

HOUSE No. 03514

The Commonwealth of Massachusetts

PRESENTED BY:

Charles A. Murphy and

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 passage of the accompanying bill:

An Act Relative to Vertical Reciprocating Conveyors.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

.....
Kenneth J. Donnelly

.....
Fourth Middlesex

.....
Charles A. Murphy

.....
21st Middlesex

HOUSE No. 03514

By Mr. Murphy of Burlington and Senator Donnelly, a joint petition (subject to Joint Rule 12) of Charles A. Murphy and Kenneth Donnelly relative to elevator, escalator and moving walk safety. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Relative to Vertical Reciprocating Conveyors.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the licensing of vertical reciprocating conveyor mechanics, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety., therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

□

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

- 1 An Act Relative to Vertical Reciprocating Conveyors
- 2 SECTION 1. Section 62 of chapter 143 of the General Laws, as appearing in the 2008 Official
- 3 Edition, is hereby amended by striking out the last sentence.

4 SECTION 2. Chapter 143 of the General Laws is hereby amended by striking out section 71B,
5 as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

6 Section 71B. (a) No person shall work as an elevator constructor, maintenance man and
7 repairman in the construction, maintenance or repair of elevators unless he holds an elevator
8 mechanic license granted by the board, or a temporary elevator mechanic license granted by the
9 commissioner.

10 (b) No person shall work as a constructor, maintenance man and repairman in the construction,
11 maintenance or repair of vertical reciprocating conveyors, as defined by the board of elevator
12 regulations, unless he holds a vertical reciprocating conveyor mechanic license or an elevator
13 mechanic license.

14 (c) No person shall work as an elevator inspector or supervising elevator inspector in the
15 employ of the department of public safety unless he holds an elevator mechanic license granted
16 by the board.

17 SECTION 3. Said chapter 143 is hereby further amended by striking out section 71C, as so
18 appearing, and inserting in place thereof the following section:-

19 Section 71C. (a) The board shall hold frequent examinations in such municipalities as it deems
20 necessary. Public notice shall be given of all examinations. A fee shall accompany each
21 application and each renewal thereof, the amount of which shall be determined annually by the
22 commissioner of administration under section 3B of chapter 7 for the filing thereof.

23 (b) Each person that makes written application for a elevator mechanic license and complies with
24 the following requirements shall be entitled to be examined: (i) the applicant shall be a current

25 registered elevator constructor apprentice with the division of apprentice training; (ii) the
26 applicant shall furnish documentary proof satisfactory to the board, from a registered joint
27 apprentice committee or a current or previous employer or employees engaged primarily in the
28 business of erecting, constructing, installing, altering, testing, repairing or maintaining elevators,
29 escalators, moving walks and other related conveyance equipment, that the applicant has worked
30 not less than 6,000 on-the-job-training hours over a period of not less than 3 years as an elevator
31 constructor apprentice, under the direct and immediate field supervision of a elevator mechanic
32 licensed in the commonwealth; (iii) he shall furnish documentary proof to the board of successful
33 completion of a minimum of 450 hours of classroom environment training from an approved
34 instructional training program such as the United States Department of Labor-recognized
35 National Elevator Industry Educational Program, known as NEIEP, or the educational
36 equivalent, having core curriculum standards substantially equal thereto with classroom
37 instruction directly related to erecting, constructing, installing, altering, testing, repairing or
38 maintaining elevators, recognized and accredited by the division of apprentice training or the
39 department of education. The board shall subject each applicant to a written examination and to
40 such practical tests as it may deem necessary and, if found by the board to be qualified, the
41 applicant shall be granted an elevator mechanic license. Each application shall entitle the
42 applicant to 1 examination.

43 (b) Each person that makes written application for a vertical reciprocating conveyer license and
44 complies with the following requirements shall be entitled to be examined: (i) the applicant shall
45 be a current registered elevator constructor apprentice with the division of apprentice training;
46 (ii) the applicant shall furnish documentary proof satisfactory to the board, from a registered
47 joint apprentice committee or a current or previous employer or employees engaged routinely in

48 the business of erecting, constructing, installing, altering, testing, repairing or maintaining
49 vertical reciprocating conveyors, that they have worked not less than 3,000 on-the-job-training
50 hours over a period of not less than 3 years as an apprentice under the direct and immediate field
51 supervision of either a elevator mechanic or a vertical reciprocating conveyor mechanic licensed
52 in the commonwealth; (iii) the applicant shall furnish documentary proof to the board of
53 successful completion of a minimum of 100 hours of training from an approved instructional
54 training program with instruction directly related to erecting, constructing, installing, altering,
55 testing, repairing or maintaining vertical reciprocating conveyors, recognized and accredited by
56 the division of apprentice training or the department of education. The board shall subject each
57 applicant to a written examination and to such practical tests as it may deem necessary and, if
58 found by the board to be qualified, the applicant shall be granted a vertical reciprocating
59 conveyor mechanic license. Each application shall entitle the applicant to 1 examination.

60 Notwithstanding the previous paragraph, the board may issue, without examination, a
61 vertical reciprocating conveyor mechanic license to any individual who is able to furnish
62 documentary proof satisfactory to the board demonstrating 3,000 hours of experience prior to
63 January 1, 2012 in the business of erecting, constructing, installing, altering, testing, repairing or
64 maintaining vertical reciprocating conveyors.

65 (c) Licenses shall be valid throughout the commonwealth but shall not be assignable or
66 transferable. A license shall continue in force until the date of birth of the licensee occurring
67 more than 12 months but not more than 24 months after the date of such license unless
68 suspended or revoked. If any such license or the renewal thereof expires in an even year, any
69 subsequent renewal shall expire on the next anniversary of the licensee's date of birth occurring
70 in an even year. If any such license or renewal thereof expires in an odd year any subsequent

71 renewal shall expire on the next anniversary of the licensee's date of birth occurring in an odd
72 year. A license issued to a person born on February twenty-ninth shall for the purposes of this
73 section expire on March first. Licenses not renewed at the expiration date shall become void, and
74 shall, after 1 year, be reinstated only by reexamination of the licensee. A notice of the date of
75 expiration of a license shall be sent to the licensee at least 30 days prior to such date. Any license
76 may, after notice and hearing, be suspended or revoked by the board for a violation by the holder
77 of any statute or regulation relative to elevators, for incompetency or untrustworthiness of the
78 holder, or for other sufficient cause. Upon suspension or revocation of a license, the holder
79 thereof shall deliver the certificate of such license forthwith to the board. Any applicant or holder
80 of a license aggrieved by the action of the board in denying, revoking or suspending a license
81 may, within 10 days, appeal therefrom to the board of elevator regulations whose decision shall
82 be final. Failure of the board to act upon any application for a period of 60 days after the filing
83 thereof shall be deemed to constitute a denial.

84 (d) The renewal of all licenses granted under this section shall be conditioned upon the
85 submission of a certificate of completion of a course designed to ensure the continuing education
86 of licensees on new and existing provisions of the regulations of the board of elevator
87 regulations. The course shall consist of not less than 8 hours of instruction which shall be
88 attended and completed within the 1 year immediately preceding any the license renewal.

89 The course shall be taught by instructors through continuing education providers which may
90 include, but shall not be limited to, association seminars and labor training programs; provided,
91 however, that all such continuing education providers shall be approved by the board of elevator
92 regulations; and provided further, that all instructors shall be licensed in the commonwealth as
93 elevator mechanics or as vertical reciprocating conveyor mechanics, employed or retained by

94 such providers, approved by the board of elevator regulations and exempt from the requirements
95 of the preceding paragraph with regard to his application for license renewal provided that such
96 applicant was qualified as an instructor at any time during the 1 year immediately preceding the
97 scheduled date for such renewal.

98 A licensee who is unable to complete the continuing education course required under this section
99 prior to the expiration of his license due to a temporary disability may apply for a waiver from
100 the board of elevator regulations on a form provided by said board which shall be signed under
101 the pains and penalties of perjury and accompanied by a certified statement from a competent
102 physician attesting to such temporary disability. Upon the termination of such temporary
103 disability, the licensee shall submit to said board a certified statement from the same physician, if
104 practicable, attesting to the termination of such temporary disability, at which time a waiver
105 sticker, valid for 90 days, shall be issued to such licensee and affixed to his license.

106 Approved training providers shall keep uniform records of attendance of licensees following a
107 format approved by the board of elevator regulations and such records shall be available for
108 inspection by said board at its request. Approved training providers shall be responsible for the
109 security of all attendance records and certificates of completion; provided, however, that
110 falsifying or knowingly allowing another to falsify such attendance records or certificates of
111 completion shall constitute grounds for suspension or revocation of the approval required under
112 this section.

113 (e) Whenever the commissioner finds that an emergency exists in the commonwealth due to
114 disaster or an act of God and that the number of persons in the commonwealth holding licenses
115 granted by the board is insufficient to cope with the emergency, he may issue temporary licenses

116 to such non-residents as have been certified to him by recognized elevator or vertical
117 reciprocating conveyor companies doing business in the commonwealth as qualified and
118 competent, and furnish such proof of competency as the commissioner may require. Each such
119 license shall recite that it is valid for the period of 1 week from the date thereof and for such
120 particular elevators or geographical areas as the commissioner may designate and otherwise shall
121 entitle the licensee to the rights and privileges of a license issued under this section. A temporary
122 license may be renewed by the commissioner from week to week during the existence of the
123 emergency. No fee shall be charged for any such license or renewal thereof. No appeal shall lie
124 from any decision, finding or action by the commissioner under this subdivision.