
By: **Delegate Hill**

Introduced and read first time: February 28, 2000

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Elevator Mechanics Act**

3 FOR the purpose of requiring certain individuals to be licensed as elevator mechanics
4 or apprentice elevator mechanics before performing certain elevator
5 installation, repair, or maintenance work; establishing the State Board of
6 Elevator Mechanics in the Department of Labor, Licensing, and Regulation;
7 providing for the composition, appointment, terms, compensation, and removal
8 of Board members; providing for the election of officers and the quorum of the
9 Board; establishing certain powers and duties of the Board; establishing the
10 Elevator Mechanics Fund; requiring that the Elevator Mechanics Fund be used
11 only to pay for certain expenses of the Board; establishing certain licensing
12 requirements; authorizing the Board to waive certain examination requirements
13 in certain circumstances; providing for the renewal of an elevator mechanic
14 license or an apprentice elevator mechanic license; establishing certain license
15 renewal requirements; requiring the Board to reinstate an elevator mechanic
16 license or an apprentice elevator mechanic license under certain circumstances;
17 authorizing the Board to deny a license to an applicant, refuse to renew a
18 license, reprimand a licensee, or suspend or revoke a license under certain
19 circumstances; establishing certain hearing and appeal procedures; requiring
20 that an elevator mechanic have certain insurance coverage when performing
21 elevator installation, repair, or maintenance work; prohibiting a building and
22 permits department of a county or municipal corporation from issuing a permit
23 for the installation, alteration, or repair of an elevator unless the permit
24 contains the license number of the elevator mechanic performing the work;
25 prohibiting an individual from performing certain activities unless the
26 individual has a certain license; establishing certain penalties; defining certain
27 terms; providing for the termination of this Act; providing for the application of
28 this Act; providing for the delayed effective date of this Act; and generally
29 relating to the licensing of elevator mechanics.

30 BY adding to

31 Article - Business Occupations and Professions

32 Section 21-101 through 21-702, inclusive, to be under the new title "Title 21.

33 Elevator Mechanics"

34 Annotated Code of Maryland

1 (1995 Replacement Volume and 1999 Supplement)

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

4 **Article - Business Occupations and Professions**

5 TITLE 21. ELEVATOR MECHANICS.

6 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

7 21-101.

8 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

9 (B) "BOARD" MEANS THE STATE BOARD OF ELEVATOR MECHANICS.

10 (C) (1) "ELEVATOR" MEANS AN ELEVATOR, LIFT, DUMBWAITER, ESCALATOR,
11 MOVING WALK, OR SIMILAR MACHINE THAT IS USED TO HOIST OR CONVEY
12 INDIVIDUALS OR MATERIALS.

13 (2) "ELEVATOR" DOES NOT INCLUDE A TEMPORARY MACHINE USED FOR
14 HOISTING MATERIALS IN CONNECTION WITH A CONSTRUCTION PROJECT.

15 (D) "ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK" MEANS
16 THE CONSTRUCTION, INSTALLATION, ALTERATION, MAINTENANCE, OR REPAIR OF
17 ELEVATORS.

18 (E) (1) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO AN
19 INDIVIDUAL TO PERFORM ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE
20 WORK OR TO ASSIST IN PERFORMING ELEVATOR INSTALLATION, REPAIR, OR
21 MAINTENANCE WORK.

22 (2) "LICENSE" INCLUDES:

23 (I) AN ELEVATOR MECHANIC LICENSE; AND

24 (II) AN APPRENTICE ELEVATOR MECHANIC LICENSE.

25 (F) "LICENSED APPRENTICE" MEANS AN INDIVIDUAL WHO IS LICENSED BY
26 THE BOARD TO ASSIST IN PERFORMING ELEVATOR INSTALLATION, REPAIR, OR
27 MAINTENANCE WORK WHILE UNDER THE DIRECTION AND CONTROL OF A LICENSED
28 ELEVATOR MECHANIC.

29 (G) "LICENSED ELEVATOR MECHANIC" MEANS AN INDIVIDUAL WHO IS
30 LICENSED BY THE BOARD TO PERFORM ELEVATOR INSTALLATION, REPAIR, OR
31 MAINTENANCE WORK.

1 21-102.

2 THE POLICY OF THE STATE IS TO REGULATE INDIVIDUALS WHO INSTALL,
3 REPAIR, AND MAINTAIN ELEVATORS, AND TO SAFEGUARD THE SAFETY, HEALTH, AND
4 PUBLIC WELFARE OF THE CITIZENS OF THE STATE WHO USE ELEVATORS.

5 SUBTITLE 2. STATE BOARD OF ELEVATOR MECHANICS.

6 21-201.

7 THERE IS A STATE BOARD OF ELEVATOR MECHANICS IN THE DEPARTMENT.

8 21-202.

9 (A) (1) THE BOARD SHALL CONSIST OF 5 MEMBERS.

10 (2) OF THE 5 MEMBERS OF THE BOARD:

11 (I) 3 SHALL BE LICENSED ELEVATOR MECHANICS; AND

12 (II) 2 SHALL BE CONSUMER MEMBERS.

13 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE ADVICE
14 OF THE SECRETARY AND SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.

15 (B) EACH MEMBER OF THE BOARD SHALL BE:

16 (1) A CITIZEN OF THE UNITED STATES; AND

17 (2) A RESIDENT OF THE STATE.

18 (C) EACH ELEVATOR MECHANIC MEMBER OF THE BOARD SHALL:

19 (1) BE AN ACTIVE ELEVATOR MECHANIC;

20 (2) HOLD A CURRENT ACTIVE ELEVATOR MECHANIC LICENSE UNDER
21 THIS TITLE; AND

22 (3) HAVE PERFORMED THE RESPONSIBILITIES OF AN ELEVATOR
23 MECHANIC FOR NOT LESS THAN 5 CONSECUTIVE YEARS IMMEDIATELY PRIOR TO
24 THE DATE OF APPOINTMENT TO THE BOARD.

25 (D) EACH CONSUMER MEMBER OF THE BOARD:

26 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

27 (2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO
28 REGULATION BY THE BOARD; AND

1 (3) MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A
2 FINANCIAL INTEREST IN OR RECEIVED COMPENSATION FROM A PERSON
3 REGULATED BY THE BOARD.

4 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT:

5 (1) HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION FROM
6 A PERSON REGULATED BY THE BOARD; OR

7 (2) GRADE ANY EXAMINATION GIVEN BY OR FOR THE BOARD.

8 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
9 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

10 (G) (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON MAY 1.

11 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
12 SUCCESSOR IS APPOINTED AND QUALIFIES.

13 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
14 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
15 QUALIFIES.

16 (4) BOARD MEMBERS ARE ELIGIBLE FOR REAPPOINTMENT, BUT MAY
17 NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

18 (H) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
19 MISCONDUCT, NEGLIGENCE OF DUTY, OR OTHER GOOD CAUSE.

20 21-203.

21 (A) (1) FROM AMONG THE BOARD MEMBERS, THE GOVERNOR SHALL
22 APPOINT A CHAIRMAN.

23 (2) THE CHAIRMAN SERVES AT THE PLEASURE OF THE GOVERNOR.

24 (B) THE BOARD MAY ELECT ANY OTHER OFFICER THAT THE BOARD
25 CONSIDERS NECESSARY.

26 (C) EXCEPT FOR THE CHAIRMAN, THE BOARD SHALL DETERMINE:

27 (1) THE MANNER OF ELECTION OF OFFICERS;

28 (2) THE TERM OF OFFICE OF EACH OFFICER; AND

29 (3) THE DUTIES OF EACH OFFICER.

30 21-204.

31 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A
32 QUORUM.

1 (B) (1) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS
2 MEETINGS.

3 (2) SPECIAL MEETINGS OF THE BOARD MAY BE HELD AS THE BOARD
4 PROVIDES IN ITS REGULATIONS.

5 (C) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
6 BUDGET.

7 (D) EACH MEMBER OF THE BOARD IS ENTITLED TO:

8 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

9 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
10 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

11 21-205.

12 (A) THE BOARD MAY INVESTIGATE ANY COMPLAINT THAT ALLEGES FACTS
13 THAT CONSTITUTE A VIOLATION OF THIS TITLE.

14 (B) ON COMPLETION OF AN INVESTIGATION MADE UNDER THIS SECTION, THE
15 BOARD PROMPTLY SHALL TAKE ACTION THAT IS APPROPRIATE UNDER THIS TITLE
16 TO ENSURE COMPLIANCE WITH THIS TITLE.

17 (C) (1) IF THE BOARD CONCLUDES THAT ANY CONDUCT ALLEGED TO BE IN
18 VIOLATION OF THIS TITLE WILL RESULT IN HARM TO AN INDIVIDUAL OR PROPERTY,
19 THE BOARD MAY SEEK A PERMANENT OR TEMPORARY INJUNCTION WITH RESPECT
20 TO THE CONDUCT FROM THE CIRCUIT COURT OF THE COUNTY IN WHICH THE
21 ALLEGED VIOLATION OCCURRED.

22 (2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE BOARD
23 IS NOT REQUIRED TO:

24 (I) POST BOND;

25 (II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES
26 NOT EXIST; OR

27 (III) ALLEGE OR PROVE THAT SUBSTANTIAL OR IRREPARABLE
28 DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION OF THE PROVISION.

29 21-206.

30 (A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD MAY:

31 (1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE; AND

32 (2) ADOPT AN OFFICIAL SEAL.

33 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE BOARD SHALL:

- 1 (1) KEEP A RECORD OF THE PROCEEDINGS OF THE BOARD;
- 2 (2) KEEP A LIST OF ALL LICENSEES;
- 3 (3) ENFORCE THE PROVISIONS OF THIS TITLE; AND
- 4 (4) ADOPT AND ENFORCE A CODE THAT SETS MINIMUM STANDARDS FOR
5 ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK.

6 21-207.

7 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL SET
8 REASONABLE FEES FOR THE APPLICATION, ISSUANCE, AND RENEWAL OF LICENSES
9 AND OTHER SERVICES.

10 (B) THE FEES DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL BE SET
11 TO APPROXIMATE THE DIRECT AND INDIRECT EXPENSES INCURRED BY THE BOARD.

12 (C) THE BOARD SHALL PAY MONEY COLLECTED UNDER THIS TITLE TO THE
13 COMPTROLLER, WHO SHALL DISTRIBUTE THE MONEY TO THE ELEVATOR
14 MECHANICS FUND.

15 SUBTITLE 3. ELEVATOR MECHANICS FUND.

16 21-301.

17 THERE IS AN ELEVATOR MECHANICS FUND.

18 21-302.

19 (A) THE ELEVATOR MECHANICS FUND IS A CONTINUING, NONLAPSING FUND
20 AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT
21 ARTICLE.

22 (B) ANY UNSPENT PORTION OF THE ELEVATOR MECHANICS FUND MAY NOT
23 REVERT OR BE TRANSFERRED TO THE GENERAL FUND OF THE STATE, BUT SHALL
24 REMAIN IN THE ELEVATOR MECHANICS FUND TO BE USED FOR THE PURPOSES
25 SPECIFIED IN THIS TITLE.

26 (C) EXCEPT AS PROVIDED IN THIS TITLE, NO OTHER STATE MONEY SHALL BE
27 USED TO SUPPORT THE ELEVATOR MECHANICS FUND.

28 (D) (1) A DESIGNEE OF THE SECRETARY SHALL ADMINISTER THE ELEVATOR
29 MECHANICS FUND.

30 (2) MONEY IN THE ELEVATOR MECHANICS FUND MAY BE EXPENDED
31 FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS TITLE.

1 21-303.

2 THE ELEVATOR MECHANICS FUND SHALL BE USED ONLY TO PAY FOR THE
3 ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE
4 STATUTORY AND REGULATORY DUTIES OF THE BOARD.

5 21-304.

6 THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS
7 OF THE ELEVATOR MECHANICS FUND AS PROVIDED IN § 2-1220 OF THE STATE
8 GOVERNMENT ARTICLE.

9 SUBTITLE 4. LICENSING.

10 21-401.

11 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL BE
12 LICENSED BY THE BOARD BEFORE AN INDIVIDUAL PERFORMS OR ASSISTS IN
13 PERFORMING ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK IN THE
14 STATE.

15 21-402.

16 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE
17 REQUIREMENTS OF THIS SECTION.

18 (B) AN APPLICANT FOR AN ELEVATOR MECHANIC LICENSE SHALL:

19 (1) HAVE BEEN REGULARLY AND PRINCIPALLY EMPLOYED AS A
20 LICENSED APPRENTICE FOR NOT LESS THAN 3,500 HOURS IN THE 2 YEARS PRIOR TO
21 APPLICATION; AND

22 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, PASS AN
23 EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

24 (C) AN APPLICANT FOR AN APPRENTICE ELEVATOR MECHANIC LICENSE
25 SHALL:

26 (1) BE AT LEAST 18 YEARS OF AGE; AND

27 (2) HOLD A HIGH SCHOOL DEGREE OR ITS EQUIVALENT.

28 21-403.

29 AN APPLICANT FOR A LICENSE SHALL:

30 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
31 BOARD PROVIDES;

32 (2) SUBMIT TO THE BOARD ANY PROOF OF ELIGIBILITY THAT THE
33 BOARD REQUIRES; AND

1 (3) PAY TO THE BOARD OR THE BOARD'S DESIGNEE AN APPLICATION
2 FEE SET BY THE BOARD.

3 21-404.

4 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
5 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

6 (B) THE BOARD PERIODICALLY SHALL GIVE EXAMINATIONS TO APPLICANTS
7 AT TIMES AND PLACES THAT THE BOARD DETERMINES.

8 (C) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE
9 TIME AND PLACE OF EXAMINATION.

10 (D) THE BOARD SHALL DETERMINE THE CONTENT, SCOPE, AND PASSING
11 SCORE FOR EXAMINATIONS GIVEN UNDER THIS SECTION.

12 (E) (1) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE
13 EXAMINATIONS REQUIRED UNDER THIS SECTION.

14 (2) IF THE BOARD USES A TESTING SERVICE UNDER THIS SUBSECTION,
15 THE TESTING SERVICE, SUBJECT TO REQUIREMENTS SET BY THE BOARD, MAY:

16 (I) SET THE TIMES AND PLACES OF THE EXAMINATIONS;

17 (II) PROVIDE NOTICE OF THE TIMES AND PLACES OF
18 EXAMINATIONS TO THE APPLICANTS; AND

19 (III) PROVIDE ANY OTHER INFORMATION THAT THE BOARD MAY
20 REQUIRE THE TESTING SERVICE TO PROVIDE.

21 (F) THE BOARD OR A DESIGNEE OF THE BOARD SHALL PROVIDE TO THE
22 APPLICANT NOTICE OF THE APPLICANT'S EXAMINATION RESULT.

23 21-405.

24 (A) SUBJECT TO THE LIMITATIONS OF THIS SECTION, THE BOARD MAY WAIVE
25 THE EXAMINATION REQUIREMENTS OF THIS SUBTITLE FOR AN INDIVIDUAL WHO IS
26 LICENSED TO PERFORM ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK
27 IN ANOTHER STATE OR A SUBDIVISION OF ANOTHER STATE.

28 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
29 APPLICANT:

30 (1) PAYS TO THE BOARD THE APPROPRIATE APPLICATION FEE
31 REQUIRED BY § 21-403 OF THIS SUBTITLE; AND

32 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

33 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS
34 SUBTITLE;

1 (II) HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE OTHER
2 STATE OR SUBDIVISION THAT IS EQUIVALENT TO AN ELEVATOR MECHANIC LICENSE
3 IN THIS STATE; AND

4 (III) BECAME LICENSED IN THE OTHER STATE OR SUBDIVISION
5 AFTER PASSING AN EXAMINATION THAT IS SIMILAR TO THE EXAMINATION FOR
6 WHICH THE APPLICANT IS SEEKING THE WAIVER.

7 (C) THE BOARD MAY GRANT A WAIVER ONLY IF THE STATE OR SUBDIVISION
8 IN WHICH THE APPLICANT IS LICENSED WAIVES THE EXAMINATION OF LICENSEES
9 OF THIS STATE TO A SIMILAR EXTENT AS THIS STATE WAIVES THE EXAMINATION
10 REQUIREMENTS FOR INDIVIDUALS LICENSED IN THAT STATE OR SUBDIVISION.

11 21-406.

12 THE BOARD SHALL ISSUE WITHOUT EXAMINATION AN ELEVATOR MECHANIC
13 LICENSE TO AN INDIVIDUAL WHO:

14 (1) HAS 5,250 WORKING HOURS OF EXPERIENCE PERFORMING
15 ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK OR EQUIVALENT
16 EXPERIENCE SATISFACTORY TO THE BOARD;

17 (2) FILES AN APPLICATION FOR THE LICENSE ON OR BEFORE
18 DECEMBER 31, 2001; AND

19 (3) SUBMITS WITH THE APPLICATION THE REQUIRED FEE AND ANY
20 PROOF OF ELIGIBILITY REQUIRED BY THE BOARD.

21 21-407.

22 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE, THE
23 BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES:

24 (1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

25 (2) ON RECEIPT OF A LICENSE FEE SET BY THE BOARD, THE BOARD
26 SHALL ISSUE A LICENSE TO THE APPLICANT.

27 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A LICENSE
28 TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

29 21-408.

30 (A) WHILE AN ELEVATOR MECHANIC LICENSE IS IN EFFECT, IT AUTHORIZES
31 THE LICENSEE TO PERFORM ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE
32 WORK.

33 (B) WHILE AN APPRENTICE ELEVATOR MECHANIC LICENSE IS IN EFFECT, IT
34 AUTHORIZES THE LICENSEE TO ASSIST IN PERFORMING ELEVATOR INSTALLATION,
35 REPAIR, OR MAINTENANCE WORK ONLY UNDER THE DIRECTION AND CONTROL OF A
36 LICENSED ELEVATOR MECHANIC.

1 21-409.

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, UNLESS THE LICENSE IS
3 RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION, A LICENSE EXPIRES
4 ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE.

5 (B) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS
6 SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

7 (C) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL MAIL
8 TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

9 (1) A RENEWAL APPLICATION FORM; AND

10 (2) A NOTICE THAT STATES:

11 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

12 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
13 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
14 LICENSE EXPIRES; AND

15 (III) THE AMOUNT OF THE RENEWAL FEE.

16 (D) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY
17 RENEW THE LICENSE FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE:

18 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

19 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

20 (3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
21 THAT THE BOARD PROVIDES.

22 (E) THE BOARD SHALL ADOPT REGULATIONS TO REQUIRE A DEMONSTRATION
23 OF CONTINUING PROFESSIONAL COMPETENCY FOR A LICENSEE AS A CONDITION OF
24 RENEWAL OF A LICENSE UNDER THIS SECTION.

25 (F) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
26 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
27 SECTION.

28 21-410.

29 THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS
30 FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:

31 (1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2 YEARS
32 AFTER THE LICENSE EXPIRES;

1 (2) MEETS THE RENEWAL REQUIREMENTS OF § 21-409 OF THIS
2 SUBTITLE; AND

3 (3) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.
4 21-411.

5 (A) SUBJECT TO THE HEARING PROVISIONS OF § 21-412 OF THIS SUBTITLE,
6 THE BOARD MAY DENY A LICENSE TO AN APPLICANT, REFUSE TO RENEW A LICENSE,
7 REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE BOARD FINDS
8 THAT THE APPLICANT OR LICENSEE:

9 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
10 OBTAIN A LICENSE;

11 (2) TRANSFERS THE AUTHORITY GRANTED BY THE LICENSE TO
12 ANOTHER PERSON;

13 (3) INSTALLS, REPAIRS, OR MAINTAINS AN ELEVATOR OR ASSISTS IN
14 THE INSTALLATION, REPAIR, OR MAINTENANCE OF AN ELEVATOR IN A NEGLIGENT
15 OR CARELESS MANNER;

16 (4) IF THE LICENSEE IS A LICENSED APPRENTICE, INSTALLS, REPAIRS,
17 OR MAINTAINS AN ELEVATOR WITHOUT PROPER SUPERVISION FROM A LICENSED
18 ELEVATOR MECHANIC;

19 (5) WILLFULLY OR DELIBERATELY DISREGARDS AND VIOLATES
20 BUILDING CODES, ELECTRICAL CODES, OR CONSTRUCTION LAWS OF THE STATE OR
21 OF ANY COUNTY OR MUNICIPAL CORPORATION OF THE STATE;

22 (6) UNDER THE LAWS OF THE UNITED STATES OR ANY STATE, PLEADS
23 GUILTY OR NOLO CONTENDERE TO OR IS CONVICTED OF:

24 (I) A FELONY; OR

25 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
26 AND QUALIFICATION OF THE LICENSEE OR APPLICANT TO PERFORM ELEVATOR
27 INSTALLATION, REPAIR, OR MAINTENANCE WORK;

28 (7) VIOLATES A PROVISION OF THE CODE OF CONDUCT ADOPTED BY
29 THE BOARD; OR

30 (8) FAILS IN ANY MATERIAL RESPECT TO COMPLY WITH THE
31 PROVISIONS OF THIS TITLE.

32 (B) BEFORE DECIDING WHETHER TO DENY A LICENSE TO AN APPLICANT,
33 REFUSE TO RENEW A LICENSE, REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE
34 THE LICENSE OF A LICENSEE WHO PLEADS GUILTY OR NOLO CONTENDERE TO OR IS
35 CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(6) OF
36 THIS SECTION, THE BOARD SHALL CONSIDER:

- 1 (1) THE NATURE OF THE CRIME;
- 2 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
3 BY THE LICENSE;
- 4 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE PLEA OR
5 CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
6 LICENSEE TO ACT AS AN ELEVATOR MECHANIC;
- 7 (4) THE LENGTH OF TIME SINCE THE PLEA OR CONVICTION; AND
- 8 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
9 BEFORE AND AFTER THE PLEA OR CONVICTION.

10 21-412.

11 (A) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE
12 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
13 21-411 OF THIS SUBTITLE, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM
14 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
15 BOARD.

16 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
17 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

18 (C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY
19 PROCEEDING UNDER THIS SECTION.

20 (D) (1) THE BOARD MAY ISSUE SUBPOENAS FOR THE ATTENDANCE OF
21 WITNESSES TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH
22 ANY PROCEEDING UNDER THIS SECTION.

23 (2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
24 THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL
25 COMPLIANCE WITH THE SUBPOENA.

26 (E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
27 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY
28 HEAR AND DETERMINE THE MATTER.

29 21-413.

30 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
31 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,
32 MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE
33 GOVERNMENT ARTICLE.

SUBTITLE 5. MISCELLANEOUS PROVISIONS.

2 21-501.

3 (A) AN ELEVATOR MECHANIC MAY NOT PERFORM ELEVATOR INSTALLATION,
4 REPAIR, OR MAINTENANCE WORK UNLESS THE WORK OF THE ELEVATOR MECHANIC,
5 INCLUDING COMPLETED OPERATIONS, IS COVERED BY:

6 (1) GENERAL LIABILITY INSURANCE IN THE AMOUNT OF AT LEAST
7 \$1,000,000; AND

8 (2) PROPERTY DAMAGE INSURANCE IN THE AMOUNT OF AT LEAST
9 \$300,000.

10 (B) THE INSURANCE REQUIRED UNDER THIS SECTION MAY BE BOUGHT:

11 (1) BY THE LICENSED ELEVATOR MECHANIC; OR

12 (2) BY THE EMPLOYER OF THE LICENSED ELEVATOR MECHANIC.

13 (C) A LICENSED APPRENTICE WHO IS EMPLOYED BY A LICENSED ELEVATOR
14 MECHANIC NEED NOT OBTAIN SEPARATE INSURANCE WHILE ASSISTING IN
15 PERFORMING ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK WHILE
16 UNDER THE CONTROL AND SUPERVISION OF THE LICENSED ELEVATOR MECHANIC.

17 (D) (1) AN APPLICANT FOR A LICENSE UNDER THIS TITLE SHALL SUBMIT
18 PROOF OF THE INSURANCE REQUIRED UNDER THIS SECTION TO THE BOARD WITH
19 THE LICENSE APPLICATION.

20 (2) UNLESS THE APPLICANT SUBMITS PROOF OF INSURANCE, THE
21 BOARD MAY NOT ISSUE ANY LICENSE TO AN APPLICANT TO WHOM THE INSURANCE
22 REQUIREMENTS OF THIS SECTION APPLY.

23 (E) UNLESS A LICENSEE MEETS THE INSURANCE REQUIREMENTS OF THIS
24 SECTION, THE BOARD MAY NOT RENEW THE LICENSE OF A LICENSEE TO WHOM THE
25 INSURANCE REQUIREMENTS OF THIS SECTION APPLY.

26 (F) A LICENSED ELEVATOR MECHANIC SHALL GIVE THE BOARD NOTICE OF
27 THE CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE EFFECTIVE
28 DATE OF THE CANCELLATION.

29 21-502.

30 THE BUILDING AND PERMITS DEPARTMENT OF A COUNTY OR MUNICIPAL
31 CORPORATION MAY NOT ISSUE A PERMIT FOR THE INSTALLATION, ALTERATION, OR
32 REPAIR OF AN ELEVATOR UNLESS THE PERMIT CONTAINS THE LICENSE NUMBER OF
33 THE ELEVATOR MECHANIC PERFORMING THE WORK.

SUBTITLE 6. PROHIBITED ACTS; PENALTIES.

2 21-601.

3 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY
4 NOT PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM ELEVATOR
5 INSTALLATION, REPAIR, OR MAINTENANCE WORK IN THE STATE UNLESS LICENSED
6 BY THE BOARD.

7 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY
8 NOT ASSIST, ATTEMPT TO ASSIST, OR OFFER TO ASSIST IN PERFORMING ELEVATOR
9 INSTALLATION, REPAIR, OR MAINTENANCE WORK IN THE STATE UNLESS LICENSED
10 BY THE BOARD.

11 (C) A PERSON WHO VIOLATES SUBSECTION (A) OR (B) OF THIS SECTION IS
12 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
13 EXCEEDING \$100 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH FOR EACH
14 DAY OR PART OF EACH DAY THAT THE VIOLATION CONTINUES.

15 (D) (1) IN ADDITION TO THE PENALTY SET FORTH IN SUBSECTION (C) OF
16 THIS SECTION, THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES SUBSECTION
17 (A) OR (B) OF THIS SECTION A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH
18 VIOLATION.

19 (2) IN DETERMINING THE APPROPRIATE AMOUNT OF A PENALTY
20 IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL
21 CONSIDER:

22 (I) THE GRAVITY OF THE VIOLATION;

23 (II) THE GOOD FAITH OF THE VIOLATOR;

24 (III) THE QUANTITY AND GRAVITY OF PREVIOUS VIOLATIONS BY
25 THE SAME VIOLATOR;

26 (IV) THE HARM CAUSED TO THE COMPLAINANT, THE PUBLIC, AND
27 THE ELEVATOR MECHANIC PROFESSION;

28 (V) THE ASSETS OF THE VIOLATOR; AND

29 (VI) ANY OTHER FACTORS THAT THE BOARD CONSIDERS RELEVANT.

30 21-602.

31 ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY PROVISION OF
32 § 21-501 OF THIS TITLE IS GUILTY OF A MISDEMEANOR, AND ON CONVICTION IS
33 SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6
34 MONTHS OR BOTH.

