

Chapter 306

(Senate Bill 814)

AN ACT concerning

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

FOR the purpose of ~~altering the membership of the Elevator Safety Review Board to add a member representing the elevator interior renovation industry and a member representing the accessibility lift industry;~~ authorizing the Elevator Safety Review Board to establish certain fees for the application, issuance, and renewal of licenses issued to certain accessibility lift mechanics; requiring the Board to adopt certain regulations to certify a licensed accessibility lift mechanic as an accessibility lift mechanic specialist; establishing that certain persons are not required to obtain certain licenses to conduct certain activities; authorizing an accessibility lift mechanic to provide the services of an accessibility lift mechanic specialist until the Board adopts certain regulations; requiring a person to be licensed by the Board as ~~a~~ an accessibility lift mechanic before providing certain services; establishing requirements for an applicant for ~~a~~ an accessibility lift mechanic license; authorizing a licensed accessibility lift mechanic to provide certain services; authorizing the Board to issue a certain conditional license for a certain period under certain circumstances; providing for a delayed effective date; defining certain terms; making conforming changes; and generally relating to accessibility lift mechanics.

BY repealing and reenacting, with amendments,

Article – Public Safety

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

Annotated Code of Maryland

(2011 Replacement Volume)

BY adding to

Article – Public Safety

Section ~~12-826(e)~~ 12-826(e) and (g), 12-827(d), and 12-832(e)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article – Public Safety

12-801.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and
- (2) that does not affect the elevator’s moving operation.

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

- (1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and
- (2) that does not affect the elevator’s moving operation.

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

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

~~(P)~~ **(P)** “License” includes:

(1) AN ACCESSIBILITY LIFT MECHANIC LICENSE;

~~(2)~~ **(2)** an elevator contractor license;

~~(3)~~ **(3)** an elevator mechanic license;

~~(4)~~ **(4)** an elevator renovator contractor license; ~~and~~

~~(5)~~ **(5)** an elevator renovator mechanic license; ~~AND~~

~~(5) A LIFT MECHANIC LICENSE.~~

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

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

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

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

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

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

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

~~12-820.~~

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

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

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

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

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

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

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

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

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

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

~~(vii) ONE SHALL REPRESENT THE ELEVATOR INTERIOR RENOVATION INDUSTRY;~~

~~(viii) ONE SHALL REPRESENT THE ACCESSIBILITY LIFT INDUSTRY; AND~~

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

12-824.

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

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

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

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

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

12-826.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-832.

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

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

Approved by the Governor, May 2, 2012.