

**SENATE . . . . . No. 1295**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael F. Rush***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to unsafe elevators.

PETITION OF:

NAME:

*Michael F. Rush*

DISTRICT/ADDRESS:

*Norfolk and Suffolk*

**SENATE . . . . . No. 1295**

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By Mr. Rush, a petition (accompanied by bill, Senate, No. 1295) of Michael F. Rush for legislation relative to unsafe elevators. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1170 OF 2013-2014.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act relative to unsafe elevators.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 65 of Chapter 143 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place  
3 thereof the following:-

4           No elevator licensed under this chapter shall be operated without a valid inspection  
5 certificate. An elevator shall be deemed to be operating for the purposes of this section unless it  
6 has been placed out of service or decommissioned in accordance with a procedure approved by  
7 the board. If a certificate has expired, no new certificate shall be issued until a new inspection  
8 has been completed and no elevator shall be operated until a new certificate has been issued by a  
9 qualified state inspector. The owner or operator of an elevator who fails to comply with this  
10 section shall be punished by a fine of \$100 for each day that an elevator is in operation without a

11 valid certificate. Fines shall begin to accrue on the date that the elevator is determined to be  
12 unsafe. Fines shall stop accruing on the date on which the owner or operator has, in writing or in  
13 any manner prescribed by the department, requested an inspection of the elevator by the  
14 department. For any elevator that is located in a single family owner occupied residence in  
15 accordance with M.G.L. c. 143 § 64, the maximum fine shall be \$5,000. For all other units, the  
16 maximum fine shall be \$20,000. The commissioner or the commissioner's designee, and such  
17 other person as may be specifically authorized, may issue a written notice of violation under  
18 section 21 of chapter 22 for a violation of this section. The commissioner is authorized to  
19 chargeback state agencies or entities for violations of this section.

20 SECTION 2: Section 65 of Chapter 143 of the General Laws is hereby amended by  
21 striking the third paragraph.

22 SECTION 3: Section 65 of Chapter 143 of the General Laws is hereby amended by  
23 inserting after the third paragraph the following:-

24 The commissioner may assess a fee for appeals filed under this section to be determined  
25 annually by the commissioner of administration under section 3B of chapter 7.

26 Upon application for annual inspection, owners shall provide to the department a current  
27 mailing address for the location of the unit.