

Chapter 337

(House Bill 1107)

AN ACT concerning

Public Safety – Elevator Inspections – Testing and Apprenticeship Program

FOR the purpose of requiring that a certain test on an elevator unit performed in connection with a certain inspection be performed by a certain licensed elevator mechanic; requiring a third-party qualified elevator inspector to be physically present during a certain test in its entirety to witness that the test has been performed correctly and to verify the proper recording of the result; clarifying that a State inspector retains certain authority under this Act; requiring, beginning on a certain date, the presence of a third-party qualified elevator inspector instead of a State inspector to witness a certain inspection; establishing certain procedures for the scheduling of a certain test; authorizing a certain licensed elevator mechanic to perform a certain test in the presence of certain inspectors under certain circumstances; requiring a certain licensed elevator mechanic to perform a certain test in the presence of certain inspectors under certain circumstances; requiring the Commissioner of Labor and Industry to adopt certain regulations; establishing a date on which a certain inspection is required to be performed by a third-party qualified elevator inspector rather than a State inspector; requiring the Department of Labor, Licensing, and Regulation to establish, beginning on a certain date, a certain apprenticeship program; requiring the Secretary of Labor, Licensing, and Regulation to make a certain report on or before a certain date; making certain conforming changes; and generally relating to elevators.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12–806, 12–809(a) and (c), and 12–810, ~~and 12–812(b) and (c)~~

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 12–812(b) and (c)

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)

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

Article – Public Safety

12–806.

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

- (1) the Safety Code; and
- (2) any other regulations adopted by the Commissioner.

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

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

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

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

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

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

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

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

(2) A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR REQUIRED TO WITNESS A TEST PERFORMED ON AN ELEVATOR UNIT IN ACCORDANCE WITH THIS SUBTITLE, THE SAFETY CODE, OR A REGULATION ADOPTED BY THE COMMISSIONER SHALL BE PHYSICALLY PRESENT DURING THE ENTIRE TEST TO WITNESS THAT THE TEST WAS PERFORMED CORRECTLY AND TO VERIFY THE PROPER RECORDING OF THE TEST RESULT.

(3) A STATE INSPECTOR SHALL OVERSEE ALL THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS AND RETAINS AUTHORITY OVER FINAL

ACCEPTANCE OF NEW CONSTRUCTION, MODERNIZATION, AND SERVICE UPGRADE
TURNOVERS OF ELEVATORS.

(4) ~~A~~ SUBJECT TO SUBSECTION (G) OF THIS SECTION, A TEST REQUIRING THE PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING:

(I) BEGINNING OCTOBER 1, 2018, A 5-YEAR TEST ON AN ELEVATOR OF A PRIVATELY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO WITNESS THE ~~INSPECTION TEST~~ SHALL BE PERFORMED BY A ~~THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR WHEN THE~~ LICENSED ELEVATOR MECHANIC IN THE PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR ~~IS~~ PHYSICALLY PRESENT;

(II) BEGINNING OCTOBER 1, 2019, ~~AN ANNUAL~~ A TEST ON AN ELEVATOR OF A ~~PRIVATELY~~ PUBLICLY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO WITNESS THE ~~INSPECTION TEST~~ SHALL BE PERFORMED BY A ~~THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR WHEN THE~~ LICENSED ELEVATOR MECHANIC IN THE PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR ~~IS~~ PHYSICALLY PRESENT; AND

(III) BEGINNING OCTOBER 1, 2020, ~~A~~ AN ANNUAL TEST ON AN ELEVATOR OF A ~~PUBLICLY~~ PRIVATELY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO WITNESS THE ~~INSPECTION TEST~~ SHALL BE PERFORMED BY A ~~THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR WHEN THE~~ LICENSED ELEVATOR MECHANIC IN THE PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR ~~IS~~ PHYSICALLY PRESENT.

(E) (1) A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR OR THE OWNER OR AGENT OF THE OWNER OF THE ELEVATOR SHALL SCHEDULE A TEST IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

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

(II) THE OWNER OR AGENT OF THE OWNER SHALL CONTACT THE ELEVATOR CONTRACTING COMPANY NOT LESS THAN 60 DAYS IN ADVANCE TO SCHEDULE THE TEST FOR A DATE AND TIME THAT IS REASONABLY CONVENIENT FOR ALL PARTIES INVOLVED.

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

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

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

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

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

(G) (1) IF THE COMMISSIONER DETERMINES THAT THE NUMBER OF THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS IS INSUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (D)(4)(II) OF THIS SECTION, A LICENSED ELEVATOR MECHANIC MAY PERFORM A TEST IN THE PHYSICAL PRESENCE OF AN AVAILABLE THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR, OR A STATE INSPECTOR TO MAKE UP FOR THE DEFICIENT NUMBER OF THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS.

(2) IF THE COMMISSIONER SUBSEQUENTLY DETERMINES THAT THE NUMBER OF THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS IS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (D)(4)(II) OF THIS SECTION, A LICENSED ELEVATOR MECHANIC SHALL PERFORM A TEST IN THE PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR.

(3) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

12-809.

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

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

(2) investigation of accidents and complaints;

(3) follow-up inspections to confirm corrective action;

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

(5) **FOR PRIVATELY OWNED BUILDINGS AND UNTIL OCTOBER 1, ~~2020~~ 2019, FOR PUBLICLY OWNED BUILDINGS, WHEN THE INSPECTION SHALL BE PERFORMED BY A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR**, a comprehensive 5-year inspection as defined by regulation;

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

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

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

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

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

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

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

12-810.

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

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

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

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

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

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

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

12-812.

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

(2) Each cliffside elevator on the property of a privately owned single-family residential dwelling shall have a periodic inspection once every 2 years by a 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~~ ~~2019~~ 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) 12-806(d)(4)(ii) 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 by the Governor, April 24, 2018.