

CHAPTER 303—S.F.No. 431

An act relating to public safety; regulating the operation and operators of elevators; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 16B.70, subdivision 1; 183.351, by adding subdivisions; and 183.355; proposing coding for new law in Minnesota Statutes, chapter 183.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 16B.70, subdivision 1, is amended to read:

Subdivision 1. **COMPUTATION.** To defray the costs of administering sections 16B.59 to 16B.73, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971, as follows:

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge is as follows: ~~(a)~~ (1) if the valuation of the structure, addition, or alteration is \$1,000,000 or less, the surcharge is equivalent to one-half mill (.0005) of the valuation of the structure, addition, or alteration; ~~(b)~~ (2) if the valuation is greater than \$1,000,000, the surcharge is \$500 plus two-fifths mill (.0004) of the value between \$1,000,000 and \$2,000,000; ~~(c)~~ (3) if the valuation is greater than \$2,000,000 the surcharge is \$900 plus three-tenths mill (.0003) of the value between \$2,000,000 and \$3,000,000; ~~(d)~~ (4) if the valuation is greater than \$3,000,000 the surcharge is \$1,200 plus one-fifth mill (.0002) of the value between \$3,000,000 and \$4,000,000; ~~(e)~~ (5) if the valuation is greater than \$4,000,000 the surcharge is \$1,400 plus one-tenth mill (.0001) of the value between \$4,000,000 and \$5,000,000; and ~~(f)~~ (6) if the valuation exceeds \$5,000,000 the surcharge is \$1,500 plus one-twentieth mill (.00005) of the value ~~which~~ that exceeds \$5,000,000.

By September 1 of each odd-numbered year, the commissioner shall rebate to municipalities any money received under this section and section 16B.62 in the previous biennium in excess of the cost to the building code division ~~and the passenger elevator inspector in the department of labor and industry~~ in that biennium of carrying out ~~their~~ its duties under sections 16B.59 to 16B.73. The rebate to each municipality must be in proportion to the amount of the surcharges collected by that municipality and remitted to the state. The amount necessary to meet the commissioner's rebate obligations under this subdivision is appropriated to the commissioner from the special revenue fund.

Sec. 2. [183.001] ADMINISTRATION, PENALTIES.

The commissioner of the department of labor and industry shall administer chapter 183. In addition to the remedies provided for violations of this chapter, the commissioner may impose a penalty of up to \$1,000 for a violation of any provision of this chapter.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 3. [183.02] DEFINITIONS.

Subdivision 1. SCOPE. When used in this chapter, the terms defined in this section have the meanings given them.

Subd. 2. COMMISSIONER. "Commissioner" means the commissioner of the department of labor and industry.

Subd. 3. DEPARTMENT. "Department" means the department of labor and industry.

Sec. 4. [183.022] ELEVATOR AVAILABLE FOR INSPECTION.

A person, firm, entity, or corporation that owns or controls a building or other structure housing an elevator that is subject to inspection by the department, shall, upon request, provide access at a reasonable hour to the elevator for purposes of inspection.

Sec. 5. Minnesota Statutes 1988, section 183.351, is amended by adding a subdivision to read:

Subd. 5. As used in this chapter, "elevator" means moving walks and vertical transportation devices such as escalators, passenger elevators, freight elevators, dumbwaiters, handpowered elevators, endless belt lifts, and wheelchair platform lifts, but does not include external temporary material lifts, temporary construction personnel elevators at sites of construction of new or remodeled buildings, or elevators in owner-occupied buildings of no more than four living units.

Sec. 6. Minnesota Statutes 1988, section 183.351, is amended by adding a subdivision to read:

Subd. 6. MUNICIPALITY. "Municipality," as used in sections 183.351 to 183.358, means a city, county, or town meeting the requirements of section 368.01, subdivision 1.

Sec. 7. Minnesota Statutes 1988, section 183.355, is amended to read:

183.355 VIOLATIONS, PENALTIES.

Subdivision 1. REMOVAL OF SEAL. ~~Any~~ No person, firm or corporation who violates any of the provisions of sections 183.351 to 183.355 or who removes may remove any seal or notice forbidding the use of any such an elevator, except by authority of the department of labor and industry or the licensing authority having jurisdiction over such the elevator, or ~~who operates~~ operate such an elevator after such a notice has been attached forbidding its use, unless such the notice has been removed by authority of the department of labor and industry or the licensing authority having jurisdiction over such the elevator ~~shall be guilty of a misdemeanor.~~

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. FALSE CERTIFICATION. No inspector, or other party authorized by this section or by rule to inspect elevators, may falsely certify the safety of an elevator, or grant a license or permit contrary to any provision of this chapter.

Subd. 3. MINIMUM REQUIREMENTS. No person, firm, or corporation may construct, install, or repair an elevator that does not meet the minimum requirements of this chapter, adopted rules, or national codes adopted by rule.

Sec. 8. [183.357] FEES FOR LICENSURE AND INSPECTION.

Subdivision 1. PERMITS. No person, firm, or corporation may construct or install an elevator without first filing an application for a permit with the department of labor and industry or a municipality authorized by subdivision 3 to inspect elevators. Projects under actual construction before July 1, 1989, are not required to obtain a permit from the department. Upon successfully completing inspection and the payment of the appropriate fee, the owner must be granted an operating permit for the elevator.

Subd. 2. CONTRACTOR LICENSES. The commissioner may establish criteria for the qualifications of elevator contractors and issue licenses based upon proof of the applicant's qualifications.

Subd. 3. PERMISSIVE MUNICIPAL REGULATION. A municipality that conducts a system of elevator inspection on a periodic basis in conformity with this chapter, state building code requirements, and adopted rules, and that employs or contracts with inspectors meeting the minimum requirements established by rule, may provide for the inspection of elevator installation, repair, construction, and the periodic routine inspection of elevators. A municipality may not adopt standards that do not conform to the uniform standards prescribed by the department.

If a municipality does not conduct elevator inspections as provided in this chapter, or if the commissioner determines that a municipality is not properly administering and enforcing the law, rules, and codes, the commissioner shall have the inspection, administration, and enforcement undertaken by a qualified inspector employed by the department.

Subd. 4. DEPOSIT OF FEES. Fees received under this section must be deposited in the state treasury and credited to the special revenue fund.

Sec. 9. [183.358] RULES.

The commissioner may adopt rules for the following purposes:

(1) to set a fee under section 16A.128 for processing a construction or installation permit or elevator contractor license application;

(2) to set a fee under section 16A.128 to cover the cost of elevator inspections;

New language is indicated by underline, deletions by ~~strikeout~~.

(3) to establish minimum qualifications for elevator inspectors that must include possession of a current journeyman elevator electrician's license issued by the state board of electricity and proof of successful completion of the national elevator construction mechanic examination or equivalent experience;

(4) to establish criteria for the qualifications of elevator contractors;

(5) to establish elevator standards under sections 16B.61, subdivisions 1 and 2, and 16B.64; and

(6) to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers, and others knowledgeable in the installation, construction, and repair of elevators.

Sec. 10. APPROPRIATION.

\$324,000 is appropriated from the special revenue fund to the commissioner of labor and industry to conduct elevator inspections under this act. \$162,000 is for fiscal year 1990 and \$162,000 is for fiscal year 1991. The approved complement of the department of labor and industry is increased by four positions.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 10:51 p.m.

CHAPTER 304—H.F.No. 1203

An act relating to nonprofit corporations; providing for the organization, operation, and dissolution of nonprofit corporations; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 8.31, subdivision 1; 52.09, by adding a subdivision; 79A.09, subdivision 1; 257.03; 309.67; 319A.20; 354A.021, subdivision 2; and 469.144, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 317A; repealing Minnesota Statutes 1988, sections 317.01 to 317.69.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

CITATION

Section 1. [317A.001] CITATION.

This chapter may be cited as the Minnesota nonprofit corporation act.

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