



Government Affairs Office

5537 SW Urish Road • Topeka Kansas 66610 • Office: 785.286.7599 • Cell: 785.580.5070

**Statement of the National Elevator Industry, Inc.
in SUPPORT of HB 2356,
an Act related to Elevators, Escalators and other
Building Transportation Equipment Standards
March 12, 2015**

Mr. Chairman and Members of the Committee:

My name is Amy Blankenbiller, and I am the Director of Government Affairs for the National Elevator Industry, Inc. (NEII®). In this capacity I manage the national government affairs activities for NEII and represent the interests of the member companies that install, maintain and/or manufacture elevators, escalators, and other building transportation products, including parts or components. NEII® is an outgrowth of the Elevator Manufacturers' Association established in 1934. Its membership includes the top elevator companies in the United States, if not the world, reporting more than eighty-five percent of the work hours for the industry nationwide. NEII® members operating in the State of Kansas include KONE, Inc., Otis Elevator Company, Schindler Elevator Corporation and ThyssenKrupp Elevator Corporation, among others. And MEI Total Elevator Solutions, another NEII® member, has a service, repair and modernization office in Kansas City, Kansas. On behalf of NEII® and its member companies, I appreciate the opportunity to provide this statement in support of HB 2356.

The elevator industry is concerned with elevator safety first and foremost. We fully support the efforts of the Kansas Legislature to pass HB 2356, which is based on the Model Elevator Legislation (currently in its third revision) developed by the industry as a whole to promote the utmost in elevator safety for the following reasons:

In Kansas, the responsibility for adoption and enforcement of building codes lies with local jurisdictions. To date, Kansas, however, is the only home rule state that has not adopted a statewide safety code for elevators and escalators. This has resulted in a hodge-podge of codes and standards across the state, as well as inconsistent licensing requirements and a mixture of inspection protocols - all of which can prove to be very challenging for elevator companies trying to operate in this state. In keeping with the home rule philosophy, many of the other states allow localities to "opt-out" of the state program and implement their own codes and enforcement as long as the requirements of the specific localities are at least as stringent as those adopted at the state level, which mirrors the proposal put forth in HB 2356.

SAFETY ENSURED ACROSS ALL KANSAS COMMUNITIES

Based on the 2013 summary of Kansas Building Codes published by the Kansas Corporation Commission (KCC), numerous cities and counties have not adopted building codes, with others operating under codes that are over a decade old. The KCC surveyed the fourteen counties representing the greatest population areas in the state. Of these counties, seven have not adopted any codes, and the conveyance safety codes adopted by the others are no more recent than the 2010 edition. Of the 47 cities located within the counties surveyed, thirty-four are following elevator and escalator safety codes from 2003 or earlier; only eight cities have adopted the 2010 codes and none have codes more recent.

NEII® believes the most effective way of ensuring the safety of the riding public, as well as elevator personnel, is by the adoption, without modification, of the latest version of the American Society of Mechanical Engineers A17.1 Safety Code for Elevators and Escalators, which was merged with the Canadian Standards Association's safety codes for elevators and escalators and is now accurately referred to as ASME A17.1/CSA B44. This state-of-the-art international standard is widely used throughout North America and represents the optimum in safety for the riding public and industry personnel. It is reviewed, refined and updated every three years through a consensus process of hundreds of experienced experts representing all aspects of the elevator industry. Such expertise is drawn from enforcing authorities, mechanical and electrical engineering and design experts, inspectors, consultants, labor authorities, building and facility owners, and installation and maintenance specialists.

Currently, forty-eight states adopt codes on a statewide basis – Kansas and Delaware are the only two states without such standards. Thirty states follow the 2010 or 2013 version of the elevator and escalator safety codes. Of the eighteen states following an older version of the code, eleven are in the process of adopting either the 2010 or 2013 edition, and seven of the last eight states follow the 2007 edition. In short, Kansas trails far behind all but two other states in the nation relative to building construction standards. In order to remedy this situation, HB 2356 would require the review and adoption of the code within six months of the publication of the updated versions every three years.

MINIMUM PROFESSIONAL STANDARDS PROVIDE FOR INCREASED SAFETY

Licensing requirements for elevator mechanics will establish basic standards for qualifications, education and training that can be relied on by both the public and the industry. The installation, maintenance and repair of elevators, escalators, moving sidewalks, etc. is very complex and technical, and, as a result, the applicable building codes are continually being revised. NEII® believes that elevator technicians should demonstrate a fundamental competency and annually update their knowledge to the most current rules and procedures. NEII®'s member companies support these basic requirements because they are already undertaking steps to ensure their workers are adequately prepared. A safety risk exists for both workers and the public, however, when other companies do not invest in such comparable training.

In Kansas, most areas have no minimum standards for personnel working on building transportation equipment. In fact, NEII® is aware of only Topeka and Wichita as the only two jurisdictions within the state that currently require elevator mechanics to meet a minimum level of knowledge, skills and abilities and be licensed to work on conveyances.

Looking across the country, all but fourteen states have adopted elevator mechanic licensing requirements, and four of the states without such requirements are in the process of adopting such standards this year. As a result, by the end of 2015, Kansas will likely be one of only ten states that have not embraced the role of state government to adopt a minimum level of qualification for workers in regards to elevator and escalator safety.

ELEVATOR BOARD IS A TOOL TO ASSIST IN THE ADMINISTRATION OF THE ACT

As indicated previously, building transportation equipment is very complex and technical. An elevator board is a valuable tool to assist in the oversight, regulation and enforcement of this very specialized industry. Currently, there are only twelve states that do not have an elevator board or advisory committee. Of the thirty-eight boards and/or advisory committees, all of them are facilitated under the jurisdiction of a state agency and provide invaluable technical support to those states.

REVENUE NEUTRAL PROGRAM

The bill would be revenue-neutral for the state of Kansas. HB 2356 includes specific language that requires the Board to set fees on the contractors and mechanics in amounts sufficient to cover the costs of the program. The industry has agreed to these fees and sees them as a reasonable investment to help ensure the development of a program that, ultimately, increases elevator safety for the riding public and industry personnel.

KANSAS CURRENTLY AT A DISADVANTAGE

Nearly 20 states across the country have adopted some form of the model legislation or regulations similar to the minimum requirements outlined in HB 2356, including the state states that surround Kansas. Many elevator companies bid on work across state lines so that they can keep their workforces employed and move them to where projects are located. Currently, Kansas contractors and mechanics must obtain licenses to do work in any of the bordering states. Once HB 2356 is passed, however, industry personnel licensed in Kansas would have reciprocity and be able to obtain licenses in other states more efficiently. Kansas contractors would be able to reposition personnel as needed and work on out-of-state projects without any unnecessary licensing delays.

CREDIBILITY TO DO BUSINESS IN KANSAS IS CRITICAL

NEII® believes that all reputable firms have appropriate insurance coverage as part of the normal course of doing business, and any companies wishing to work in this arena should be required to do the same. Requirements for elevator contractors to carry minimum general liability coverage and minimum property damage coverage will readily identify legitimate businesses.

NEII® is committed to working with the Kansas Legislature and is available to answer any questions and/or provide any assistance on the development of the minimum requirements outlined in HB 2356. This bill is necessary to create minimum safety standards to protect both the riding public and elevator industry workers in the State of Kansas.

Please feel free to contact me if you have any questions or need additional information. I operate the NEII® Government Affairs Office out of Topeka and can be reached by phone (785-286-7599) or via e-mail at ajblankenbiller@neii.org. Thank you for your time and attention to this important industry issue.