

HOUSE BILL 1107

E4, K3

8lr2674
CF SB 831

By: **Delegate Wilson**

Introduced and read first time: February 7, 2018

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2018

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Elevator Inspections – Testing and Apprenticeship Program**

3 FOR the purpose of requiring that a certain test on an elevator unit performed in connection
4 with a certain inspection be performed by a certain licensed elevator mechanic;
5 requiring a third-party qualified elevator inspector to be physically present during
6 a certain test in its entirety to witness that the test has been performed correctly
7 and to verify the proper recording of the result; clarifying that a State inspector
8 retains certain authority under this Act; requiring, beginning on a certain date, the
9 presence of a third-party qualified elevator inspector instead of a State inspector to
10 witness a certain inspection; establishing certain procedures for the scheduling of a
11 certain test; establishing a date on which a certain inspection is required to be
12 performed by a third-party qualified elevator inspector rather than a State
13 inspector; requiring the Department of Labor, Licensing, and Regulation to
14 establish, beginning on a certain date, a certain apprenticeship program; requiring
15 the Secretary of Labor, Licensing, and Regulation to make a certain report on or
16 before a certain date; making certain conforming changes; and generally relating to
17 elevators.

18 BY repealing and reenacting, with amendments,
19 Article – Public Safety
20 Section 12–806, 12–809(a) and (c), 12–810, and 12–812(b) and (c)
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Public Safety**

4 12–806.

5 (a) Except as otherwise provided in this section, each elevator unit shall be
6 inspected, tested, and maintained in a safe operating condition in accordance with:

7 (1) the Safety Code; and

8 (2) any other regulations adopted by the Commissioner.

9 (b) (1) (i) Subject to subparagraph (ii) of this paragraph, an elevator unit
10 installed before July 1, 1955, may be used without being altered or rebuilt to comply with
11 the requirements of the Safety Code.

12 (ii) Each elevator shall be equipped with standard hoistway
13 entrance protection, and each passenger elevator of more than 100 feet per minute contract
14 speed shall be provided with car doors or gates that meet the requirements of the Safety
15 Code.

16 (2) Notwithstanding any other provision of this subsection, each elevator
17 unit installed before July 1, 1955:

18 (i) shall be maintained in a safe operating condition so as not to
19 create a substantial probability of serious physical harm or death; and

20 (ii) is subject to inspections and tests as required.

21 (c) (1) For purposes of this subsection, an alteration of an existing elevator
22 unit is any change made to it other than the repair or replacement of damaged, worn, or
23 broken parts necessary for normal operation.

24 (2) Each alteration or relocation of an elevator unit installed after January
25 1, 1975, shall meet the requirements of the Safety Code.

26 **(D) (1) A TEST ON AN ELEVATOR UNIT PERFORMED IN CONNECTION WITH**
27 **AN INSPECTION REQUIRED BY THIS SUBTITLE, THE SAFETY CODE, OR A**
28 **REGULATION ADOPTED BY THE COMMISSIONER SHALL BE PERFORMED BY A**
29 **LICENSED ELEVATOR MECHANIC.**

30 **(2) A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR REQUIRED TO**
31 **WITNESS A TEST PERFORMED ON AN ELEVATOR UNIT IN ACCORDANCE WITH THIS**
32 **SUBTITLE, THE SAFETY CODE, OR A REGULATION ADOPTED BY THE COMMISSIONER**

1 SHALL BE PHYSICALLY PRESENT DURING THE ENTIRE TEST TO WITNESS THAT THE
2 TEST WAS PERFORMED CORRECTLY AND TO VERIFY THE PROPER RECORDING OF
3 THE TEST RESULT.

4 (3) A STATE INSPECTOR SHALL OVERSEE ALL THIRD-PARTY
5 QUALIFIED ELEVATOR INSPECTORS AND RETAINS AUTHORITY OVER FINAL
6 ACCEPTANCE OF NEW CONSTRUCTION, MODERNIZATION, AND SERVICE UPGRADE
7 TURNOVERS OF ELEVATORS.

8 (4) A TEST REQUIRING THE PRESENCE OF A THIRD-PARTY QUALIFIED
9 ELEVATOR INSPECTOR SHALL BE CONDUCTED IN ACCORDANCE WITH THE
10 FOLLOWING:

11 (I) BEGINNING OCTOBER 1, 2018, A 5-YEAR TEST ON AN
12 ELEVATOR OF A PRIVATELY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO
13 WITNESS THE INSPECTION SHALL BE PERFORMED BY A THIRD-PARTY QUALIFIED
14 ELEVATOR INSPECTOR WHEN THE INSPECTOR IS PHYSICALLY PRESENT;

15 (II) BEGINNING OCTOBER 1, 2019, AN ANNUAL TEST ON AN
16 ELEVATOR OF A PRIVATELY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO
17 WITNESS THE INSPECTION SHALL BE PERFORMED BY A THIRD-PARTY QUALIFIED
18 ELEVATOR INSPECTOR WHEN THE INSPECTOR IS PHYSICALLY PRESENT; AND

19 (III) BEGINNING OCTOBER 1, 2020, A TEST ON AN ELEVATOR OF
20 A PUBLICLY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO WITNESS THE
21 INSPECTION SHALL BE PERFORMED BY A THIRD-PARTY QUALIFIED ELEVATOR
22 INSPECTOR WHEN THE INSPECTOR IS PHYSICALLY PRESENT.

23 (E) (1) A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR SHALL
24 SCHEDULE A TEST IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

25 (2) THE THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR SHALL
26 CONTACT THE ELEVATOR CONTRACTING COMPANY AND THE PROPERTY OWNER NOT
27 LESS THAN 60 DAYS IN ADVANCE TO SCHEDULE THE TEST FOR A DATE AND TIME
28 THAT IS REASONABLY CONVENIENT FOR ALL PARTIES INVOLVED.

29 (3) IN THE EVENT OF AN UNFORESEEN CIRCUMSTANCE OR UNDUE
30 HARDSHIP, ANY PARTY INVOLVED IN SCHEDULING THE TEST MAY RESCHEDULE THE
31 TEST.

32 (4) THE THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR SHALL
33 NOTIFY THE COMMISSIONER OF THE TIME, DATE, AND LOCATION OF EACH TEST.

1 [(d)] (F) On written request, the Commissioner may grant exceptions from the
2 literal requirements or allow the use of devices or methods other than those specified under
3 the Safety Code and other regulations adopted by the Commissioner if:

4 (1) it is evident that the exception is necessary to prevent undue hardship;
5 or

6 (2) existing conditions prevent practical compliance and in the opinion of
7 the Commissioner reasonable safety can be secured.

8 12–809.

9 (a) A State inspector shall make the following inspections:

10 (1) final acceptance inspection of all new elevator units prior to issuance of
11 first certificate;

12 (2) investigation of accidents and complaints;

13 (3) follow–up inspections to confirm corrective action;

14 (4) final acceptance inspection of the modernization or alteration of an
15 elevator unit;

16 (5) **FOR PRIVATELY OWNED BUILDINGS AND UNTIL OCTOBER 1, 2020,**
17 **FOR PUBLICLY OWNED BUILDINGS, WHEN THE INSPECTION SHALL BE PERFORMED**
18 **BY A THIRD–PARTY QUALIFIED ELEVATOR INSPECTOR,** a comprehensive 5–year
19 inspection as defined by regulation;

20 (6) except as provided by § 12–807(b) of this subtitle, inspections of elevator
21 units owned by the State or a political subdivision; and

22 (7) quality control monitoring of inspections conducted by third–party
23 qualified elevator inspectors.

24 (c) (1) For all inspections conducted by a State inspector, the contractor,
25 owner, or lessee of an elevator unit shall pay a fee for an inspection under [§ 12–810(d) or
26 § 12–812(d)(3)] **§ 12–810** of this subtitle at the following rate:

27 (i) half day (up to 4 hours), not to exceed \$250; or

28 (ii) full day (up to 8 hours), not to exceed \$500.

29 (2) Each fee collected under this subsection shall be paid into the Elevator
30 Safety Review Board Fund established under this subtitle.

1 (3) A contractor, owner, or lessee who notifies the Commissioner at least
2 24 hours in advance of a scheduled inspection that the elevator unit does not comply with
3 the requirements of Part II of this subtitle may not be charged a fee under paragraph (1) of
4 this subsection.

5 12–810.

6 **[(a)]** The Commissioner shall conduct a final acceptance inspection on completion
7 of the installation, modification, or alteration of an elevator unit before it is placed in
8 service.

9 **[(b)]** The Commissioner shall provide an inspection checklist that specifies the
10 requirements for compliance with the Safety Code and other regulations adopted by the
11 Commissioner.

12 (c) At least 15 days before a scheduled final acceptance inspection for an elevator
13 unit being installed, modified, or altered in the State, the contractor, owner, or lessee shall
14 submit to the Commissioner a written certification that:

15 (1) the elevator plans and construction documents have been reviewed by
16 a third-party qualified elevator inspector;

17 (2) the third-party qualified elevator inspector has certified that the
18 elevator unit as constructed and installed complies with this subtitle, its regulations, and
19 the Safety Code; and

20 (3) the elements indicated on the inspection checklist are operational, have
21 been tested, and are functional.

22 (d) If a State inspector arrives to inspect an elevator unit at the designated time
23 and the elevator unit does not meet the criteria established in subsection (c) of this section,
24 the inspector may cancel the inspection and charge the contractor a fee in accordance with
25 § 12–809 of this subtitle.]

26 12–812.

27 (b) (1) Except as provided in paragraph (2) of this subsection, each elevator
28 unit in the State shall have a periodic annual inspection by a [State inspector as provided
29 for in § 12–809(a)(6) of this subtitle or by a] third-party qualified elevator inspector as
30 provided for in § 12–809(d) of this subtitle.

31 (2) Each cliffside elevator on the property of a privately owned
32 single-family residential dwelling shall have a periodic inspection once every 2 years by a
33 third-party qualified inspector as provided for in § 12–809(d) of this subtitle.

(c) Before scheduling an inspection with the Commissioner or a third-party qualified elevator inspector **ON OR AFTER OCTOBER 1, 2018, FOR PRIVATELY OWNED BUILDINGS AND ON OR AFTER OCTOBER 1, 2020, FOR PUBLICLY OWNED BUILDINGS**, the contractor, owner, or lessee of an elevator unit shall:

(1) ensure that the elevator unit is operated, inspected, and repaired in accordance with Part II of this subtitle and the regulations adopted under Part II of this subtitle; and

(2) make inspection, maintenance, and repair records available to the inspector charged with inspecting the elevator unit.

SECTION 2. AND BE IT FURTHER ENACTED, That, beginning October 1, 2018, the Department of Labor, Licensing, and Regulation shall establish and administer, within the Maryland Apprenticeship and Training Program, an apprenticeship program for third-party qualified elevator inspectors.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2020, the Secretary of Labor, Licensing, and Regulation shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, on:

(1) the status of how elevator inspections are being conducted under this Act; and

(2) recommendations as to whether the date for the testing described in § 12-806(d)(4)(iii) of the Public Safety Article as enacted by Section 1 of this Act should be extended.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.