

# SENATE BILL 814

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By: **Senator Astle**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Elevators – Board Membership, Accessibility Lifts, and Lift**  
3 **Mechanics**

4 FOR the purpose of altering the membership of the Elevator Safety Review Board to  
5 add a member representing the elevator interior renovation industry and a  
6 member representing the accessibility lift industry; authorizing the Board to  
7 establish certain fees for the application, issuance, and renewal of licenses  
8 issued to certain lift mechanics; requiring a person to be licensed by the Board  
9 as a lift mechanic before providing certain services; establishing requirements  
10 for an applicant for a lift mechanic license; authorizing a licensed lift mechanic  
11 to provide certain services; defining certain terms; making conforming changes;  
12 and generally relating to lift mechanics.

13 BY repealing and reenacting, with amendments,  
14 Article – Public Safety  
15 Section 12–801, 12–820(a), 12–824, and 12–826(e)  
16 Annotated Code of Maryland  
17 (2011 Replacement Volume)

18 BY adding to  
19 Article – Public Safety  
20 Section 12–826(e), 12–827(d), and 12–832(e)  
21 Annotated Code of Maryland  
22 (2011 Replacement Volume)

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

25 **Article – Public Safety**

26 12–801.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (A-1) “ACCESSIBILITY LIFT” MEANS A COMMERCIAL STAIRWAY  
3 CHAIRLIFT, VERTICAL PLATFORM LIFT, LIMITED USE/LIMITED APPLICATION  
4 (LULA) ELEVATOR, INCLINE PLATFORM LIFT, OR PRIVATE RESIDENCE  
5 ELEVATOR.

6 (b) “Board” means the Elevator Safety Review Board.

7 (c) “Certificate” means a certificate of registration and inspection issued by  
8 the Commissioner to operate an elevator unit.

9 (d) “Commissioner” means the Commissioner of Labor and Industry or an  
10 authorized representative of the Commissioner of Labor and Industry.

11 (e) “Dumbwaiter” means a hoisting and lowering machine equipped with a  
12 car of limited capacity and size that moves in guides in a substantially vertical  
13 direction and is used exclusively for carrying material.

14 (f) “Elevator” means a hoisting and lowering machine equipped with a car or  
15 platform that moves in guides in a substantially vertical direction and serves two or  
16 more floors of a building or structure.

17 (g) “Elevator contractor” means a person who is engaged in the business of  
18 erecting, constructing, wiring, altering, replacing, maintaining, repairing,  
19 dismantling, or servicing elevator units.

20 (h) “Elevator mechanic” means a person who is engaged in erecting,  
21 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or  
22 servicing elevator units.

23 (i) “Elevator refinisher” means a person who is engaged in the refinishing of  
24 existing metal and wood elements in elevator cabs, including the stripping of old  
25 lacquer on wood and bronze items, staining wood to match existing finishes, cleaning,  
26 polishing, oxidizing, painting, lacquering, and the removing of scratches to maintain  
27 existing finishes.

28 (j) “Elevator renovator contractor” means a person who is engaged in the  
29 business of performing work:

30 (1) on the interior of an elevator involving the removal or installation  
31 of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

32 (2) that does not affect the elevator’s moving operation.

33 (k) “Elevator renovator mechanic” means a person who performs work:

1 (1) on the interior of an elevator involving the removal or installation  
2 of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

3 (2) that does not affect the elevator's moving operation.

4 (l) "Elevator unit" includes an elevator, escalator, dumbwaiter, and moving  
5 walk.

6 (m) "Escalator" means a power driven, inclined, continuous stairway used for  
7 raising and lowering passengers.

8 (n) "License" includes:

9 (1) an elevator contractor license;

10 (2) an elevator mechanic license;

11 (3) an elevator renovator contractor license; [and]

12 (4) an elevator renovator mechanic license; AND

13 (5) A LIFT MECHANIC LICENSE.

14 (O) "LIFT MECHANIC" MEANS A PERSON WHO IS ENGAGED IN  
15 ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING,  
16 REPAIRING, DISMANTLING, OR SERVICING ACCESSIBILITY LIFTS OR  
17 DUMBWAITERS.

18 [(o)] (P) "Moving walk" means a type of passenger-carrying device on  
19 which passengers stand or walk and in which the passenger-carrying surface remains  
20 parallel to its direction of motion and is uninterrupted.

21 [(p)] (Q) "Safety Code" means the American National Standard/American  
22 Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators,  
23 and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments and  
24 revisions to it, as adopted by the Commissioner.

25 [(q)] (R) "Secretary" means the Secretary of Labor, Licensing, and  
26 Regulation.

27 [(r)] (S) "Third-party qualified elevator inspector" means an inspector who:

28 (1) meets the qualifications, insurance requirements, and procedures  
29 established by the Commissioner; and

1 (2) is certified by an organization accredited by the American Society  
 2 of Mechanical Engineers in accordance with the American National  
 3 Standard/American Society of Mechanical Engineers Safety Code for Elevators,  
 4 Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1–1971, and all  
 5 subsequent amendments, and any related consensus standards.

6 12–820.

7 (a) (1) The Board consists of the following **[nine] ELEVEN** members:

8 (i) as an ex officio member, the Commissioner; and

9 (ii) **[eight] TEN** members appointed by the Governor with the  
 10 advice of the Secretary and with the advice and consent of the Senate.

11 (2) Of the **[eight] TEN** appointed members of the Board:

12 (i) one shall represent a major elevator manufacturing  
 13 company or its authorized representative;

14 (ii) one shall represent an elevator servicing company;

15 (iii) one shall represent the architectural design profession;

16 (iv) one shall represent a municipal corporation in the State;

17 (v) one shall represent a building owner or manager;

18 (vi) one shall represent labor involved in the installation,  
 19 maintenance, and repair of elevators; **[and]**

20 **(VII) ONE SHALL REPRESENT THE ELEVATOR INTERIOR**  
 21 **RENOVATION INDUSTRY;**

22 **(VIII) ONE SHALL REPRESENT THE ACCESSIBILITY LIFT**  
 23 **INDUSTRY; AND**

24 **[(vii)] (IX)** two shall be members of the public.

25 12–824.

26 (a) The Board shall establish fees for the application, issuance, and renewal  
 27 of licenses issued under Part III of this subtitle.

28 (b) The total amount of fees established under subsection (a) of this section  
 29 may not exceed, for the 2–year term of the license:

1           (1)    \$100 per year for an elevator mechanic [or], elevator renovator  
2 mechanic, **OR LIFT MECHANIC**; and

3           (2)    \$150 per year for an elevator contractor or elevator renovator  
4 contractor.

5           (c)    Each fee for the application, issuance, and renewal of licenses collected by  
6 the Board shall be paid into the Elevator Safety Review Board Fund established under  
7 this subtitle.

8 12-826.

9           **(E) EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A**  
10 **PERSON SHALL BE LICENSED BY THE BOARD AS A LIFT MECHANIC BEFORE THE**  
11 **PERSON ERECTS, CONSTRUCTS, WIRES, ALTERS, REPLACES, MAINTAINS,**  
12 **REPAIRS, DISMANTLES, OR SERVICES ACCESSIBILITY LIFTS OR DUMBWAITERS**  
13 **IN THE STATE.**

14           **[(e)] (F)**   (1)    A licensed elevator contractor is not required for removing or  
15 dismantling an elevator unit if:

16                   (i)    the elevator unit is destroyed as a result of a complete  
17 demolition of a building; or

18                   (ii)   a hoistway or wellway is demolished back to the basic  
19 support structure.

20           (2)    (i)    An individual who works as an elevator apprentice under  
21 the direct supervision of a licensed elevator mechanic or licensed elevator renovator  
22 mechanic need not obtain a license.

23                   (ii)   An individual commonly known as an elevator helper who  
24 works under the direct supervision of a licensed elevator mechanic or a licensed  
25 elevator renovator mechanic need not obtain a license.

26           (3)    An elevator refinisher need not obtain a license.

27 12-827.

28           **(D) AN APPLICANT FOR A LIFT MECHANIC LICENSE SHALL:**

29                   **(1) (I) HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED**  
30 **EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS OF RECENT**  
31 **AND ACTIVE EXPERIENCE IN THE ACCESSIBILITY LIFT INDUSTRY IN**

1 CONSTRUCTION, MAINTENANCE, AND SERVICE OR REPAIR, AS VERIFIED BY  
2 CURRENT AND PREVIOUS EMPLOYERS; AND

3 (II) PASS A WRITTEN EXAMINATION ADMINISTERED BY THE  
4 BOARD ON THE SAFETY CODE;

5 (2) (I) HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED  
6 EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS OF RECENT  
7 AND ACTIVE EXPERIENCE IN THE ACCESSIBILITY LIFT INDUSTRY IN  
8 CONSTRUCTION, MAINTENANCE, AND SERVICE OR REPAIR, AS VERIFIED BY  
9 CURRENT AND PREVIOUS EMPLOYERS; AND

10 (II) HAVE A CERTIFICATE FROM AN ORGANIZATION  
11 PROVIDING AN EDUCATION PROGRAM FOR THE ACCESSIBILITY INDUSTRY, SUCH  
12 AS THE CERTIFIED ACCESSIBILITY TECHNICIAN PROGRAM OR AN EQUIVALENT  
13 PROGRAM; OR

14 (3) HAVE A CERTIFICATE OF COMPLETION OF AN  
15 APPRENTICESHIP PROGRAM FOR ACCESSIBILITY MECHANICS THAT HAS  
16 STANDARDS SUBSTANTIALLY EQUIVALENT TO THOSE OF PART III OF THIS  
17 SUBTITLE AND IS REGISTERED WITH THE BUREAU OF APPRENTICESHIP AND  
18 TRAINING OF THE U.S. DEPARTMENT OF LABOR OR A STATE APPRENTICESHIP  
19 COUNCIL.

20 12-832.

21 (E) WHILE A LIFT MECHANIC LICENSE IS IN EFFECT, IT AUTHORIZES  
22 THE LICENSEE TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE, MAINTAIN,  
23 REPAIR, DISMANTLE, AND SERVICE ACCESSIBILITY LIFTS AND DUMBWAITERS  
24 UNDER THE DIRECT SUPERVISION OF A LICENSED ELEVATOR CONTRACTOR.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2012.