Bill as Introduced

2000 SESSION

00-2818
09/01

SENATE BILL ***467***

AN ACT relative to the exemption from regulation of certain elevating devices.

SPONSORS: Sen. Johnson, Dist 3; Sen. Francoeur, Dist 14; Rep. Clegg, Hills 23

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows the labor commissioner to exempt certain elevating devices from the requirements of the elevator and accessibility lift law.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 467 - AS INTRODUCED

00-2818
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to the exemption from regulation of certain elevating devices.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Exemption for Elevating Devices. Amend RSA 157-B by inserting after section 17 the following new section:

157-B:17-a Exemption. The commissioner may exempt elevating devices which do not conform with the definitions in RSA 157-B:2 from the provisions of this chapter. The commissioner may adopt rules relative to adequate safety criteria for exempted elevating devices.

2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

Date: April 18, 2000
Time: 1:10 pm
Room: 101 LOB

The Senate Committee on Executive Departments Administration held a hearing on the following:

SB 467 relative to the exemption from regulation of certain elevating devices.

Members of Committee present: Senator Cohen
Senator Francoeur
Senator Brown
Senator D'Allesandro
Senator Roberge

The Chair, Senator Burt Cohen, opened the hearing.

Senator Burton J. Cohen, D. 24: Open the hearing and call on the prime sponsor of SB 467 Senator Carl Johnson.

Senator Carl R. Johnson, D. 3: Thank you Mr. Chairman and members of the committee. For the record I am Carl Johnson. Senator from District 3. District 3 is all of Carrol County, Meredith and Center Harbor in Belknap County, and Milton and Middleton in Strafford County.

We currently have a statute that attempts to address lifting devices with a one-size fits all approach. SB 467 addresses a lifting device called dumb waiters, which is used only to lift a commodity. In a case of a restaurant; dishes, glassware and silverware generally in the area of a weight not to exceed 35 pounds.

I believe that there are those here in the industry today who will testify to their important use. Under current regulations to bring these devices up to code we are talking in the 20 to 25,000 dollar range per life, which places an unreasonable burden financially on a business. I believe by exempting these

devices from the elevator code and addressing it in rules by working with the Department of Labor we can make it a win win situation for all.

That is my testimony Mr. Chairman and I would be glad to try and answer any questions.

Senator Burton J. Cohen, D. 24: Thank you.

Senator Carl R. Johnson, D. 3: Just one other comment that I would like to make that basically in my area I believe that there probably are at least a dozen of these that are in use. So it would have an impact on several businesses in the area. I am sure there are others throughout the state.

Senator Burton J. Cohen, D. 24: There are a few restaurants in Portsmouth. Questions from the committee?

Senator Carl R. Johnson, D. 3: Thank you Mr. Chairman.

Senator Burton J. Cohen, D. 24: Say none thank you. Senator Francoeur.

Senator Gary R. Francoeur, D. 14: Good afternoon and thank you Mr. Chairman. For the record my name is Gary Francoeur representing District 14. Senator Johnson back a couple of months ago mentioned to me that he was having problems with a some of the restaurants up in the northern part of the state and getting complaints about not having elevators that were licensed and inspected and all this other stuff.

I had mentioned to him at that time that I used to sit on the House Labor Committee and we dealt with all the elevator statute and my impression was that we never really intended a dumb waiter to be part of the elevator law. That also brought back a couple of years ago, I think that Senator Roberge was on the committee with me and we had one exempting dealing with wheelchair lifts for vans wasn't suppose to be in the elevator laws either.

These things sometimes get, people misinterpret what the real intention was when they started. If you go back and look at the elevator law you have to have it designed, inspected and built and this long process of review and stuff. It does significantly drive the cost up to 20 or 25,000 dollars just to do a simple one, you know to lift 25 to 30 pounds and it really became...

I mean if it was something that they could do for a couple thousand dollars I don't think you would hear any of them object to it. But what the current requirements on elevators for safety which we talked, everybody thinks of an

elevator you get in here at the LOB or the State House with people in it and all this involved that it is in the same criteria. It is not.

I have seen picture of the ones and I am sure Senator Cohen if you visited the restaurants in Portsmouth. You know you look at this little box and a guy puts a tray or 2 of dishes in it and it goes from floor down to the kitchen. I think you will hear the safety that it saves those people that deal with it from slipping and falling and from traveling from floor to floor.

I think there are some representatives here today from the Hotel Motel Association and stuff that can explain the exact inputs of that. I think that this is really limited to just dumb waiters and I hope that the senate will pass it. I will take any questions if there is any.

Senator Burton J. Cohen, D. 24: Thank you. Questions from the committee? Seeing none thank you very much. The chair recognized John Cook of MAME's.

John Cook: Mr. Chairman, Senators I appreciate you having us here today for this. Basically this is a result of a situation that has developed from a piece of equipment that was installed approximately 20 years ago and has been working flawlessly since that time.

Basically at the time that it was put together it was intended to be a simplistic solution to moving trays and dishes and assort food from one level to the next and trying to do it in an efficient and safe manor. Basically these devices carry probably on the average about 5 pounds, 5 to 10 pounds is the usual load. Could get up to the 20/25-pound range.

The units that are in questions right now that we are trying to make an amendment to be able to use here. I personally have had operating experience of over 50 years of unit use. I have 2 units in my current facility and I had 2 other facilities, which I have probably, total 10 or 12 years. Between all the units I have had about 50 years of unit use.

The 2 at MAME's have been installed there for over 20 years. I still haven't had any occupational injury or problems with them. The issue comes to light by the cost factor, which was already referenced here. Basically these units that we have modified to solve the problem here. In today's dollars probably 1500 to 2,000 dollars to install.

As was previous reference minimum for what is currently required would be a 15 to 20,000 dollars plus additional major reconstruction to facilities to accommodate shafts and other parts that are probably in the nature of 5 to

7,000 dollars. In my particular case for instance it would be somewhere in the range of 50,000 dollars. Quite frankly to do a job less efficiently and less effectively than I can currently do it with the unit that I have in place.

I have been involved in an operation where stairs were used in place of any lifting device. I have to honestly say that I quickly lost count of the number of slip and fall accidents that I filled out accident reports for. Quite frankly numerous personal trips to emergency rooms and doctors for treatment. Obviously stairs quickly become slippery when they are part of the serving process.

The pace in a busy restaurant is very quick and these units that we are discussing are an affordable and effective way to solve a problem, which quite frankly there were a few other restaurants that would partake in this type of a unit. I am sure that there would be a number of savings in injuries and related accidents because of people running up and down stairs.

There is a lot of us here in this state that are a small service food operations. Together we can contribute a substantial sum of money to the state Rooms and Meal Tax. The prohibit cost of the current options ties the hands of the small operators who don't have the large benefit that the big corporations have.

This is a case of a little Yankee ingenuity has created a system that works efficiently and fine. It has a proven track record of getting the job done and we are in a situation right now where the current law does not allow this to happen.

Senator Burton J. Cohen, D. 24: Questions from the committee? Seeing none thank you very much. Alex Ray I don't know if you wish to speak or be recorded in support?

Alex Ray: I would just like to say one thing. Good afternoon Chairman and senators. My name is Alex Ray and I am representing today the New Hampshire Hospitality and Restaurant Association as a member and a former board member.

The consensus that I am representing feel that this as presented will help us to use the device and continue to use the device that I personally have had a lot of experience with and many restaurants have them in place as a device, which can move products from one floor to the next in a much more efficient manor than a stairway as John has mentioned.

I just wanted to say that the association supports this. Thank you.

Senator Burton J. Cohen, D. 24: Any questions? Say none thanks. Anybody else wishing to speak to SB 467. Seeing none we will close the hearing.

Respectfully Submitted
Zita-Maria Wescott
Committee Secretary

4-18-00 ①

SB 467

1:10 pm

BC -

CJ - District 3 Carroll County
Attempts to address
SB 467
Dump waiters
Dishes, glassware
35 lbs
Important use
Bring up
20-25 000 dollar range per
lift -
Exempting
addressing it in rules.

BC -

CJ - a dozen of those that are in
use

BC -

CJ -

BC -

GF - District 14
Senator Johnson.
Mentioned having problems.
Not having elevators.
Not part of elevator law
Wheelchair
Sometimes miss interpret.
Drive cost up 20-25000 dollars
2000 dollars
Not
Safety saves
Sliping + falling
Hotel motel situation.
Dum waiters

BC - John Cook

John Cook - Result of Situation
installed 20 yrs ago
flawlessly

Simplistic problem
efficient + safe manor
5 - 10 lbs
20 - 25 lbs range
Personally
2 units 2 other facilities
50 years of unit use
Any occupational industry
Cost factor
Modified to solve problem
1500 - 2000 dollars to
15 - 20000 dollars
5 - 7000 dollars
50 000 dollars
less efficiently less effectively
Stairs used instead
Quickly lost count of slip + fall
Service process
discussing
Affordable + effective way
# of savings in injury + Related injuries.
Contribute substantial amount of $

large Benefit of Big Corporations
Has proven track record.

BC - Seeing None

Alex Ray - NH Hospitality
Help us to use the device
lot of experience
One floor to the Next.
Association Support.

BC Close Hearing

1:20 pm

6.8

Speakers

SENATE EXECUTIVE DEPTS. & ADMIN. COMMITTEE

Date 4-18-00 Time 1:00pm Public Hearing On SB 467

Appearing in FAVOR: (Please print) Please check box at left to speak.

Speaking?	Name	Address	Representing
☑	JOHN COOK	PIPER HILL Rd, ASHLAND	MAINE'S
☐	ALEX RAY	BEEDE RD	HOLDERNESS HHCRA
☑	Carl Johnson	Meredith	Senate Dist. 3
☑	GARY FRANCOEUR		Dist 14
☐			
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Appearing in OPPOSITION: (Please Print) Please check box at left to speak.

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Voting Sheets

Senate Executive Depts. & Admin. Committee
EXECUTIVE SESSION

SB 1167

Hearing date: 4-18-06 Room: 101

Motion of: OTP

Made by Senator:		*Seconded by Senator:*	
	Cohen ☐		Cohen ☐
	Francoeur ☐		Francoeur ☐
	M. Brown ☐		M. Brown ☐
	D'Allesandro ☐		D'Allesandro ☐
	S. Larsen ☐		S. Larsen ☐
	S. Roberge ☐		S. Roberge ☐
	Trombly ☐		Trombly ☐

5-0

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Burton J. Cohen, Chairman	☐	✓	
Senator Gary Francoeur, Vice-Chair	☐	✓	—
Senator Mary E. Brown	☐	✓	
Senator Lou D. Allesandro	☐	✓	
Senator Sylvia B. Larsen	☐		
Senator Sheila Roberge	☐	✓	
Senator Rick A. Trombly	☐		

*Amendments:

NOTES:

Committee Report

Date: April 18, 2000 Time: 1:10 pm

The Senate Committee on Executive Departments Administration held its hearing in Room 101 LOB, Concord, New Hampshire.

BILL NO.: SB 467 TITLE: relative to the exemption from regulation of certain elevating devices.

Members of the Committee present: Senator Cohen
Senator Francoeur
Senator Brown
Senator D'Allesandro
Senator Roberge

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☒ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Executive Departments Administration

to which was referred Senate Bill 467

AN ACT relative to the exemption from regulation of certain elevating devices.

VOTE: 5-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Gary R. Francoeur
For the Committee