

SENATE BILL 814

E4

2lr2119

By: **Senator Astle**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

Reassigned: Finance, February 10, 2012

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2012

CHAPTER _____

1 AN ACT concerning

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

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 Elevator
7 Safety Review Board to establish certain fees for the application, issuance, and
8 renewal of licenses issued to certain accessibility lift mechanics; requiring the
9 Board to adopt certain regulations to certify a licensed accessibility lift
10 mechanic as an accessibility lift mechanic specialist; establishing that certain
11 persons are not required to obtain certain licenses to conduct certain activities;
12 authorizing an accessibility lift mechanic to provide the services of an
13 accessibility lift mechanic specialist until the Board adopts certain regulations;
14 requiring a person to be licensed by the Board as ~~a~~ an accessibility lift mechanic
15 before providing certain services; establishing requirements for an applicant for
16 ~~a~~ an accessibility lift mechanic license; authorizing a licensed accessibility lift
17 mechanic to provide certain services; authorizing the Board to issue a certain
18 conditional license for a certain period under certain circumstances; providing
19 for a delayed effective date; defining certain terms; making conforming changes;
20 and generally relating to accessibility lift mechanics.

21 BY repealing and reenacting, with amendments,

22 Article – Public Safety

23 Section 12–801, ~~12–820(a)~~, 12–824, and 12–826(e)

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 Annotated Code of Maryland
2 (2011 Replacement Volume)

3 BY adding to
4 Article – Public Safety
5 Section ~~12–826(e)~~ 12–826(e) and (g), 12–827(d), and 12–832(e)
6 Annotated Code of Maryland
7 (2011 Replacement Volume)

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

10 **Article – Public Safety**

11 12–801.

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

13 ~~(A-1) “ACCESSIBILITY LIFT” MEANS A COMMERCIAL STAIRWAY~~
14 ~~CHAIRLIFT, VERTICAL PLATFORM LIFT, LIMITED USE/LIMITED APPLICATION~~
15 ~~(LULA) ELEVATOR, INCLINE PLATFORM LIFT, OR PRIVATE RESIDENCE~~
16 ~~ELEVATOR.~~

17 (B) “ACCESSIBILITY LIFT MECHANIC” MEANS A PERSON WHO IS
18 ENGAGED IN ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING,
19 MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING COMMERCIAL
20 STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM
21 LIFTS.

22 (C) “ACCESSIBILITY LIFT MECHANIC SPECIALIST” MEANS A PERSON
23 WHO IS LICENSED AS AN ACCESSIBILITY LIFT MECHANIC AND HAS BEEN
24 CERTIFIED BY THE BOARD TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE,
25 MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL
26 ELEVATORS.

27 ~~(D)~~ (D) “Board” means the Elevator Safety Review Board.

28 ~~(E)~~ (E) “Certificate” means a certificate of registration and inspection
29 issued by the Commissioner to operate an elevator unit.

30 ~~(F)~~ (F) “Commissioner” means the Commissioner of Labor and Industry or
31 an authorized representative of the Commissioner of Labor and Industry.

1 ~~(G)~~ **(G)** “Dumbwaiter” means a hoisting and lowering machine equipped
2 with a car of limited capacity and size that moves in guides in a substantially vertical
3 direction and is used exclusively for carrying material.

4 ~~(H)~~ **(H)** “Elevator” means a hoisting and lowering machine equipped with a
5 car or platform that moves in guides in a substantially vertical direction and serves
6 two or more floors of a building or structure.

7 ~~(I)~~ **(I)** “Elevator contractor” means a person who is engaged in the
8 business of erecting, constructing, wiring, altering, replacing, maintaining, repairing,
9 dismantling, or servicing elevator **OR ACCESSIBILITY LIFT** units.

10 ~~(J)~~ **(J)** “Elevator mechanic” means a person who is engaged in erecting,
11 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or
12 servicing elevator **OR ACCESSIBILITY LIFT** units.

13 ~~(K)~~ **(K)** “Elevator refinisher” means a person who is engaged in the
14 refinishing of existing metal and wood elements in elevator cabs, including the
15 stripping of old lacquer on wood and bronze items, staining wood to match existing
16 finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of
17 scratches to maintain existing finishes.

18 ~~(L)~~ **(L)** “Elevator renovator contractor” means a person who is engaged in
19 the business of performing work:

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

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

23 ~~(M)~~ **(M)** “Elevator renovator mechanic” means a person who performs work:

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

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

27 ~~(N)~~ **(N)** “Elevator unit” includes an elevator, escalator, dumbwaiter, and
28 moving walk.

29 ~~(O)~~ **(O)** “Escalator” means a power driven, inclined, continuous stairway
30 used for raising and lowering passengers.

31 ~~(P)~~ **(P)** “License” includes:

32 **(1) AN ACCESSIBILITY LIFT MECHANIC LICENSE;**

- 1 ~~(1)~~ **(2)** an elevator contractor license;
- 2 ~~(2)~~ **(3)** an elevator mechanic license;
- 3 ~~(3)~~ **(4)** an elevator renovator contractor license; ~~{and}~~
- 4 ~~(4)~~ **(5)** an elevator renovator mechanic license; ~~AND~~
- 5 **(5)** ~~A LIFT MECHANIC LICENSE.~~

6 ~~(O)~~ ~~“LIFT MECHANIC” MEANS A PERSON WHO IS ENGAGED IN~~
 7 ~~ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING,~~
 8 ~~REPAIRING, DISMANTLING, OR SERVICING ACCESSIBILITY LIFTS OR~~
 9 ~~DUMBWAITERS.~~

10 ~~[(o)]~~ ~~(P)~~ **(Q)** “Moving walk” means a type of passenger-carrying device on
 11 which passengers stand or walk and in which the passenger-carrying surface remains
 12 parallel to its direction of motion and is uninterrupted.

13 ~~[(p)]~~ ~~(Q)~~ **(R)** “Safety Code” means the American National
 14 Standard/American Society of Mechanical Engineers Safety Code for Elevators,
 15 Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1-1971, and all
 16 subsequent amendments and revisions to it, as adopted by the Commissioner.

17 ~~[(q)]~~ ~~(R)~~ **(S)** “Secretary” means the Secretary of Labor, Licensing, and
 18 Regulation.

19 ~~[(r)]~~ ~~(S)~~ **(T)** “Third-party qualified elevator inspector” means an
 20 inspector who:

21 (1) meets the qualifications, insurance requirements, and procedures
 22 established by the Commissioner; and

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

28 ~~12-820.~~

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

30 ~~(i)~~ ~~as an ex-officio member, the Commissioner; and~~

1 (ii) ~~[eight] TEN members appointed by the Governor with the~~
2 ~~advice of the Secretary and with the advice and consent of the Senate.~~

3 (2) ~~Of the [eight] TEN appointed members of the Board:~~

4 (i) ~~one shall represent a major elevator manufacturing~~
5 ~~company or its authorized representative;~~

6 (ii) ~~one shall represent an elevator servicing company;~~

7 (iii) ~~one shall represent the architectural design profession;~~

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

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

10 (vi) ~~one shall represent labor involved in the installation,~~
11 ~~maintenance, and repair of elevators; [and]~~

12 (VII) ~~ONE SHALL REPRESENT THE ELEVATOR INTERIOR~~
13 ~~RENOVATION INDUSTRY;~~

14 (VIII) ~~ONE SHALL REPRESENT THE ACCESSIBILITY LIFT~~
15 ~~INDUSTRY; AND~~

16 ~~[(vii)] (IX) two shall be members of the public.~~

17 12-824.

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

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

22 (1) \$100 per year for an elevator mechanic [or], elevator renovator
23 mechanic, **OR ACCESSIBILITY LIFT MECHANIC**; and

24 (2) \$150 per year for an elevator contractor or elevator renovator
25 contractor.

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

29 12-826.

1 **(E) EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A**
2 **PERSON SHALL BE LICENSED BY THE BOARD AS ~~AN ACCESSIBILITY~~ LIFT**
3 **MECHANIC BEFORE THE PERSON ERECTS, CONSTRUCTS, WIRES, ALTERS,**
4 **REPLACES, MAINTAINS, REPAIRS, DISMANTLES, OR SERVICES ~~ACCESSIBILITY~~**
5 **~~LIFTS OR DUMBWAITERS IN THE STATE~~ COMMERCIAL STAIRWAY CHAIRLIFTS,**
6 **VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS IN THE STATE.**

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

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

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

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

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

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

20 **(4) A CRANE MECHANIC PERFORMING WORK ON ELEVATORS OR**
21 **LIFTS LOCATED ON A PORT FACILITY OWNED, LEASED, OR OPERATED BY THE**
22 **MARYLAND PORT ADMINISTRATION NEED NOT OBTAIN A LICENSE.**

23 **(5) A PERSON INSTALLING A RESIDENTIAL STAIRWAY CHAIRLIFT**
24 **NEED NOT OBTAIN A LICENSE.**

25 **(6) A PERSON WHO IS LICENSED UNDER THIS SUBTITLE AS AN**
26 **ELEVATOR MECHANIC NEED NOT OBTAIN A LICENSE TO PROVIDE THE SERVICES**
27 **DESCRIBED IN SUBSECTION (E) OF THIS SECTION.**

28 **(G) (1) THE BOARD SHALL ADOPT REGULATIONS, INCLUDING**
29 **EDUCATION AND EXPERIENCE REQUIREMENTS, TO CERTIFY ACCESSIBILITY**
30 **LIFT MECHANIC SPECIALISTS TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE,**
31 **MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL**
32 **ELEVATORS.**

1 **(2) UNTIL THE BOARD ADOPTS REGULATIONS TO CERTIFY**
2 **ACCESSIBILITY LIFT MECHANIC SPECIALISTS TO PERFORM WORK ON PRIVATE**
3 **RESIDENTIAL ELEVATORS, AN ACCESSIBILITY LIFT MECHANIC MAY PROVIDE**
4 **THE SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

5 **(3) A CANDIDATE ACTIVELY COMPLETING THE CERTIFICATION**
6 **REQUIREMENTS ADOPTED BY THE BOARD UNDER PARAGRAPH (1) OF THIS**
7 **SUBSECTION MAY CONTINUE TO PERFORM THAT WORK WITHOUT**
8 **CERTIFICATION FOR UP TO 4 YEARS AFTER THE EFFECTIVE DATE OF THE**
9 **REGULATIONS.**

10 12-827.

11 **(D) (1) AN APPLICANT FOR ~~A~~ AN ACCESSIBILITY LIFT MECHANIC**
12 **LICENSE SHALL:**

13 ~~(1)~~ ~~(I)~~ **1.** HAVE AN ACCEPTABLE COMBINATION OF
14 DOCUMENTED EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS
15 OF RECENT AND ACTIVE EXPERIENCE IN THE ACCESSIBILITY LIFT INDUSTRY, IN
16 CONSTRUCTION, MAINTENANCE, AND SERVICE OR REPAIR, AS VERIFIED BY
17 CURRENT AND PREVIOUS EMPLOYERS; AND

18 ~~(II)~~ **2.** PASS A WRITTEN EXAMINATION ADMINISTERED BY
19 THE BOARD ON THE SAFETY CODE;

20 ~~(2)~~ ~~(I)~~ **(II) 1.** HAVE AN ACCEPTABLE COMBINATION OF
21 DOCUMENTED EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS
22 OF RECENT AND ACTIVE EXPERIENCE IN THE ACCESSIBILITY LIFT INDUSTRY, IN
23 CONSTRUCTION, MAINTENANCE, AND SERVICE OR REPAIR, AS VERIFIED BY
24 CURRENT AND PREVIOUS EMPLOYERS; AND

25 ~~(II)~~ **2.** HAVE A CERTIFICATE FROM AN ORGANIZATION
26 PROVIDING AN EDUCATION PROGRAM FOR THE ACCESSIBILITY INDUSTRY, SUCH
27 AS THE CERTIFIED ACCESSIBILITY TECHNICIAN PROGRAM OR AN EQUIVALENT
28 PROGRAM; OR

29 ~~(3)~~ **(III)** HAVE A CERTIFICATE OF COMPLETION OF AN
30 APPRENTICESHIP PROGRAM FOR ACCESSIBILITY MECHANICS THAT HAS
31 STANDARDS SUBSTANTIALLY EQUIVALENT TO THOSE OF PART III OF THIS
32 SUBTITLE AND IS REGISTERED WITH THE BUREAU OF APPRENTICESHIP AND
33 TRAINING OF THE U.S. DEPARTMENT OF LABOR OR A STATE APPRENTICESHIP
34 COUNCIL.

1 **(2) THE BOARD MAY ISSUE A CONDITIONAL LICENSE UNDER THIS**
 2 **SUBSECTION THAT IS EFFECTIVE UNTIL JANUARY 1, 2017, TO A CANDIDATE**
 3 **ACTIVELY COMPLETING THE EDUCATIONAL REQUIREMENTS DESCRIBED IN**
 4 **PARAGRAPH (1)(II)2 OF THIS SUBSECTION.**

5 12-832.

6 **(E) WHILE ~~A LIFT~~ AN ACCESSIBILITY LIFT MECHANIC LICENSE IS IN**
 7 **EFFECT, ~~IF~~ THE LICENSE AUTHORIZES THE LICENSEE TO ERECT, CONSTRUCT,**
 8 **WIRE, ALTER, REPLACE, MAINTAIN, REPAIR, DISMANTLE, AND SERVICE**
 9 **~~ACCESSIBILITY LIFTS AND DUMBWAITERS~~ COMMERCIAL STAIRWAY CHAIRLIFTS,**
 10 **VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS UNDER THE DIRECT**
 11 **SUPERVISION OF A LICENSED ELEVATOR CONTRACTOR.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 13 ~~October 1, 2012~~ January 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.