

Governor's Office of Management and Budget

Alexis Sturm

Director



IL Regulatory Sunset Act Review of The Elevator Safety and Regulation Act

March 22, 2022

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

The Governor's Office of Management and Budget (GOMB) in collaboration with the Illinois Department of Financial and Professional Regulation (IDFPR), in compliance with the requirements set forth in the Illinois Regulatory Sunset Act (5 ILCS 80), has conducted a review of the Elevator Safety and Regulation Act (225 ILCS 312), which is scheduled to sunset on January 1, 2023. The following recommendation is pursuant to this review:

The Elevator Safety and Regulation Act (225 ILCS 312) should be continued, as it promotes and enhances the health, safety and welfare of the public, without undue burden on licensees and commerce.

The examination of this Act considered the nine factors set out in Section 6 of the Illinois Regulatory Sunset Act. The following report details the criteria and data utilized to come to the above recommendation.

Very sincerely and respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

Criteria (1) “The extent to which the agency or program has permitted qualified applicants to serve the public.”

As of September 2021, there are 74 licensed elevator contractors, 1,229 licensed elevator mechanics, and 150 licensed elevator inspectors in Illinois. Below is the data for currently licensed companies and individuals.

License Type	2017	2018	2019	2020	2021
Elevator Contractor License	62	65	69	71	74
Elevator Mechanic License	910	944	1,022	1,140	1,229
Elevator Apprentice	1,111	1,245	1,413	1,483	1,535
Elevator Inspection Company License	27	31	31	31	33
Elevator Inspector License	108	119	130	143	150
Total	2,218	2,404	2,665	2,868	3,021

The current licensure fee structure is as follows:

Application/ Renewal of License	Fee Amount
Companies	
Elevator Contractor License (initial and renewal)	\$1000
Limited Elevator Contractor License (initial and renewal)	\$500
Elevator Inspection Company License (initial and renewal)	\$500
Individuals	
Elevator Mechanic License (initial and renewal)	\$250
Limited Elevator Mechanic License (initial and renewal)	\$150
Elevator Inspector License (initial and renewal)	\$450
Elevator Industry Apprentice or Helper Registration	\$75

An elevator mechanic must complete, along with many hours of valid work experience, an elevator mechanic’s exam. The online exam, which is a selection of test questions from a national exam developed by the National Association of Elevator Contractors (NAEC), can be scheduled by the candidate and taken any time subject to the availability of the testing location. The cost is \$100, which is the fee charged by the testing company (225 ILCS 312/45(c)).

An elevator inspector must complete, along with many hours of valid work experience, a qualified elevator inspector exam (QEI) to become a certified qualified elevator inspector. An exam can be scheduled through either NAESA or Qualified Elevator Inspector Training Fund (QEITF), both of which are national organizations. The exam costs approximately \$500 through either organization. Each elevator inspector must maintain qualifications through annual continuing education and recertification/renewal at a cost of approximately \$100-\$400 (225 ILCS 312/50(b)).

There are 35 states that have the same requirements as Illinois and many states use Illinois as a reference.

The International Union of Elevator Constructors (IUEC) and National Association of Elevator Contractors (NAEC) are organizations that have apprenticeship programs available in Illinois. Both are nationwide programs recognized by the U.S. Department of Labor and can be accessed at least in part online.

Criteria (2) "The extent to which the trade, business, profession, occupation, or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and rendering of services."

This information is not a consideration for licensure and is neither gathered nor tracked. Licensing decisions are based on an applicant's ability to meet the requirements established by statute and administrative rules. No complaints of discrimination have been received.

Criteria (3) "The extent to which the regulatory agency or program has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of any other department of state government, and any other circumstances, including budgetary resources, and personnel matters."

No information to report.

Criteria (4) "The extent to which the agency running the program has recommended statutory changes to the General Assembly that would benefit the public as opposed to the persons it regulates."

No legislative initiatives have been put forward for this statute over the past five years. Illinois Elevator Safety Rules (41 IAC 1000) were updated in 2021 to ensure the updated American Society of Mechanical Engineers (ASME) codes were adopted by the State.

Criteria (5) "The extent to which the agency or program has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency or the impact of the program on the public regarding improved service, economy of service, and availability of service."

The Office of the Illinois State Fire Marshall (OSFM) adopts administrative rules through the process established by the Joint Committee on Administrative Rules (JCAR). This process allows for input from licensees impacted by the Office's proposed changes as well as participation by members of the public. Public comment is a part each of Elevator Safety Review Board meeting and informational letters on updated codes are sent out to all contractors.

Criteria (6) "The extent to which persons regulated by the agency or under the program have been required to assess the problems in their industry that affect the public."

Incidents resulting in injury must be reported to the agency by the property owner, lessee, or other party responsible for the location within two business days. The form is available at the website:

<https://www2.illinois.gov/sites/sfm/SFMDocuments/Documents/IncidentReportingForm.pdf>

Any person may make a complaint to the agency for review and investigation. There is a form available at the website:

<https://www2.illinois.gov/sites/sfm/SFMDocuments/Documents/ComplaintFormForWeb11-6-08.pdf>

Criteria (7) "The extent to which the agency or program has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority."

The agency posts current notifications on its web page that are accessible to the public. Public comment is a part each of Elevator Safety Review Board's meetings, the schedule and details of which are also posted on the State Fire Marshall's website. The agency is audited periodically and is not aware of any findings for this Division related to the statute or rules.

Criteria (8) “The efficiency with which formal public complaints filed with the regulatory agency or under the program concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies or programs, by the Attorney General and by any other applicable department of the State government.”

The Elevator Safety Act allows anyone to report alleged violations of the Act and request investigation by the agency. The agency has a complaint form for this purpose. Complaints may be submitted in writing (mail, fax, or email) or may also come in by phone. Complaints are addressed individually, typically beginning on the next business day following the receipt of complaint. The agency will assess whether an investigation is warranted. Although many investigations are complete within 30 days, some involving more complex complaints or serious injuries may take significantly longer. After the investigation is complete, the agency will either close the investigation with no further action, have licensees correct practices/behaviors, or pursue disciplinary action. The electronic complaint form may be found here:

<https://www2.illinois.gov/sites/sfm/SFMDocuments/Documents/ComplaintFormForWeb11-6-08.pdf>

Criteria (9) “The extent to which changes are necessary in the enabling laws of the agency or program to adequately comply with the factors listed in this section.”

The OSFM is currently conducting a review the Act to identify any changes necessary.

Conclusion:

GOMB, based on the information provided by the OSFM, recommends this Act be extended. The Elevator Safety and Regulation Act (225 ILCS 312) provides for the safety of both industry and the public by adopting specific codes containing safety and technical standards and by ensuring licensed employees are aware of and following relevant codes. Failing to renew the Elevator Safety and Regulation Act (225 ILCS 312) would subject both those who work on conveyances and the public to potentially dangerous conditions and likely increase the incidence of serious injuries and death due to conveyances. The agency is currently reviewing the Act for any changes necessary to better fit the purpose of safety.