

SENATE BILL 798

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By: **Senators Collins, Conway, Dyson, Pinsky, and Stone**  
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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 20, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Elevator Safety - Licensing of Elevator Contractors and Mechanics**

3 FOR the purpose of repealing certain provisions authorizing the Commissioner of  
4 Labor and Industry to designate special elevator inspectors under certain  
5 circumstances; requiring ~~all~~ certain elevator inspections in the State to be done  
6 by a State inspector; establishing the Elevator Safety Review Board in the  
7 Department of Labor, Licensing, and Regulation; providing for the composition,  
8 appointment, terms, and compensation of Board members; establishing certain  
9 powers and duties of the Board; requiring certain persons to be licensed by the  
10 Board as elevator mechanics or elevator contractors before performing certain  
11 work on elevators and certain other conveyances in the State; establishing  
12 certain education and experience requirements for elevator mechanics and  
13 elevator contractors; establishing certain licensing and license renewal  
14 requirements for elevator mechanics and elevator contractors; establishing  
15 certain examination requirements for elevator mechanics; authorizing the  
16 Board to waive certain examination requirements in certain circumstances;  
17 authorizing the Board to issue emergency elevator mechanic licenses and  
18 temporary elevator mechanic licenses under certain circumstances; authorizing  
19 the Board to deny a license to an applicant, refuse to renew a license, reprimand  
20 a licensee, suspend or revoke a license, or impose certain penalties under certain  
21 circumstances; establishing certain hearing and appeal procedures for elevator  
22 mechanics and elevator contractors; requiring that an elevator contractor have  
23 certain insurance coverage; prohibiting certain individuals from performing  
24 certain installation work, repair, and maintenance; providing certain penalties  
25 for certain violations; authorizing the Board to impose certain penalties;  
26 providing certain criminal penalties; defining certain terms; and generally

1 relating to elevator safety and the licensing of elevator contractors and elevator  
2 mechanics.

3 BY repealing and reenacting, with amendments,  
4 Article 89 - Miscellaneous Business, Work, and Safety Provisions  
5 Section 49B  
6 Annotated Code of Maryland  
7 (1998 Replacement Volume and 2000 Supplement)

8 BY adding to  
9 Article 89 - Miscellaneous Business, Work, and Safety Provisions  
10 Section 49C  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 2000 Supplement)

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

15 **Article 89 - Miscellaneous Business, Work, and Safety Provisions**

16 49B.

17 (a) An elevator, dumbwaiter, escalator or moving walk may not be operated in  
18 any building, structure, or place of employment in the State unless a certificate of  
19 registration and inspection for the operation thereof is issued by the Commissioner of  
20 Labor and Industry, and unless the certificate remains in effect and is kept posted  
21 conspicuously in or on the elevator, dumbwaiter, escalator or moving walk.

22 (b) For the purposes of ~~this section AND § 49C OF THIS SUBTITLE:~~

23 (1) "Elevator" means a hoisting or lowering machine equipped with a car  
24 or platform which moves in guides in a substantially vertical direction and serves two  
25 or more floors of a building or structure, and the term includes dumbwaiters,  
26 escalators, and moving walks.

27 (2) "Dumbwaiter" means a hoisting and lowering mechanism equipped  
28 with a car of limited capacity and size which moves in guides in a substantially  
29 vertical direction and is used exclusively for carrying material.

30 (3) "Escalator" means a power driven, inclined, continuous stairway used  
31 for raising and lowering passengers.

32 (4) "Moving walk" means a type of passenger-carrying device on which  
33 passengers stand or walk and in which the passenger-carrying surface remains  
34 parallel to its direction of motion and is uninterrupted.

1 (5) "Certificate" means a certificate of registration and inspection issued  
2 by the Commissioner of Labor and Industry to operate an elevator, dumbwaiter,  
3 escalator and moving walk.

4 (6) "Place of employment" means any place an employee or employees  
5 are suffered or permitted to work.

6 (7) "New elevator" means any elevator not classified as an existing  
7 elevator or any existing elevator moved to a new location subsequent to January 1,  
8 1975.

9 (8) "Existing elevator" means an elevator in which all work or  
10 installation was completed prior to January 1, 1975.

11 (9) "Alteration" means any change made to an existing elevator other  
12 than the repair or replacement of damaged, worn or broken parts necessary for  
13 normal operation.

14 (10) "Commissioner" means the Commissioner of Labor and Industry or  
15 his authorized representative.

16 (11) "REPAIR" HAS THE MEANING STATED IN THE AMERICAN NATIONAL  
17 STANDARD SAFETY CODE FOR ELEVATORS, DUMBWAITERS, ESCALATORS, AND  
18 MOVING WALKS.

19 (c) Within 60 days after January 1, 1975, the owner or lessee of every existing  
20 elevator shall register with the Commissioner each elevator, dumbwaiter, escalator  
21 and moving walk that it owns or operates, giving type, rating load and speed, name of  
22 manufacturer, its location and the purpose for which it is used and any other  
23 information the Commissioner may require. Registration shall be made on a form to  
24 be furnished by the Commissioner. Elevators, dumbwaiters, escalators and moving  
25 walks whose erection is begun subsequent to January 1, 1975, shall be registered  
26 within ten days after they are completed and before placed in service.

27 (d) All new and existing elevators, dumbwaiters, escalators, and moving walks  
28 shall be inspected, tested and maintained in a safe operating condition in accordance  
29 with the American National Standard Safety Code for elevators, dumbwaiters,  
30 escalators, and moving walks, known as ANSI A17.1-1971, and all subsequent  
31 amendments and revisions to it, as adopted by the Commissioner, and any rules and  
32 regulations as may be adopted by the Commissioner. However, any elevator,  
33 dumbwaiter, escalator, and moving walk installed before July 1, 1955 may be used  
34 without being altered or rebuilt to comply with the requirements of the ANSI Code, as  
35 adopted by the Commissioner. However, all elevators shall be equipped with standard  
36 hoistway entrance protection, and all passenger elevators of more than 100 feet per  
37 minute contract speed shall be provided with car doors or gates which meet the  
38 requirements of the ANSI Code A17.1-1971 and all subsequent amendments and  
39 revisions to it, as adopted by the Commissioner. Notwithstanding the foregoing, all  
40 elevators, dumbwaiters, escalators, and moving walks installed before July 1, 1955  
41 shall be maintained in a safe operating condition so as not to create a substantial

1 probability of serious physical harm or death and shall be subject to inspections and  
2 tests as required.

3 All alterations and relocations of elevators, dumbwaiters, escalators, and  
4 moving walks, installed subsequent to January 1, 1975, shall meet the requirements  
5 of the ANSI Code A17.1-1971 and all subsequent amendments and revisions to it, as  
6 adopted by the Commissioner.

7 (e) The Commissioner shall administer and enforce the provisions of this  
8 section and shall prescribe rules and regulations that conform generally to ANSI Code  
9 A17.1-1971 and all subsequent amendments and revisions to it. If necessary to fulfill  
10 the Commissioner's responsibilities under this section, the Commissioner shall adopt  
11 regulations that amend standards set forth in ANSI Code A17.1-1971 and all  
12 subsequent amendments and revisions to it, and prescribe other rules and  
13 regulations. The rules and regulations shall be consistent with the requirements of  
14 Article 83B, § 6-503 of the Code.

15 (f) When an inspection discloses that an elevator is in unsafe condition so that  
16 its continued operation will violate any rule, regulation, standard or Code  
17 promulgated and issued under this section, citation and penalties may be issued in  
18 accordance with §§ 5-212 and 5-213 of the Labor and Employment Article.

19 (g) The Commissioner, upon written request, may grant exceptions from the  
20 literal requirements or permit the use of other devices or methods than those  
21 specified under ANSI Code A17.1-1971 and all subsequent amendments and  
22 revisions to it, as adopted by the Commissioner, and rules and regulations adopted  
23 where it is evident that action is necessary to prevent undue hardship or where  
24 existing conditions prevent practical compliance and reasonable safety can in the  
25 opinion of the Commissioner be secured.

26 (h) If after inspection or testing of any elevator, dumbwaiter, escalator or  
27 moving walk the Commissioner or authorized representative of the Commissioner  
28 determines that any elevator, dumbwaiter, escalator or moving walk is in violation of  
29 any standard or safety code promulgated under this subtitle, and that there is a  
30 substantial probability that death or serious physical harm could result from its  
31 continued use, action shall be taken in accordance with § 5-210 of the Labor and  
32 Employment Article.

33 (i) If an inspection discloses that an elevator, dumbwaiter, escalator, or  
34 moving walk complies with the applicable safety code, as adopted by the  
35 Commissioner, and the rules and regulations of the Commissioner, the Commissioner  
36 shall issue to the owner or lessee thereof a certificate of registration and inspection.  
37 The certificate shall be valid for not more than one year from date of issuance. The  
38 certificate, when issued, shall be posted in or on the elevator, dumbwaiter, escalator,  
39 or moving walk.

40 (j) The cost of administering this section is provided for under § 5-204 of the  
41 Labor and Employment Article.

1 (k) In addition to provisions enumerated in subsections (f) and (j) of this  
2 section, §§ 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5, Subtitle 8 of the  
3 Labor and Employment Article are applicable to this section.

4 (l) The Commissioner may assign duties and functions imposed by this  
5 section to the chief elevator inspector.

6 (m) [(1) On request of an authorized insurer for elevators in the State, the  
7 Commissioner may designate, as a special elevator inspector, an employee of the  
8 insurer who is qualified to inspect elevators. A special elevator inspector is not  
9 entitled to compensation or reimbursement for expenses from the State.

10 (2) The Commissioner shall define, by regulation:

11 (i) The authority of a special elevator inspector; and

12 (ii) Procedures to report about an inspection to the Commissioner.]

13 ALL ELEVATOR INSPECTIONS IN THE STATE REQUIRED BY THIS SUBTITLE  
14 SHALL BE DONE BY A STATE INSPECTOR.

15 (n) Notwithstanding any provisions of this section, the Commissioner shall  
16 accept certificates of inspection from any political subdivision or municipal  
17 corporation in lieu of certificates of registration and inspection as required by this  
18 section.

19 (o) Nothing in this section may be construed to apply to any existing or new  
20 elevator, escalator, moving walk or dumbwaiter installed in a privately owned  
21 single-family residential dwelling.

22 (p) Every passenger elevator in a permanent installation used by the public  
23 shall have a sign reading "Warning - Elevators shall not be used in event of fire - Use  
24 marked exit stairways" posted at the entrance to the elevator shaft on every floor. The  
25 sign shall be posted directly above the call button. A similar sign shall be posted  
26 within the elevator cabin. The tops of these signs shall not be more than 6 feet above  
27 the floor and the lettering in the word "warning" shall be at least three-eighths inch  
28 and the rest of the lettering shall be at least one-fourth inch.

29 (q) (1) Any new building constructed after July 1, 1985, in which at least  
30 one elevator is planned, shall have a passenger elevator that can accommodate a  
31 horizontally carried and positioned 6 foot 8 inch rescue litter.

32 (2) This subsection does not apply to one or two family dwellings or to  
33 buildings under 3 stories.

34 (3) For purposes of the subsection, repair, renovation, modification,  
35 reconstruction, change of occupancy, and addition to an existing building as defined in  
36 Article 83B, Title 6, Subtitle 5 of the Code may not be considered to constitute a new  
37 building.

1 49C.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) "BOARD" MEANS THE ELEVATOR SAFETY REVIEW BOARD.

5 (3) (I) "ELEVATOR APPRENTICE" MEANS A PERSON WHO WORKS  
6 UNDER THE DIRECT SUPERVISION OF A LICENSED ELEVATOR MECHANIC.

7 (II) "ELEVATOR APPRENTICE" INCLUDES A PERSON COMMONLY  
8 KNOWN AS AN ELEVATOR HELPER WHILE WORKING UNDER THE DIRECT  
9 SUPERVISION OF A LICENSED ELEVATOR MECHANIC.

10 (3) (4) "ELEVATOR CONTRACTOR" MEANS A PERSON WHO IS ENGAGED  
11 IN THE BUSINESS OF ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING,  
12 MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING ELEVATORS,  
13 DUMBWAITERS, ESCALATORS, AND MOVING WALKS.

14 (4) (5) "ELEVATOR MECHANIC" MEANS A PERSON WHO IS ENGAGED IN  
15 ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING,  
16 REPAIRING, DISMANTLING, OR SERVICING ELEVATORS, DUMBWAITERS,  
17 ESCALATORS, AND MOVING WALKS.

18 (5) (6) "LICENSE" INCLUDES:

19 (I) AN ELEVATOR CONTRACTOR LICENSE; AND

20 (II) AN ELEVATOR MECHANIC LICENSE.

21 (B) THERE IS AN ELEVATOR SAFETY REVIEW BOARD IN THE DEPARTMENT OF  
22 LABOR, LICENSING, AND REGULATION.

23 (C) (1) THE BOARD SHALL CONSIST OF NINE MEMBERS.

24 (2) OF THE NINE MEMBERS OF THE BOARD:

25 (I) ONE SHALL BE THE COMMISSIONER OF LABOR AND INDUSTRY  
26 OR DESIGNEE OF THE COMMISSIONER, AS AN EX OFFICIO MEMBER;

27 (II) ONE SHALL REPRESENT A MAJOR ELEVATOR MANUFACTURING  
28 COMPANY OR ITS AUTHORIZED REPRESENTATIVE;

29 (III) ONE SHALL REPRESENT AN ELEVATOR SERVICING COMPANY;

30 (IV) ONE SHALL REPRESENT THE ARCHITECTURAL DESIGN  
31 PROFESSION;

32 (V) ONE SHALL REPRESENT A MUNICIPAL CORPORATION IN THE  
33 STATE;

1 (VI) ONE SHALL REPRESENT A BUILDING OWNER OR MANAGER;

2 (VII) ONE SHALL REPRESENT LABOR INVOLVED IN THE  
3 INSTALLATION, MAINTENANCE, AND REPAIR OF ELEVATORS; AND

4 (VIII) TWO SHALL BE MEMBERS OF THE GENERAL PUBLIC.

5 (3) EXCEPT FOR THE EX OFFICIO MEMBER, THE GOVERNOR SHALL  
6 APPOINT THE MEMBERS OF THE BOARD WITH THE ADVICE OF THE SECRETARY OF  
7 LABOR, LICENSING, AND REGULATION AND WITH THE ADVICE AND CONSENT OF THE  
8 SENATE.

9 (4) (I) EXCEPT FOR THE EX OFFICIO MEMBER, THE TERM OF A  
10 MEMBER IS 3 YEARS.

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

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

16 (D) (1) FROM AMONG THE BOARD MEMBERS, THE GOVERNOR SHALL  
17 APPOINT A CHAIRMAN.

18 (2) THE CHAIRMAN SHALL BE THE DECIDING VOTE IN THE EVENT OF A  
19 TIE VOTE.

20 (E) (1) THE BOARD SHALL MEET:

21 (I) REGULARLY QUARTERLY; AND

22 (II) AT OTHER TIMES AS NECESSARY.

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

25 (3) THE BOARD SHALL DETERMINE THE PLACES OF ITS MEETINGS.

26 (F) A MEMBER OF THE BOARD:

27 (1) MAY NOT RECEIVE COMPENSATION; BUT

28 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
29 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

30 (G) (1) THE BOARD MAY CONSULT WITH ENGINEERING AUTHORITIES AND  
31 ORGANIZATIONS CONCERNED WITH STANDARD SAFETY ~~CODES~~, CODES REGARDING:

32 (I) RULES, AND REGULATIONS GOVERNING THE OPERATION,  
33 MAINTENANCE, SERVICING, CONSTRUCTION, ALTERATION, INSTALLATION, AND

1 INSPECTION OF ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING ~~WALKS,~~  
2 WALKS; AND THE

3 (II) QUALIFICATIONS THAT ARE ADEQUATE, REASONABLE, AND  
4 NECESSARY FOR THE ELEVATOR MECHANIC AND ELEVATOR CONTRACTOR.

5 (2) THE BOARD MAY RECOMMEND THE AMENDMENTS OF APPLICABLE  
6 LEGISLATION, WHEN APPROPRIATE.

7 (3) (I) THE BOARD SHALL ESTABLISH FEES FOR THE APPLICATION,  
8 ISSUANCE, AND RENEWAL OF LICENSES ISSUED UNDER THIS SECTION.

9 (II) ~~THE FEES SHALL REFLECT THE ACTUAL COSTS AND EXPENSES~~  
10 ~~TO CONDUCT THE DUTIES OF THE BOARD AS DESCRIBED IN THIS SECTION~~ THE  
11 TOTAL AMOUNT OF FEES IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT  
12 EXCEED \$100 PER YEAR FOR AN ELEVATOR MECHANIC AND \$150 PER YEAR FOR AN  
13 ELEVATOR CONTRACTOR.

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

17 (H) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON  
18 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR MECHANIC BEFORE THE  
19 PERSON ERECTS, CONSTRUCTS, WIRES, ALTERS, REPLACES, MAINTAINS, REPAIRS,  
20 DISMANTLES, OR SERVICES ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING  
21 WALKS IN THE STATE.

22 (2) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON  
23 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR CONTRACTOR BEFORE THE  
24 PERSON ENGAGES IN THE BUSINESS OF ERECTING, CONSTRUCTING, WIRING,  
25 ALTERING, REPLACING, MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING  
26 ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS IN THE STATE.

27 (II) A LICENSED ELEVATOR CONTRACTOR IS NOT REQUIRED FOR  
28 REMOVING OR DISMANTLING CONVEYANCES THAT ARE DESTROYED AS A RESULT OF  
29 A COMPLETE DEMOLITION OF A BUILDING OR WHERE THE HOISTWAY OR WELLWAY  
30 IS DEMOLISHED BACK TO THE ~~BASES~~ BASIC SUPPORT STRUCTURE.

31 (3) A LICENSE IS NOT REQUIRED FOR AN ELEVATOR APPRENTICE.

32 (I) (1) AN APPLICANT FOR AN ELEVATOR MECHANIC LICENSE SHALL:

33 (I) ~~+~~ HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED  
34 EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS OF WORK  
35 EXPERIENCE IN THE ELEVATOR INDUSTRY, IN CONSTRUCTION, MAINTENANCE, AND  
36 SERVICE/REPAIR, AS VERIFIED BY CURRENT AND PREVIOUS EMPLOYERS ~~LICENSED~~  
37 ~~TO DO BUSINESS IN THE STATE~~ AND SATISFACTORILY COMPLETE A WRITTEN  
38 EXAMINATION ADMINISTERED BY THE BOARD ON THE MOST RECENT REFERENCED  
39 CODES AND STANDARDS;



1 (II) IF A PARTNERSHIP, THE NAME, RESIDENCE, AND BUSINESS  
2 ADDRESS OF EACH PARTNER;

3 (III) IF A DOMESTIC CORPORATION, THE NAME AND BUSINESS  
4 ADDRESS OF THE CORPORATION AND THE NAME AND RESIDENCE ADDRESS OF THE  
5 PRINCIPAL OFFICER OF THE CORPORATION AND IF A CORPORATION OTHER THAN A  
6 DOMESTIC CORPORATION, THE NAME AND ADDRESS OF AN AGENT LOCATED  
7 LOCALLY WHO SHALL BE AUTHORIZED TO ACCEPT SERVICE OF PROCESS;

8 (IV) THE NUMBER OF YEARS THE APPLICANT HAS ENGAGED IN THE  
9 BUSINESS OF INSTALLING, ALTERING, REPAIRING, OR SERVICING ELEVATORS;

10 (V) THE APPROXIMATE NUMBER OF INDIVIDUALS, IF ANY, TO BE  
11 EMPLOYED BY THE ELEVATOR CONTRACTOR APPLICANT, AND IF APPLICABLE,  
12 SATISFACTORY EVIDENCE THAT THE EMPLOYEES ARE OR WILL BE COVERED BY  
13 WORKERS' COMPENSATION INSURANCE;

14 (VI) SATISFACTORY EVIDENCE THAT THE APPLICANT IS OR WILL BE  
15 COVERED BY GENERAL LIABILITY, PERSONAL INJURY, AND PROPERTY DAMAGE  
16 INSURANCE; AND

17 ~~(VII) CRIMINAL RECORD OF CONVICTIONS, IF ANY, AS VERIFIED BY~~  
18 ~~THE DEPARTMENT OF STATE POLICE; AND~~

19 ~~(VIII)~~ ANY OTHER INFORMATION THAT THE BOARD REQUIRES.

20 (K) (1) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS  
21 ENTITLED TO BE EXAMINED AS PROVIDED IN THIS SUBSECTION.

22 (2) THE BOARD PERIODICALLY SHALL GIVE EXAMINATIONS TO  
23 APPLICANTS AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

24 (3) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF  
25 THE TIME AND PLACE OF EXAMINATION.

26 (4) THE BOARD SHALL DETERMINE THE FEE, CONTENT, SCOPE, AND  
27 PASSING SCORE FOR EXAMINATIONS GIVEN UNDER THIS SUBSECTION.

28 (5) (I) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE  
29 EXAMINATIONS REQUIRED UNDER THIS SUBSECTION.

30 (II) IF THE BOARD USES A TESTING SERVICE UNDER THIS  
31 SUBSECTION, THE TESTING SERVICE, SUBJECT TO REQUIREMENTS SET BY THE  
32 BOARD, MAY:

33 1. SET THE TIMES AND PLACES OF THE EXAMINATIONS;

34 2. PROVIDE NOTICE OF THE TIMES AND PLACES OF  
35 EXAMINATIONS TO THE APPLICANTS; AND



1 MAINTAIN, REPAIR, DISMANTLE, OR SERVICE ELEVATORS, DUMBWAITERS,  
2 ESCALATORS, AND MOVING WALKS UNDER THE DIRECT SUPERVISION OF A  
3 LICENSED ELEVATOR CONTRACTOR.

4 (2) WHILE AN ELEVATOR CONTRACTOR LICENSE IS IN EFFECT, IT  
5 AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF ERECTING,  
6 CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING, REPAIRING,  
7 DISMANTLING, OR SERVICING ELEVATORS, DUMBWAITERS, ESCALATORS, AND  
8 MOVING WALKS.

9 (O) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, UNLESS THE  
10 LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SUBSECTION, A  
11 LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE.

12 (2) THE SECRETARY OF LABOR, LICENSING, AND REGULATION MAY  
13 DETERMINE THAT LICENSES ISSUED UNDER THIS SECTION SHALL EXPIRE ON A  
14 STAGGERED BASIS.

15 (3) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL  
16 MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

17 (I) A RENEWAL APPLICATION FORM; AND

18 (II) A NOTICE THAT STATES:

19 1. THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

20 2. THE DATE BY WHICH THE BOARD MUST RECEIVE THE  
21 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE  
22 LICENSE EXPIRES; AND

23 3. THE AMOUNT OF THE RENEWAL FEE.

24 (4) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY  
25 RENEW THE LICENSE FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE:

26 (I) OTHERWISE IS ENTITLED TO BE LICENSED;

27 (II) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

28 (III) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE  
29 FORM THAT THE BOARD PROVIDES.

30 (5) THE BOARD SHALL ADOPT REGULATIONS:

31 (I) TO REQUIRE A DEMONSTRATION OF CONTINUING  
32 PROFESSIONAL COMPETENCY FOR A LICENSEE AS A CONDITION OF RENEWAL OF A  
33 LICENSE UNDER THIS SUBSECTION;

34 (II) TO ESTABLISH CRITERIA FOR CONTINUING EDUCATION  
35 PROVIDERS;

1 (III) TO PROVIDE FOR A TEMPORARY WAIVER OF CONTINUING  
2 EDUCATION UNDER SPECIFIED CIRCUMSTANCES; AND

3 (IV) TO SET RECORD KEEPING CRITERIA FOR APPROVED TRAINING  
4 PROVIDERS.

5 (6) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL  
6 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS  
7 SUBSECTION.

8 (P) (1) WHENEVER AN EMERGENCY EXISTS IN THE STATE DUE TO  
9 DISASTER, ACT OF GOD, OR WORK STOPPAGE AND THE NUMBER OF INDIVIDUALS IN  
10 THE STATE HOLDING LICENSES ISSUED BY THE BOARD IS INSUFFICIENT TO COPE  
11 WITH THE EMERGENCY, THE LICENSED ELEVATOR CONTRACTOR SHALL RESPOND AS  
12 NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC.

13 (2) ANY INDIVIDUAL CERTIFIED BY A LICENSED ELEVATOR  
14 CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED  
15 EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITHOUT DIRECT AND  
16 IMMEDIATE SUPERVISION SHALL SEEK AN EMERGENCY ELEVATOR MECHANIC  
17 LICENSE FROM THE BOARD WITHIN 5 BUSINESS DAYS AFTER BEGINNING WORK  
18 REQUIRING A LICENSE.

19 (3) THE BOARD SHALL ISSUE EMERGENCY ELEVATOR MECHANIC  
20 LICENSES.

21 (4) THE LICENSED ELEVATOR CONTRACTOR SHALL PROVIDE PROOF OF  
22 COMPETENCY AS THE BOARD MAY REQUIRE.

23 (5) EACH EMERGENCY ELEVATOR MECHANIC LICENSE IS VALID FOR A  
24 PERIOD OF 30 DAYS FOR PARTICULAR ELEVATORS OR GEOGRAPHICAL AREAS AS THE  
25 BOARD DESIGNATES AND ENTITLES THE LICENSEE TO THE RIGHTS AND PRIVILEGES  
26 OF AN ELEVATOR MECHANIC LICENSE ISSUED UNDER THIS SECTION.

27 (6) THE BOARD SHALL RENEW AN EMERGENCY ELEVATOR MECHANIC  
28 LICENSE DURING THE EXISTENCE OF AN EMERGENCY.

29 (7) THE BOARD MAY NOT CHARGE A FEE FOR THE ISSUANCE OR  
30 RENEWAL OF AN EMERGENCY ELEVATOR MECHANIC LICENSE.

31 (Q) (1) A LICENSED ELEVATOR CONTRACTOR SHALL NOTIFY THE BOARD  
32 WHEN THERE ARE NO LICENSED PERSONNEL AVAILABLE TO PERFORM ELEVATOR  
33 WORK.

34 (2) THE LICENSED ELEVATOR CONTRACTOR MAY REQUEST THE BOARD  
35 TO ISSUE TEMPORARY ELEVATOR MECHANIC LICENSES TO INDIVIDUALS CERTIFIED  
36 BY THE LICENSED ELEVATOR CONTRACTOR TO HAVE AN ACCEPTABLE  
37 COMBINATION OF DOCUMENTED EXPERIENCE AND EDUCATION TO PERFORM  
38 ELEVATOR WORK WITHOUT DIRECT AND IMMEDIATE SUPERVISION.

1 (3) ANY INDIVIDUAL CERTIFIED BY A LICENSED ELEVATOR  
 2 CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED  
 3 EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITHOUT DIRECT AND  
 4 IMMEDIATE SUPERVISION SHALL IMMEDIATELY SEEK A TEMPORARY ELEVATOR  
 5 MECHANIC LICENSE FROM THE BOARD AND SHALL PAY THE FEE THAT THE BOARD  
 6 DETERMINES.

7 (4) EACH TEMPORARY ELEVATOR MECHANIC LICENSE IS VALID FOR A  
 8 PERIOD OF 30 DAYS WHILE THE LICENSEE IS EMPLOYED BY THE LICENSED  
 9 ELEVATOR CONTRACTOR THAT CERTIFIED THE LICENSEE AS QUALIFIED.

10 (5) A TEMPORARY ELEVATOR MECHANIC LICENSE MAY BE RENEWED AS  
 11 LONG AS THE SHORTAGE OF LICENSE HOLDERS CONTINUES.

12 (R) (1) SUBJECT TO THE HEARING PROVISIONS OF SUBSECTION (S) OF THIS  
 13 SECTION, THE BOARD MAY DENY A LICENSE TO AN APPLICANT, REFUSE TO RENEW A  
 14 LICENSE, REPRIMAND A LICENSEE, SUSPEND OR REVOKE A LICENSE, OR IMPOSE A  
 15 CIVIL PENALTY NOT TO EXCEED \$1,000 IF THE BOARD FINDS THAT THE APPLICANT  
 16 OR LICENSEE:

17 (1) (I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
 18 OBTAIN A LICENSE;

19 (2) (II) FAILS TO NOTIFY THE BOARD OR THE OWNER OR LESSEE OF AN  
 20 ELEVATOR OR RELATED MECHANISM OF ANY CONDITION NOT IN COMPLIANCE WITH  
 21 § 49B OF THIS SUBTITLE; ~~OR~~

22 (3) (III) VIOLATES ANY PROVISION OF THIS SECTION OR § 49B OF THIS  
 23 SUBTITLE;

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

26 (5) (V) INSTALLS, REPAIRS, OR MAINTAINS AN ELEVATOR OR ASSISTS  
 27 IN THE INSTALLATION, REPAIR, OR MAINTENANCE OF AN ELEVATOR IN A  
 28 NEGLIGENT OR CARELESS MANNER; OR

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

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

34 (I) THE GRAVITY OF THE VIOLATION;

35 (II) THE GOOD FAITH OF THE VIOLATOR;

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

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

3                   (V)    THE ASSETS OF THE VIOLATOR; AND

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

5       (S)       (1)    EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE  
6 STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION  
7 UNDER THIS SECTION, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM  
8 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE  
9 BOARD.

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

12       (T)       ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A  
13 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,  
14 MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE  
15 GOVERNMENT ARTICLE.

16       (U)       (1)    AN ELEVATOR CONTRACTOR MAY NOT ENGAGE IN THE BUSINESS OF  
17 ELEVATOR INSTALLATION, ALTERATION, REPAIR, OR SERVICE WORK UNLESS THE  
18 WORK OF THE ELEVATOR CONTRACTOR IS COVERED BY:

19                   (I)    GENERAL LIABILITY INSURANCE IN THE AMOUNT OF AT LEAST  
20 \$1,000,000; AND

21                   (II)   PROPERTY DAMAGE INSURANCE IN THE AMOUNT OF AT LEAST  
22 \$500,000.

23               (2)    AN APPLICANT FOR AN ELEVATOR CONTRACTOR LICENSE SHALL  
24 SUBMIT PROOF OF THE INSURANCE REQUIRED UNDER THIS SUBSECTION TO THE  
25 BOARD WITH THE LICENSE APPLICATION.

26               (3)    UNLESS A LICENSEE MEETS THE INSURANCE REQUIREMENTS OF  
27 THIS SECTION, THE BOARD MAY NOT RENEW THE LICENSE OF A LICENSEE TO WHOM  
28 THE INSURANCE REQUIREMENTS OF THIS SUBSECTION APPLY.

29               (4)    A LICENSED ELEVATOR CONTRACTOR SHALL GIVE THE BOARD  
30 NOTICE OF THE CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE  
31 EFFECTIVE DATE OF THE CANCELLATION.

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

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2001.