

HOUSE BILL 1094

Unofficial Copy
C2

2001 Regular Session
(11r1263)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegates Hill, Kirk, Harrison, K. Kelly, Moe, McHale,
Pendergrass, Gordon, Love, Donoghue, Krysiak, Proctor, Sher, and
Barve**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 703

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 ~~at~~ 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 that the Board
8 exercises its powers, duties, and functions subject to the authority of the
9 Secretary; providing for the composition, appointment, terms, and compensation
10 of Board members; establishing certain powers and duties of the Board;
11 requiring certain persons to be licensed by the Board as elevator mechanics or
12 elevator contractors before performing certain work on elevators and certain
13 other conveyances in the State; establishing certain education and experience
14 requirements for elevator mechanics and elevator contractors; establishing
15 certain licensing and license renewal requirements for elevator mechanics and

1 elevator contractors; establishing certain examination requirements for elevator
 2 mechanics; authorizing the Board to waive certain examination requirements in
 3 certain circumstances; authorizing the Board to issue emergency elevator
 4 mechanic licenses and temporary elevator mechanic licenses under certain
 5 circumstances; authorizing the Board to deny a license to an applicant, refuse to
 6 renew a license, reprimand a licensee, suspend or revoke a license, or impose
 7 certain penalties under certain circumstances; establishing certain hearing and
 8 appeal procedures for elevator mechanics and elevator contractors; requiring
 9 that an elevator contractor have certain insurance coverage; prohibiting certain
 10 individuals from performing certain installation work, repair and maintenance;
 11 providing certain penalties for certain violations; authorizing the Board to
 12 impose certain penalties; providing certain criminal penalties; defining certain
 13 terms; and generally relating to elevator safety and the licensing of elevator
 14 contractors and elevator mechanics.

15 BY repealing and reenacting, with amendments,
 16 Article 89 - Miscellaneous Business, Work, and Safety Provisions
 17 Section 49B
 18 Annotated Code of Maryland
 19 (1998 Replacement Volume and 2000 Supplement)

20 BY adding to
 21 Article 89 - Miscellaneous Business, Work, and Safety Provisions
 22 Section 49C
 23 Annotated Code of Maryland
 24 (1998 Replacement Volume and 2000 Supplement)

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

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

28 49B.

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

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

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

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

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

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

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

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

14 (7) "New elevator" means any elevator not classified as an existing
15 elevator or any existing elevator moved to a new location subsequent to January 1,
16 1975.

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

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

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

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

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

35 (d) All new and existing elevators, dumbwaiters, escalators, and moving walks
36 shall be inspected, tested and maintained in a safe operating condition in accordance
37 with the American National Standard Safety Code for elevators, dumbwaiters,
38 escalators, and moving walks, known as ANSI A17.1-1971, and all subsequent
39 amendments and revisions to it, as adopted by the Commissioner, and any rules and

1 regulations as may be adopted by the Commissioner. However, any elevator,
2 dumbwaiter, escalator, and moving walk installed before July 1, 1955 may be used
3 without being altered or rebuilt to comply with the requirements of the ANSI Code, as
4 adopted by the Commissioner. However, all elevators shall be equipped with standard
5 hoistway entrance protection, and all passenger elevators of more than 100 feet per
6 minute contract speed shall be provided with car doors or gates which meet the
7 requirements of the ANSI Code A17.1-1971 and all subsequent amendments and
8 revisions to it, as adopted by the Commissioner. Notwithstanding the foregoing, all
9 elevators, dumbwaiters, escalators, and moving walks installed before July 1, 1955
10 shall be maintained in a safe operating condition so as not to create a substantial
11 probability of serious physical harm or death and shall be subject to inspections and
12 tests as required.

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

17 (e) The Commissioner shall administer and enforce the provisions of this
18 section and shall prescribe rules and regulations that conform generally to ANSI Code
19 A17.1-1971 and all subsequent amendments and revisions to it. If necessary to fulfill
20 the Commissioner's responsibilities under this section, the Commissioner shall adopt
21 regulations that amend standards set forth in ANSI Code A17.1-1971 and all
22 subsequent amendments and revisions to it, and prescribe other rules and
23 regulations. The rules and regulations shall be consistent with the requirements of
24 Article 83B, § 6-503 of the Code.

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

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

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

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

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

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

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

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

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

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

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

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

24 (n) Notwithstanding any provisions of this section, the Commissioner shall
25 accept certificates of inspection from any political subdivision or municipal
26 corporation in lieu of certificates of registration and inspection as required by this
27 section.

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

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

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

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

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

10 49C.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 12 INDICATED.

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

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

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

19 ~~(3)~~ (4) "ELEVATOR CONTRACTOR" MEANS A PERSON WHO IS ENGAGED
 20 IN THE BUSINESS OF ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING,
 21 MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING ELEVATORS,
 22 DUMBWAITERS, ESCALATORS, AND MOVING WALKS.

23 ~~(4)~~ (5) "ELEVATOR MECHANIC" MEANS A PERSON WHO IS ENGAGED IN
 24 ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING,
 25 REPAIRING, DISMANTLING, OR SERVICING ELEVATORS, DUMBWAITERS,
 26 ESCALATORS, AND MOVING WALKS.

27 ~~(5)~~ (6) "LICENSE" INCLUDES:

28 (I) AN ELEVATOR CONTRACTOR LICENSE; AND

29 (II) AN ELEVATOR MECHANIC LICENSE.

30 (B) (1) THERE IS AN ELEVATOR SAFETY REVIEW BOARD IN THE
 31 DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

32 (2) THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
 33 SUBJECT TO THE AUTHORITY OF THE SECRETARY.

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

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

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

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

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

6 (IV) ONE SHALL REPRESENT THE ARCHITECTURAL DESIGN
7 PROFESSION;

8 (V) ONE SHALL REPRESENT A MUNICIPAL CORPORATION IN THE
9 STATE;

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

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

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

14 (3) EXCEPT FOR THE EX OFFICIO MEMBER, THE GOVERNOR SHALL
15 APPOINT THE MEMBERS OF THE BOARD WITH THE ADVICE OF THE SECRETARY OF
16 LABOR, LICENSING, AND REGULATION AND WITH THE ADVICE AND CONSENT OF THE
17 SENATE.

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

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

22 (III) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
23 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
24 AND QUALIFIES.

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

27 (2) THE CHAIRMAN SHALL BE THE DECIDING VOTE IN THE EVENT OF A
28 TIE VOTE.

29 (E) (1) ~~THE BOARD SHALL MEET:~~

30 ~~(A) REGULARLY QUARTERLY; AND~~

31 ~~(B) AT OTHER TIMES AS NECESSARY~~ THE BOARD SHALL MEET AT
32 LEAST ONCE EACH CALENDAR QUARTER, AT THE TIMES AND PLACES THAT THE
33 BOARD DETERMINES.

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

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

4 (F) A MEMBER OF THE BOARD:

5 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

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

10 (I) RULES, AND REGULATIONS GOVERNING THE OPERATION,
11 MAINTENANCE, SERVICING, CONSTRUCTION, ALTERATION, INSTALLATION, AND
12 INSPECTION OF ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING ~~WALKS~~,
13 WALKS; AND ~~THE~~

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

16 (2) THE BOARD MAY RECOMMEND ~~THE AMENDMENTS OF~~ APPLICABLE
17 LEGISLATION, WHEN APPROPRIATE.

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

20 (II) ~~THE FEES SHALL REFLECT THE ACTUAL COSTS AND EXPENSES~~
21 ~~TO CONDUCT THE DUTIES OF THE BOARD AS DESCRIBED IN THIS SECTION~~ THE
22 TOTAL AMOUNT OF FEES IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT
23 EXCEED \$100 PER YEAR FOR AN ELEVATOR MECHANIC AND \$150 PER YEAR FOR AN
24 ELEVATOR CONTRACTOR, WHICH MAY BE COLLECTED FOR THE 2-YEAR PERIOD OF
25 THE LICENSE.

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

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

34 (2) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
35 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR CONTRACTOR BEFORE THE
36 PERSON ENGAGES IN THE BUSINESS OF ERECTING, CONSTRUCTING, WIRING,

1 ALTERING, REPLACING, MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING
2 ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS IN THE STATE.

3 (II) A LICENSED ELEVATOR CONTRACTOR IS NOT REQUIRED FOR
4 REMOVING OR DISMANTLING CONVEYANCES THAT ARE DESTROYED AS A RESULT OF
5 A COMPLETE DEMOLITION OF A BUILDING OR WHERE THE HOISTWAY OR WELLWAY
6 IS DEMOLISHED BACK TO THE ~~BASIS~~ BASIC SUPPORT STRUCTURE.

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

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

9 (I) ~~1-~~ HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
10 EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS OF RECENT AND
11 ACTIVE WORK EXPERIENCE IN THE ELEVATOR INDUSTRY, IN CONSTRUCTION,
12 MAINTENANCE, AND SERVICE/REPAIR, AS VERIFIED BY CURRENT AND PREVIOUS
13 EMPLOYERS LICENSED TO DO BUSINESS IN THE STATE AND SATISFACTORILY
14 COMPLETE A WRITTEN EXAMINATION ADMINISTERED BY THE BOARD ON THE MOST
15 RECENT REFERENCED CODES AND STANDARDS;

16 ~~2-~~ (II) UPON COMPLETION OF 3 YEARS OF WORK
17 EXPERIENCE AS PROVIDED IN ITEM (I) OF THIS PARAGRAPH, HAVE A CERTIFICATE OF
18 COMPLETION OF THE MECHANIC EXAMINATION OF A NATIONALLY RECOGNIZED
19 TRAINING PROGRAM FOR THE ELEVATOR INDUSTRY SUCH AS THE NATIONAL
20 ELEVATOR INDUSTRY EDUCATIONAL PROGRAM OR ITS EQUIVALENT; OR

21 ~~3-~~ (III) HAVE A CERTIFICATE OF COMPLETION OF AN
22 APPRENTICESHIP PROGRAM FOR ELEVATOR MECHANICS, WITH STANDARDS
23 SUBSTANTIALLY EQUAL TO THOSE OF THIS SECTION AND REGISTERED WITH THE
24 BUREAU OF APPRENTICESHIP AND TRAINING, U.S. DEPARTMENT OF LABOR, OR A
25 STATE APPRENTICESHIP COUNCIL; ~~AND~~

26 ~~(H) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
27 ~~SATISFACTORILY COMPLETE A WRITTEN EXAMINATION ADMINISTERED BY THE~~
28 ~~BOARD ON THE MOST RECENT REFERENCED CODES AND STANDARDS.~~

29 (2) AN APPLICANT WHO PROVIDES THE BOARD WITH ACCEPTABLE
30 PROOF THAT THE APPLICANT HAS WORKED AS AN ELEVATOR CONTRACTOR; OR
31 MAINTENANCE OR REPAIR PERSON IS ENTITLED TO A LICENSE WITHOUT
32 EXAMINATION IF THE APPLICANT:

33 (I) ~~HAS WORKED WITHOUT DIRECT AND IMMEDIATE SUPERVISION~~
34 ~~FOR A LICENSED ELEVATOR CONTRACTOR FOR AT LEAST 3 YEARS IMMEDIATELY~~
35 ~~BEFORE APPLYING FOR THE LICENSE POSSESSES SUFFICIENT ABILITY AND SKILL~~
36 AND A MINIMUM OF 3 YEARS OF EXPERIENCE THAT IS ACCEPTABLE TO THE BOARD;
37 AND

38 (II) APPLIES FOR THE LICENSE ~~WITHIN 1 YEAR OF THE EFFECTIVE~~
39 DATE OF THIS SECTION ON OR BEFORE SEPTEMBER 30, 2002.

1 (3) ~~AN APPLICANT FOR AN ELEVATOR CONTRACTOR LICENSE SHALL~~
 2 ~~HAVE AT LEAST 5 YEARS OF WORK EXPERIENCE IN THE ELEVATOR INDUSTRY IN~~
 3 ~~CONSTRUCTION, MAINTENANCE, SERVICE, OR REPAIR.~~

4 (3) AN APPLICANT FOR AN ELEVATOR CONTRACTOR LICENSE SHALL
 5 HAVE AT LEAST 5 YEARS OF WORK EXPERIENCE IN THE ELEVATOR INDUSTRY IN
 6 CONSTRUCTION, MAINTENANCE, SERVICE, OR REPAIR.

7 (J) (1) AN APPLICANT FOR A ~~AN ELEVATOR CONTRACTOR A~~ LICENSE SHALL:

8 (I) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT
 9 THE BOARD PROVIDES;

10 (II) SUBMIT TO THE BOARD:

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

14 2. ANY OTHER ANY PROOF OF ELIGIBILITY THE BOARD
 15 REQUIRES; AND

16 (III) PAY TO THE BOARD OR A DESIGNEE OF THE BOARD, A
 17 NONREFUNDABLE AN APPLICATION FEE SET BY THE BOARD.

18 (2) EACH APPLICATION SHALL CONTAIN THE FOLLOWING
 19 INFORMATION:

20 (I) IF AN INDIVIDUAL, THE NAME, RESIDENCE, AND BUSINESS
 21 ADDRESS OF THE APPLICANT;

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

24 (III) IF A DOMESTIC CORPORATION, THE NAME AND BUSINESS
 25 ADDRESS OF THE CORPORATION AND THE NAME AND RESIDENCE ADDRESS OF THE
 26 PRINCIPAL OFFICER OF THE CORPORATION AND IF A CORPORATION OTHER THAN A
 27 DOMESTIC CORPORATION, THE NAME AND ADDRESS OF AN AGENT LOCATED
 28 LOCALLY WHO SHALL BE AUTHORIZED TO ACCEPT SERVICE OF PROCESS;

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

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

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

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

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

7 (K) (1) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A AN ELEVATOR
8 MECHANIC LICENSE IS ENTITLED TO BE EXAMINED AS PROVIDED IN THIS
9 SUBSECTION UPON PAYMENT OF AN EXAMINATION FEE TO THE BOARD OR BOARD'S
10 DESIGNEE.

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

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

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

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

19 (II) IF THE BOARD USES A TESTING SERVICE UNDER THIS
20 SUBSECTION, THE TESTING SERVICE, SUBJECT TO REQUIREMENTS SET BY THE
21 BOARD, MAY:

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

23 2. PROVIDE NOTICE OF THE TIMES AND PLACES OF
24 EXAMINATIONS TO THE APPLICANTS; AND

25 3. PROVIDE ANY OTHER INFORMATION THAT THE BOARD
26 MAY REQUIRE THE TESTING SERVICE TO PROVIDE.

27 (6) THE BOARD OR A DESIGNEE OF THE BOARD SHALL PROVIDE TO THE
28 APPLICANT NOTICE OF THE APPLICANT'S EXAMINATION RESULT.

29 (L) (1) SUBJECT TO THE LIMITATIONS OF THIS SUBSECTION, THE BOARD
30 MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS SECTION FOR AN
31 INDIVIDUAL WHO IS LICENSED TO PERFORM ELEVATOR INSTALLATION,
32 ALTERATION, REPAIR, OR SERVICE WORK IN ANOTHER STATE OR A SUBDIVISION OF
33 ANOTHER STATE.

34 (2) THE BOARD MAY GRANT A WAIVER UNDER THIS SUBSECTION ONLY
35 IF THE APPLICANT:

1 (I) PAYS TO THE BOARD THE APPROPRIATE APPLICATION FEE
2 REQUIRED BY THIS SECTION; AND

3 (II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

4 1. MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY
5 THIS SECTION;

6 2. HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE
7 OTHER STATE OR SUBDIVISION THAT IS EQUIVALENT TO A LICENSE IN THIS STATE;
8 AND

9 3. BECAME LICENSED IN THE OTHER STATE OR
10 SUBDIVISION AFTER PASSING AN EXAMINATION THAT IS SIMILAR TO THE
11 EXAMINATION FOR WHICH THE APPLICANT IS SEEKING THE WAIVER.

12 (3) THE BOARD MAY GRANT A WAIVER ONLY IF THE STATE OR
13 SUBDIVISION IN WHICH THE APPLICANT IS LICENSED WAIVES THE EXAMINATION OF
14 LICENSEES OF THIS STATE TO A SIMILAR EXTENT AS THIS STATE WAIVES THE
15 EXAMINATION REQUIREMENTS FOR INDIVIDUALS LICENSED IN THAT STATE OR
16 SUBDIVISION.

17 (M) (1) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SECTION,
18 THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES:

19 (I) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

20 (II) ON RECEIPT OF A LICENSE FEE SET BY THE BOARD, THE BOARD
21 SHALL ISSUE A LICENSE TO THE APPLICANT.

22 (2) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A
23 LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

24 (N) (1) WHILE AN ELEVATOR MECHANIC LICENSE IS IN EFFECT, IT
25 AUTHORIZES THE LICENSEE TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE,
26 MAINTAIN, REPAIR, DISMANTLE, OR SERVICE ELEVATORS, DUMBWAITERS,
27 ESCALATORS, AND MOVING WALKS UNDER THE DIRECT SUPERVISION OF A
28 LICENSED ELEVATOR CONTRACTOR.

29 (2) WHILE AN ELEVATOR CONTRACTOR LICENSE IS IN EFFECT, IT
30 AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF ERECTING,
31 CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING, REPAIRING,
32 DISMANTLING, OR SERVICING ELEVATORS, DUMBWAITERS, ESCALATORS, AND
33 MOVING WALKS.

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

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

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

6 (I) A RENEWAL APPLICATION FORM; AND

7 (II) A NOTICE THAT STATES:

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

9 2. THE DATE BY WHICH THE BOARD MUST RECEIVE THE
10 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
11 LICENSE EXPIRES; AND

12 3. THE AMOUNT OF THE RENEWAL FEE.

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

15 (I) OTHERWISE IS ENTITLED TO BE LICENSED;

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

17 (III) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE
18 FORM THAT THE BOARD PROVIDES.

19 (5) THE BOARD SHALL ADOPT REGULATIONS:

20 (I) TO REQUIRE A DEMONSTRATION OF CONTINUING
21 PROFESSIONAL COMPETENCY FOR A LICENSEE AS A CONDITION OF RENEWAL OF A
22 LICENSE UNDER THIS SUBSECTION;

23 (II) TO ESTABLISH CRITERIA FOR CONTINUING EDUCATION
24 PROVIDERS;

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

27 (IV) TO SET RECORD KEEPING CRITERIA FOR APPROVED TRAINING
28 PROVIDERS.

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

32 (P) (1) WHENEVER AN EMERGENCY EXISTS IN THE STATE DUE TO
33 DISASTER, ACT OF GOD, OR WORK STOPPAGE AND THE NUMBER OF INDIVIDUALS IN
34 THE STATE HOLDING LICENSES ISSUED BY THE BOARD IS INSUFFICIENT TO COPE

1 WITH THE EMERGENCY, THE LICENSED ELEVATOR CONTRACTOR SHALL RESPOND AS
2 NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC.

3 (2) ANY INDIVIDUAL CERTIFIED BY A LICENSED ELEVATOR
4 CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
5 EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITHOUT DIRECT AND
6 IMMEDIATE SUPERVISION SHALL SEEK AN EMERGENCY ELEVATOR MECHANIC
7 LICENSE FROM THE BOARD WITHIN 5 BUSINESS DAYS AFTER BEGINNING WORK
8 REQUIRING A LICENSE.

9 (3) THE BOARD SHALL ISSUE EMERGENCY ELEVATOR MECHANIC
10 LICENSES.

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

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

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

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

21 (Q) (1) A LICENSED ELEVATOR CONTRACTOR SHALL NOTIFY THE BOARD
22 WHEN THERE ARE NO LICENSED PERSONNEL AVAILABLE TO PERFORM ELEVATOR
23 WORK.

24 (2) THE LICENSED ELEVATOR CONTRACTOR MAY REQUEST THE BOARD
25 TO ISSUE TEMPORARY ELEVATOR MECHANIC LICENSES TO INDIVIDUALS CERTIFIED
26 BY THE LICENSED ELEVATOR CONTRACTOR TO HAVE AN ACCEPTABLE
27 COMBINATION OF DOCUMENTED EXPERIENCE AND EDUCATION TO PERFORM
28 ELEVATOR WORK WITHOUT DIRECT AND IMMEDIATE SUPERVISION.

29 (3) ANY INDIVIDUAL CERTIFIED BY A LICENSED ELEVATOR
30 CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
31 EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITHOUT DIRECT AND
32 IMMEDIATE SUPERVISION SHALL IMMEDIATELY SEEK A TEMPORARY ELEVATOR
33 MECHANIC LICENSE FROM THE BOARD AND SHALL PAY THE FEE THAT THE BOARD
34 DETERMINES.

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

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

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

6 (⊕) (I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
7 OBTAIN A LICENSE;

8 (⊕) (II) FAILS TO NOTIFY THE BOARD OR THE OWNER OR LESSEE OF AN
9 ELEVATOR OR RELATED MECHANISM OF ANY CONDITION NOT IN COMPLIANCE WITH
10 § 49B OF THIS SUBTITLE; ~~OR~~

11 (⊕) (III) VIOLATES ANY PROVISION OF THIS SECTION OR § 49B OF THIS
12 SUBTITLE;

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

15 (V) INSTALLS, REPAIRS, OR MAINTAINS AN ELEVATOR OR ASSISTS
16 IN THE INSTALLATION, REPAIR, OR MAINTENANCE OF AN ELEVATOR IN A
17 NEGLIGENT OR CARELESS MANNER; OR

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

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

23 (I) THE GRAVITY OF THE VIOLATION;

24 (II) THE GOOD FAITH OF THE VIOLATOR;

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

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

29 (V) THE ASSETS OF THE VIOLATOR; AND

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

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

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

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

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

10 (I) GENERAL LIABILITY INSURANCE IN THE AMOUNT OF AT LEAST
11 \$1,000,000; AND

12 (II) PROPERTY DAMAGE INSURANCE IN THE AMOUNT OF AT LEAST
13 \$500,000.

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

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

20 (4) A LICENSED ELEVATOR CONTRACTOR SHALL GIVE THE BOARD
21 NOTICE OF THE CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE
22 EFFECTIVE DATE OF THE CANCELLATION.

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

27 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN
28 INDIVIDUAL MAY NOT ASSIST, ATTEMPT TO ASSIST, OR OFFER TO ASSIST IN
29 PERFORMING ELEVATOR INSTALLATION, REPAIR, OR MAINTENANCE WORK IN THE
30 STATE UNLESS LICENSED BY THE BOARD.

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

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

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

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