

Summary of changes to Arizona Elevator Act  
(For informational purposes only)

Effective July 29, 2010, the following amendments were made to the Arizona Elevator Act, Arizona Revised Statutes, Title 23, Chapter 2, Article 12. The following is a summary of the amendments (wording in ***bolded italics***). For an official version of the Act, please go to the [Arizona State Legislature website](#).

23-491.02 Owner's and operators duties

Every owner and operator of a conveyance shall:

1. Construct, furnish, maintain and provide safe and adequate devices with which to safely and properly convey or move all persons and material utilizing the services offered by the owner or operator of such devices.
2. Comply with all standards and regulations issued pursuant to this article.
3. ***Ensure that a conveyance is inspected at all of the following times:***
  - (a) ***Before placing a conveyance in operation after the initial installation of the conveyance.***
  - (b) ***After modification or alteration of a conveyance.***
  - (c) ***After the inspection pursuant to subdivision (a), annually or as otherwise directed by the commission.***

23-491.05 Division powers

The division ***may***;

1. ***Inspect conveyances when deemed necessary or appropriate by the division.***
2. Recommend to the commission for approval or disapproval standards and regulations and amendments to such standards and regulations.
3. Enforce, pursuant to section 23-491.09, all standards and regulations promulgated by the commission.

***23-491.16 Private elevator inspector; qualifications; civil penalty; prohibited conduct; exemption from rule making***

- A. ***The commission may authorize an individual to perform initial or annual inspections under this article or any other inspection under this article designated by the commission, if the individual does all of the following:***
  1. ***Meets the qualifications and insurance requirements prescribed by the commission.***
  2. ***Is certified by an organization that is accredited by a national society of mechanical engineers in accordance with a national standard for safety of elevators, dumbwaiters, escalators and moving walks as determined by the commission.***
  3. ***Follows the inspection procedures established by the commission for private elevator inspectors.***
- B. ***A private elevator inspector shall register with the commission annually and provide proof of all of the following with the registration:***

1. *Completion of at least eight hours of continuing education approved by the commission.*
  2. *That the certification prescribed in subsection A is in good standing.*
  3. *That the private elevator inspector is maintaining the insurance prescribed by the commission.*
- C. *The commission may suspend or revoke a private elevator inspector's authorization to perform inspections for any reason related to the performance of an inspection under this article or for any other good cause as determined by the commission.*
- D. *The commission may impose a civil penalty of one thousand dollars on a private elevator inspector or an elevator company for each instance the inspector or company does any of the following:*
1. *Makes a false statement as to a material matter in an application for authorization under this article.*
  2. *Commits fraud, misrepresentation or bribery in regard to conveyances or any inspection or action taken pursuant to this article.*
  3. *Commits a violation of this article or the rules or inspection procedures adopted pursuant to this article.*
- E. *A private elevator inspector shall not do any of the following:*
1. *Inspect a conveyance owned, operated or last serviced by any of the following:*
    - (a) *The private elevator inspector.*
    - (b) *A company owned by the private elevator inspector.*
    - (c) *A company for which the private elevator inspector is an employee at the time of the inspection.*
    - (d) *A company affiliated with a company owned by the private elevator inspector or for which the private elevator inspector is an employee at the time of the inspection.*
  2. *Engage in the sale or service of anything related to elevators.*
  3. *Conduct an inspection pursuant to this article unless the inspector has the current certification and commission authorization pursuant to subsection A.*
- F. *This state is not liable for any act or omission of a private elevator inspector. The commission is not obligated to pay any fee charged or other consideration sought by a private elevator inspector for an inspection pursuant to this article. The fee or consideration is the sole obligation of the owner or operator that retained or contracted with the private elevator inspector.*
- G. *The commission shall compile a list of private elevator inspectors that are currently authorized pursuant to subsection A. An owner or an operator may hire a private elevator inspector.*
- H. *An owner or operator is not relieved of the obligations under this article by the use of a private elevator inspector.*

- I. The commission is exempt from the rule making requirements of title 41, chapter 6, in the adoption of private elevator inspector qualifications and inspection procedures.***
- J. Civil penalties and interest assessed pursuant to this section act as a judgment in the same manner and with like effect as if they were a judgment of the superior court. The commission may recover reasonable attorney fees incurred in collecting any civil penalty assessed under this section. All monies collected pursuant to this section shall be deposited in the administrative fund established by section 23-1081.***