

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1094

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “all” and substitute “certain”; in line 7, after “Regulation;” insert “providing that the Board exercises its powers, duties, and functions subject to the authority of the Secretary;”; and in line 23, after “coverage;” insert “prohibiting certain individuals from performing certain installation work, repair and maintenance; providing certain penalties for certain violations; authorizing the Board to impose certain penalties; providing certain criminal penalties;”.

On page 2, after line 6, insert “49B.”; and in line 12, strike “this section AND § 49C OF”.

AMENDMENT NO. 2

On page 5, in line 1, strike “IN THE STATE” and substitute “REQUIRED BY THIS SUBTITLE”; after line 29, insert:

“(3) (I) “ELEVATOR APPRENTICE” MEANS A PERSON WHO WORKS UNDER THE DIRECT SUPERVISION OF A LICENSED ELEVATOR MECHANIC.

(II) “ELEVATOR APPRENTICE” INCLUDES A PERSON COMMONLY KNOWN AS AN ELEVATOR HELPER WHILE WORKING UNDER THE DIRECT SUPERVISION OF A LICENSED ELEVATOR MECHANIC.”;

and in lines 30, 34, and 38, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively.

AMENDMENT NO. 3

On page 6, in line 3, after “(B)” insert “(1)”; and after line 4, insert:

“(2) THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS

(Over)

SUBJECT TO THE AUTHORITY OF THE SECRETARY.”.

AMENDMENT NO. 4

On page 7, strike beginning with “THE” in line 3 down through “NECESSARY” in line 5 and substitute “THE BOARD SHALL MEET AT LEAST ONCE EACH CALENDAR QUARTER, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES”; strike line 8 in its entirety; in line 14, strike “CODES,” and substitute “CODES REGARDING:

(I)”;

in the same line, strike the second comma; in line 17, strike “WALKS,” and substitute “WALKS;”; and in the same line, strike “THE” and substitute:

“(II)”;

in line 20, strike “THE AMENDMENTS OF”; strike beginning with the first “THE” in line 24 down through “SECTION” in line 25 and substitute “THE TOTAL AMOUNT OF FEES IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED \$100 PER YEAR FOR AN ELEVATOR MECHANIC AND \$150 PER YEAR FOR AN ELEVATOR CONTRACTOR, WHICH MAY BE COLLECTED FOR THE 2-YEAR PERIOD OF THE LICENSE”; and after line 25, insert:

“(4) THE BOARD MAY ADOPT ANY BYLAW FOR THE CONDUCT OF THE PROCEEDINGS OF THE BOARD, AND ANY REGULATION TO CARRY OUT THIS SUBTITLE.”.

AMENDMENT NO. 5

On page 8, in line 4, strike “BASIS” and substitute “BASIC”; in line 7, strike “1.”; in line 8, after “YEARS” insert “OF RECENT AND ACTIVE”; in lines 10 and 11, strike “LICENSED TO DO BUSINESS IN THE STATE” and substitute “AND SATISFACTORILY COMPLETE A WRITTEN EXAMINATION ADMINISTERED BY THE BOARD ON THE MOST RECENT REFERENCED CODES AND STANDARDS”; in line 12, strike “2.” and substitute “(II) UPON COMPLETION OF 3 YEARS OF WORK EXPERIENCE AS PROVIDED IN ITEM (I) OF THIS PARAGRAPH,”; in line 16, strike “3.” and substitute “(III)”; strike beginning with “; AND” in line 20 down through “STANDARDS” in line 23; in line 25, strike the comma and substitute “OR”; strike beginning with “HAS” in line 28 down through “LICENSE” in line 30 and substitute “POSSESSES SUFFICIENT ABILITY AND SKILL AND A MINIMUM OF 3 YEARS OF EXPERIENCE THAT IS ACCEPTABLE TO THE BOARD”; strike beginning with “WITHIN” in

line 31 down through “SECTION” in line 32 and substitute “ON OR BEFORE SEPTEMBER 30, 2002”; strike in their entirety lines 33 through 35, inclusive; and in line 36, strike “A” and substitute “AN ELEVATOR CONTRACTOR”.

On page 9, in line 1, after the first “BOARD” insert “:

1. DOCUMENTATION OF AT LEAST 5 YEARS OF WORK EXPERIENCE IN THE ELEVATOR INDUSTRY IN CONSTRUCTION, MAINTENANCE, SERVICE, OR REPAIR; AND

2.”;

in the same line, after “ANY” insert “OTHER”; in line 23, after “INSURANCE;” insert “AND”; strike beginning with “CRIMINAL” in line 24 down through “(VIII)” in line 26; in line 27, strike “A” and substitute “AN ELEVATOR MECHANIC”; and in line 33, after “CONTENT,” insert “FEE.”.

AMENDMENT NO. 6

On page 9, in line 3, after “BOARD” insert “OR A DESIGNEE OF THE BOARD, A NONREFUNDABLE”; in the same line, strike “AN”; and in line 28, after “SUBSECTION” insert “UPON PAYMENT OF AN EXAMINATION FEE TO THE BOARD OR BOARD’S DESIGNEE”.

AMENDMENT NO. 7

On page 13, in line 20, after “(R)” insert “(1)”; in lines 24, 26, and 29, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 23, after “PENALTY” insert “NOT TO EXCEED \$1,000”; in line 28, strike “OR”; and in line 30, after “SUBTITLE” insert “:

(IV) TRANSFERS THE AUTHORITY GRANTED BY THE LICENSE TO ANOTHER PERSON;

(V) INSTALLS, REPAIRS, OR MAINTAINS AN ELEVATOR OR ASSISTS IN THE INSTALLATION, REPAIR, OR MAINTENANCE OF AN ELEVATOR IN A

(Over)

NEGLIGENT OR CARELESS MANNER; OR

(VI) WILLFULLY OR DELIBERATELY DISREGARDS AND VIOLATES BUILDING CODES, ELECTRICAL CODES, OR CONSTRUCTION LAWS OF THE STATE OR OF ANY COUNTY OR MUNICIPAL CORPORATION OF THE STATE.

(2) IN DETERMINING THE APPROPRIATE PENALTY TO BE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER:

(I) THE GRAVITY OF THE VIOLATION;

(II) THE GOOD FAITH OF THE VIOLATOR;

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

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

(V) THE ASSETS OF THE VIOLATOR; AND

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

AMENDMENT NO. 8

On page 14, after line 18, insert:

“(V) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL MAY NOT PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PERFORM ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK IN THE STATE UNLESS LICENSED BY THE BOARD.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL MAY NOT ASSIST, ATTEMPT TO ASSIST, OR OFFER TO ASSIST IN

PERFORMING ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK IN THE STATE UNLESS LICENSED BY THE BOARD.

(3) A CONTRACTOR MAY NOT EMPLOY AN ELEVATOR MECHANIC UNLESS THE MECHANIC IS LICENSED BY THE BOARD.

(W) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT TO EXCEED \$100 FOR EACH DAY THAT THE VIOLATION CONTINUES OR IMPRISONMENT NOT TO EXCEED 6 MONTHS OR BOTH.

(2) ANY PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR, AND ON CONVICTION IS SUBJECT TO A FINE NOT TO EXCEED \$5,000 OR IMPRISONMENT NOT TO EXCEED 6 MONTHS OR BOTH.”.