

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 329
Finance

(Senator Astle)

Residential Cliffside Elevators - Registration and Inspection (The Jock Menzies Act)

This bill requires “cliffside elevators” located on the property of a privately owned single-family residence to be registered with the Commissioner of Labor and Industry, inspected every two years by a third-party qualified inspector, and generally be subject to the laws related to registration and inspection requirements for most commercial elevators.

Fiscal Summary

State Effect: Assuming that a limited number of residential cliffside elevators exist in the State, the Department of Labor, Licensing, and Regulation (DLLR) can handle the bill’s requirements with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Cliffside elevator” means an elevator located at, on, or adjacent to the side of a cliff or a natural incline that is intended for use by individuals. Each cliffside elevator on the property of a privately owned single-family dwelling must have a periodic inspection – once every two years – by a third-party qualified inspector.

Current Law: An elevator unit installed in a privately owned single-family residential dwelling or installed in a building or structure under federal control is exempt from the State’s registration and inspection requirements for commercial elevators.

Generally, each elevator owned or to be operated in the State must be registered with the Commissioner of Labor and Industry at least 60 days before its planned completion and before it is placed in service. A third-party qualified elevator inspector must certify that the elevator complies with current law, regulations, and the elevator safety code. State inspectors must make a final acceptance inspection of all new elevators prior to issuance of a first certificate.

Each elevator unit in the State also must have a periodic annual inspection by a third-party qualified elevator inspector. Inspectors must ensure that the elevator unit complies with the elevator safety code and related regulations. When an elevator unit fails an inspection, the inspector must issue an inspection checklist that specifies the corrections required. If a State inspector conducts a follow-up inspection to ensure compliance with the corrections specified on the inspection checklist, the responsible party must pay a fee for the inspection, up to \$500 for a full-day inspection.

Background: DLLR advises that there are fewer than five registered – because they are installed on commercial property – cliffside elevators in the State. These units are inspected under the applicable elevator safety code for inclined elevators. The elevator safety code covers privately owned inclined elevators; however, State statute currently exempts elevators installed on privately owned single-family homes and, therefore, these elevators are not required to be inspected.

John “Jock” Menzies was an Anne Arundel County resident who died from injuries sustained in an accident involving a residential cliffside elevator located on his property in August 2013.

State Fiscal Effect: Under the bill, residential cliffside elevators are subject to registration and biennial inspections and otherwise have to meet the safety requirements of the elevator safety code. This creates additional administrative work for DLLR and requires physical *final* inspections to be conducted by State inspectors for new or modified units. As discussed above, routine annual inspections are conducted by third-party qualified elevator inspectors at the expense of the owner; the bill requires biennial inspections of residential cliffside elevators. DLLR advises that the number of residential cliffside elevators subject to registration and inspection under the bill is not anticipated to be large enough to create a substantial impact on the workload of the department. Therefore, assuming that a limited number of residential cliffside elevators

exist in the State, DLLR can handle the bill's requirements with existing budgeted resources.

Additional Comments: DLLR advises that an inspection of a residential cliffside elevator by a third-party qualified inspector costs approximately \$1,000. This cost will be borne by the owner of the cliffside elevator.

Additional Information

Prior Introductions: None.

Cross File: HB 335 (Delegates Schuh and Olszewski) - Economic Matters.

Information Source(s): Department of Labor, Licensing, and Regulation; *Capital Gazette*; Department of Legislative Services

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