

## **BILL ANALYSIS**

C.S.H.B. 4086  
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Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There have been calls to improve the safety of elevators, chairlifts, and similar equipment in single-family dwellings through the adoption of safety standards for registered elevator contractors to use when installing elevators, chairlifts, and platform lifts in such dwellings. Additionally, there have been calls to ensure that elevator entrances are safely installed and that in-service elevators are altered if they do not meet those safety standards. C.S.H.B. 4086 seeks to address these issues by providing for the adoption of minimum safety standards for registered contractors to use when installing elevators, chairlifts, and platform lifts and for spacing guidelines for elevator entrances and the installation of a space guard as necessary that ensures the space requirement is satisfied in order to protect children from injury or death.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to Texas Commission of Licensing and Regulation in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 4086 amends the Health and Safety Code to make the following changes with respect to the standards for elevators, chairlifts, and platform lifts installed in a single-family dwelling and the required information about use, safety, and maintenance of related equipment:

- requires the Texas Commission of Licensing and Regulation (TCLR) to adopt rules containing minimum safety standards for registered contractors to use when installing elevators, chairlifts, and platform lifts in single-family dwellings;
- clarifies that a contractor who is required to provide the dwelling owner with certain relevant information about use, safety, and maintenance of the equipment, including the advisability of having the equipment periodically and timely inspected by a registered elevator inspector, on completing equipment installation is a registered contractor;
- exempts the owner of a single-family dwelling from provisions relating to the duties of certain owners of elevators, escalators, and related equipment; and
- requires a registered contractor who installs or alters an elevator in a single-family dwelling to ensure the space between the hoistway face of the landing door or gate and the hoistway face of the car door or gate does not exceed four inches and to install as necessary a space guard or equivalent product that ensures that space requirement is satisfied.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4086 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions in the original including references to "equipment" in statutory provisions relating to the duties of the elevator advisory board.

Whereas the original replaced certain references to elevators, chairlifts, or platform lifts with references to equipment as that term is defined for purposes of statutory provisions relating to the regulation of elevators, escalators, and related equipment, the substitute does not replace those references.

With respect to the standards for equipment in single-family dwellings and related required information, the substitute does not include the following that appeared in the original:

- a requirement for equipment altered in such a dwelling to be inspected by a registered elevator inspector after the alteration is complete;
- a requirement for the TCLR rules to contain minimum safety standards for registered contractors to use when altering, testing, or removing from service any unit of equipment installed in such dwellings;
- a requirement for those rules to require a registered contractor to submit to the Texas Department of Licensing and Regulation (TDLR) for review plans for installing or altering any equipment in such a dwelling;
- changes to a municipality's authority to withhold a certificate of occupancy for a dwelling or for the installation of equipment until an inspection report copy is provided;
- a requirement for a registered elevator inspector or registered contractor who removes from service equipment in such a dwelling to provide documentation of the removal to the dwelling owner and TDLR; and
- changes to the frequency of the advisability of having the equipment inspected by a registered elevator inspector, with respect to the requirement for a registered contractor to provide the dwelling owner with certain relevant information.

The substitute does not include the following provisions that appeared in the original:

- a provision specifying that the TCLR rules providing for the submission and review of plans for the installation or alteration of equipment include equipment in a single-family dwelling;
- a provision exempting an email address provided to TDLR relating to an inspection or review of plans for single-family dwellings from provisions establishing that certain email addresses are not confidential and are subject to disclosure under state public information law; and
- a repeal, effective January 1, 2022, of the exemption for an elevator located in a single-family dwelling from statutory provisions relating to the regulation of elevators, escalators, and related equipment, except as provided by the provisions establishing standards for elevators, chairlifts, and platform lifts installed in such a dwelling.

The substitute changes the original's effective date from except as otherwise provided by the bill, September 1, 2021, to September 1, 2021.