 2:47 PM

**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>

**Cc:** Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>; Barnes, Bill (BOS) <[bill.barnes@sfgov.org](mailto:bill.barnes@sfgov.org)>

**Subject:** Resolution in Support of AB 871

Hello – Please see forms related to introduction of a resolution in support of AB 871. The item is routine and non-controversial and should be added to the adoption without committee reference.

Let me know if you have any questions. Bill Barnes is the point of contact for this item. He's cc'd here.

**JEFF BUCKLEY** (*he/him/his*)

Legislative Aide

Supervisor Ahsha Safaí

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

415.554.7897 (direct)

415.554.6975 (main line)

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.<sup>1</sup> More than 41 deaths in four years<sup>2</sup> were related to home elevators according to the Consumer Product Safety Commission (CPSC), a federal agency.

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<sup>1</sup> 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/Newsroom/Press-Releases/2021/VRHH-CPSC).



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.<sup>3</sup> 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.<sup>4</sup> 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.

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

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

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

**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. /

## Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☒ 2. Request for next printed agenda (For Adoption Without Committee Reference)  
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor [ ] inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on [ ]

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission    ☐ Youth Commission    ☐ Ethics Commission
- ☐ Planning Commission    ☐ Building Inspection Commission    ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes    ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Safai

Subject:

Resolution in Support of AB 871 (Haney)

Long Title or text listed:

Resolution supporting Assembly Bill 871 (Haney), to improve safety in employment related to elevator construction by requiring the California Division of Occupational Safety and Health to issue permits for the construction of all elevators, increase work standards for mechanic certification, and enable submissions through an online portal.

Signature of Sponsoring Supervisor:

