

## **BILL ANALYSIS**

Senate Research Center  
84R20555 LED-D

H.B. 3741  
By: Smith (Elife)  
Business & Commerce  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties explain that the Texas Department of Licensing and Regulation (TDLR) is responsible for regulating elevators, escalators, and other related equipment and that requiring annual inspections is a key component of that regulatory authority. The parties note that an elevator, escalator, or related equipment must be completely shut down and disconnected if it is not in compliance with key safety laws and rules. The parties note that, as part of its strategic planning process, TDLR has identified a less expensive, less onerous, and safer way to make noncompliant equipment unavailable for use. TDLR could adopt rules and standards for an "Out of Use" status that would not require the equipment to be fully disconnected when it is shut down. This status, the parties explain, would postpone the required annual inspection until such time as the equipment is brought into compliance. The parties emphasize that this could protect building owners from potential enforcement proceedings for failure to have annual inspections completed on equipment that is out of service. H.B. 3741 seeks to provide this authority.

H.B. 3741 amends current law relating to standards for elevators, escalators, and related equipment; authorizing a fee.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation (TCLR) is modified in SECTION 1 (Section 754.014, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 754.014(a), Health and Safety Code, to require the Texas Commission of Licensing and Regulation (TCLR) by rule to adopt standards for the installation, maintenance, alteration, operation, testing, removal from service, and inspection of equipment used by the public in certain buildings as set forth.

SECTION 2. Amends Section 754.015(d), Health and Safety Code, as follows:

(d) Includes a fee for applying to remove equipment from service among the reasonable fees set by TCLR that the executive director of the Texas Department of Licensing and Regulation (executive director) is authorized to charge. Makes nonsubstantive changes.

SECTION 3. Amends Section 754.019(a), Health and Safety Code, to require the owner to have the equipment inspected annually by a registered elevator inspector, unless the equipment has been removed from service in accordance with TCLR rules.

SECTION 4. Requires TCLR, as soon as practicable after the effective date of this Act, to adopt the rules necessary to implement the changes in law made by this Act.

SECTION 5. Effective date: upon passage or September 1, 2015.