

SENATE BILL 515
EMERGENCY BILL

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C2

2003 Regular Session
(3lr1769)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Economic Matters --

Introduced by **Senator Harris**

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.

President.

CHAPTER 254

1 AN ACT concerning

2 ~~Elevator Safety-- Elevator~~ **Renovators and Refinishers and Renovators**

3 FOR the purpose of establishing a certain elevator ~~refinisher and renovator~~ license
4 licenses; establishing a certain ~~fee fees~~ fees for the ~~license~~ elevator renovator
5 licenses; requiring the Elevator Safety Review Board to adopt certain
6 regulations ~~governing elevator refinishers and~~ regarding elevator renovators;
7 ~~requiring certain elevator renovators to hold a license by a certain date~~; altering
8 ~~certain information required in a license application~~; exempting certain elevator
9 ~~refinishers and renovators from certain requirements for licensure until a~~
10 ~~certain date~~; defining a certain ~~term~~ terms; ~~making stylistic changes~~; providing
11 for the effective date of certain provisions of this Act; providing for the
12 termination of certain provisions of this Act; making this Act an emergency
13 measure; and generally relating to elevator ~~refinishers and renovators and~~
14 ~~elevator safety~~ refinishers.

15 BY repealing and reenacting, with amendments,
16 Article 89 - Miscellaneous Business, Work, and Safety Provisions

1 Section 49C(a), (g)(3), (h), (i), (j), and (n)
 2 Annotated Code of Maryland
 3 (1998 Replacement Volume and 2002 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article 89 - Miscellaneous Business, Work, and Safety Provisions
 6 Section 49C(m)
 7 Annotated Code of Maryland
 8 (1998 Replacement Volume and 2002 Supplement)

9 BY repealing and reenacting, without amendments,
 10 Article - Public Safety
 11 Section 12-801(a), (b), (g), and (h) and 12-831
 12 Annotated Code of Maryland
 13 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)

14 BY repealing and reenacting, with amendments,
 15 Article - Public Safety
 16 Section 12-801(i) through (n), inclusive, 12-824, 12-826, 12-827, 12-828, and
 17 12-832
 18 Annotated Code of Maryland
 19 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)

20 BY adding to
 21 Article - Public Safety
 22 Section 12-801(i), (j), and (k)
 23 Annotated Code of Maryland
 24 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)

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 ~~49C.~~

29 (a) (1) ~~In this section the following words have the meanings indicated.~~

30 (2) ~~"Board" means the Elevator Safety Review Board.~~

31 (3) (i) ~~"Elevator apprentice" means a person who works under the~~
 32 ~~direct supervision of a licensed elevator mechanic.~~

33 (ii) ~~"Elevator apprentice" includes a person commonly known as an~~
 34 ~~elevator helper while working under the direct supervision of a licensed elevator~~
 35 ~~mechanic.~~

1 (4) ~~"Elevator contractor" means a person who is engaged in the business~~
 2 ~~of erecting, constructing, wiring, altering, replacing, maintaining, repairing,~~
 3 ~~dismantling, or servicing elevators, dumbwaiters, escalators, and moving walks.~~

4 (5) ~~"ELEVATOR REFINISHER AND RENOVATOR" MEANS A PERSON WHO~~
 5 ~~PERFORMS WORK:~~

6 (1) ~~ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL,~~
 7 ~~INSTALLATION, OR REFINISHING OF THE NONSTRUCTURAL SURFACE OF THE~~
 8 ~~ELEVATOR'S WALL, FLOOR, CEILING, RAIL, OR HANDLE; AND~~

9 (II) ~~THAT DOES NOT AFFECT THE ELEVATOR'S MOVING~~
 10 ~~OPERATION.~~

11 (6) ~~"Elevator mechanic" means a person who is engaged in erecting,~~
 12 ~~constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or~~
 13 ~~servicing elevators, dumbwaiters, escalators, and moving walks.~~

14 ~~{(6)}~~ (7) ~~"License" includes:~~

15 (i) ~~An elevator contractor license; [and]~~

16 (ii) ~~An elevator mechanic license; AND~~

17 (III) ~~AN ELEVATOR REFINISHER AND RENOVATOR LICENSE.~~

18 ~~(g)~~ (3) (i) ~~The Board shall establish fees for the application, issuance, and~~
 19 ~~renewal of licenses issued under this section.~~

20 (ii) ~~The total amount of fees in subparagraph (i) of this paragraph~~
 21 ~~may not exceed \$100 per year for an elevator mechanic OR ELEVATOR REFINISHER~~
 22 ~~AND RENOVATOR and \$150 per year for an elevator contractor, which may be collected~~
 23 ~~for the 2-year period of the license.~~

24 (h) (1) ~~Except as otherwise provided in this section, a person shall be~~
 25 ~~licensed by the Board as an elevator mechanic before the person erects, constructs,~~
 26 ~~wires, alters, replaces, maintains, repairs, dismantles, or services elevators,~~
 27 ~~dumbwaiters, escalators, and moving walks in the State.~~

28 (2) (i) ~~Except as otherwise provided in this section, a person shall be~~
 29 ~~licensed by the Board as an elevator contractor before the person engages in the~~
 30 ~~business of erecting, constructing, wiring, altering, replacing, maintaining, repairing,~~
 31 ~~dismantling, or servicing elevators, dumbwaiters, escalators, and moving walks in the~~
 32 ~~State.~~

33 (ii) ~~A licensed elevator contractor is not required for removing or~~
 34 ~~dismantling conveyances that are destroyed as a result of a complete demolition of a~~
 35 ~~building or where the hoistway or wellway is demolished back to the basic support~~
 36 ~~structure.~~

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
2 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR REFINISHER AND RENOVATOR
3 BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR REFINISHING AND
4 RENOVATING.

5 (4) A license is not required for an elevator apprentice.

6 (i) (1) An applicant for an elevator mechanic license shall:

7 (i) Have an acceptable combination of documented experience and
8 education credits, with at least 3 years of recent and active work experience in the
9 elevator industry, in construction, maintenance, and service/repair, as verified by
10 current and previous employers and satisfactorily complete a written examination
11 administered by the Board on the most recent referenced codes and standards;

12 (ii) Upon completion of 3 years of work experience as provided in
13 item (i) of this paragraph, have a certificate of completion of the mechanic
14 examination of a nationally recognized training program for the elevator industry
15 such as the National Elevator Industry Educational Program or its equivalent; or

16 (iii) Have a certificate of completion of an apprenticeship program
17 for elevator mechanics, with standards substantially equal to those of this section and
18 registered with the Bureau of Apprenticeship and Training, U.S. Department of
19 Labor, or a State apprenticeship council.

20 (2) An applicant who provides the Board with acceptable proof that the
21 applicant has worked as an elevator contractor or maintenance or repair person is
22 entitled to a license without examination if the applicant:

23 (i) Possesses sufficient ability and skill and a minimum of 3 years
24 of experience that is acceptable to the Board; and

25 (ii) Applies for the license on or before September 30, 2002.

26 (3) An applicant for an elevator contractor license shall have at least 5
27 years of work experience in the elevator industry in construction, maintenance,
28 service, or repair.

29 (4) THE BOARD SHALL ADOPT REGULATIONS GOVERNING THE
30 QUALIFICATIONS AND SCOPE OF PRACTICE OF AN APPLICANT FOR AN ELEVATOR
31 REFINISHER AND RENOVATOR LICENSE.

32 (j) (1) An applicant for a license shall:

33 (i) Submit to the Board an application on the form that the Board
34 provides;

35 (ii) Submit to the Board any proof of eligibility the Board requires;
36 and

1 (iii) Pay to the Board or a designee of the Board, a nonrefundable
2 application fee set by the Board.

3 (2) Each application shall contain the following information:

4 (i) If an individual, the name, residence, and business address of
5 the applicant;

6 (ii) If a partnership, the name, residence, and business address of
7 each partner;

8 (iii) If a domestic corporation, the name and business address of the
9 corporation and the name and residence address of the principal officer of the
10 corporation and if a corporation other than a domestic corporation, the name and
11 address of an agent located locally who shall be authorized to accept service of
12 process;

13 (iv) The number of years the applicant has engaged in the business
14 of installing, altering, repairing, ~~REFINISHING AND RENOVATING~~, or servicing
15 elevators;

16 (v) The approximate number of individuals, if any, to be employed
17 by the elevator contractor ~~OR ELEVATOR REFINISHER AND RENOVATOR~~ applicant,
18 and if applicable, satisfactory evidence that the employees are or will be covered by
19 workers' compensation insurance;

20 (vi) Satisfactory evidence that the applicant is or will be covered by
21 general liability, personal injury, and property damage insurance; and

22 (vii) Any other information that the Board requires.

23 (m) (1) If an applicant qualifies for a license under this section, the Board
24 shall send the applicant a notice that states:

25 (i) The applicant has qualified for a license; and

26 (ii) On receipt of a license fee set by the Board, the Board shall
27 issue a license to the applicant.

28 (2) On payment of the license fee, the Board shall issue a license to each
29 applicant who meets the requirements of this section.

30 (n) (1) While an elevator mechanic license is in effect, it authorizes the
31 licensee to erect, construct, wire, alter, replace, maintain, repair, dismantle, or service
32 elevators, dumbwaiters, escalators, and moving walks under the direct supervision of
33 a licensed elevator contractor.

34 (2) While an elevator contractor license is in effect, it authorizes the
35 licensee to engage in the business of erecting, constructing, wiring, altering,

1 (2) an elevator mechanic license; AND

2 (3) ~~AN ELEVATOR REFINISHER AND RENOVATOR LICENSE.~~

3 ~~{(1)}~~ (M) "Moving walk" means a type of passenger carrying device on which
4 passengers stand or walk and in which the passenger carrying surface remains
5 parallel to its direction of motion and is uninterrupted.

6 ~~{(m)}~~ (N) "Safety Code" means the American National Standard/American
7 Society of Mechanical Engineers Safety Code for elevators, dumbwaiters, escalators,
8 and moving walks, known as ANSI A17.1 1971, and all subsequent amendments and
9 revisions to it, as adopted by the Commissioner.

10 ~~{(n)}~~ (O) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

11 ~~42-824.~~

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

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

16 (1) \$100 per year for an elevator mechanic ~~OR ELEVATOR REFINISHER~~
17 ~~AND RENOVATOR LICENSE;~~ and

18 (2) \$150 per year for an elevator contractor.

19 ~~42-826.~~

20 (a) ~~Except as otherwise provided in Part III of this subtitle, a person shall be~~
21 ~~licensed by the Board as an elevator mechanic before the person erects, constructs,~~
22 ~~wires, alters, replaces, maintains, repairs, dismantles, or services elevator units in~~
23 ~~the State.~~

24 (b) ~~Except as otherwise provided in Part III of this subtitle, a person shall be~~
25 ~~licensed by the Board as an elevator contractor before the person engages in the~~
26 ~~business of erecting, constructing, wiring, altering, replacing, maintaining, repairing,~~
27 ~~dismantling, or servicing elevator units in the State.~~

28 (c) ~~EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A~~
29 ~~PERSON SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR REFINISHER AND~~
30 ~~RENOVATOR BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR~~
31 ~~REFINISHING AND RESTORING.~~

32 ~~(D)~~ (1) A licensed elevator contractor is not required for removing or
33 dismantling an elevator unit if:

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

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

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

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

8 ~~12-827.~~

9 (a) An applicant for an elevator mechanic license shall:

10 (1) (i) have an acceptable combination of documented experience and
11 education credits, with at least 3 years of recent and active work experience in the
12 elevator industry, in construction, maintenance, and service or repair, as verified by
13 current and previous employers; and

14 (ii) pass a written examination administered by the Board on the
15 Safety Code;

16 (2) (i) have completed at least 3 years of recent and active work
17 experience in the elevator industry, in construction, maintenance, and service or
18 repair, as verified by current and previous employers; and

19 (ii) have a certificate of completion of the mechanic examination of
20 a nationally recognized training program for the elevator industry such as the
21 National Elevator Industry Educational Program or its equivalent; or

22 (3) have a certificate of completion of an apprenticeship program for
23 elevator mechanics that has standards substantially equivalent to those of Part III of
24 this subtitle and is registered with the Bureau of Apprenticeship and Training of the
25 U.S. Department of Labor or a state apprenticeship council.

26 (b) An applicant for an elevator contractor license shall have at least 5 years of
27 work experience in the elevator industry in construction, maintenance, service, or
28 repair.

29 (C) ~~THE BOARD SHALL ADOPT REGULATIONS GOVERNING THE~~
30 ~~QUALIFICATIONS AND SCOPE OF PRACTICE OF AN APPLICANT FOR AN ELEVATOR~~
31 ~~REFINISHER AND RENOVATOR LICENSE.~~

32 ~~12-828.~~

33 (a) (1) An applicant for a license shall:

34 (i) submit to the Board an application on the form that the Board
35 provides;

1 (ii) submit to the Board any proof of eligibility that the Board
2 requires; and
3 (iii) pay to the Board or designee of the Board an application fee set
4 by the Board.

5 (2) The application fee is nonrefundable.

6 (b) Each application shall contain the following information:

7 (1) if the applicant is an individual, the name, residence, and business
8 address of the applicant;

9 (2) if the applicant is a partnership, the name, residence, and business
10 address of each general partner;

11 (3) if the applicant is a domestic corporation, the name and business
12 address of the corporation and the name and residence address of the principal officer
13 of the corporation;

14 (4) if the applicant is a corporation other than a domestic corporation,
15 the name and address of the resident agent;

16 (5) the number of years the applicant has engaged in the business of
17 installing, altering, repairing, ~~REFINISHING AND RENOVATING~~, or servicing
18 elevators;

19 (6) the approximate number of individuals, if any, to be employed by an
20 applicant that is an elevator contractor ~~OR ELEVATOR REFINISHER AND RENOVATOR~~
21 and, if applicable, evidence satisfactory to the Board that the employees are or will be
22 covered by workers' compensation insurance;

23 (7) evidence satisfactory to the Board that the applicant is or will be
24 covered by general liability, personal injury, and property damage insurance; and

25 (8) any other information that the Board requires.

26 ~~12-831.~~

27 (a) If an applicant qualifies for a license under Part III of this subtitle, the
28 Board shall send the applicant a notice that states:

29 (1) the applicant has qualified for a license; and

30 (2) on receipt of a license fee set by the Board, the Board shall issue a
31 license to the applicant.

32 (b) On payment of the license fee, the Board shall issue a license to each
33 applicant who meets the requirements of Part III of this subtitle.

1 ~~42-832.~~

2 (a) While an elevator mechanic license is in effect, it authorizes the licensee to
3 erect, construct, wire, alter, replace, maintain, repair, dismantle, or service elevator
4 units under the direct supervision of a licensed elevator contractor.

5 (b) While an elevator contractor license is in effect, it authorizes the licensee
6 to engage in the business of erecting, constructing, wiring, altering, replacing,
7 maintaining, repairing, dismantling, or servicing elevator units.

8 (C) ~~WHILE AN ELEVATOR REFINISHER AND RENOVATOR LICENSE IS IN~~
9 ~~EFFECT, IT AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF~~
10 ~~PERFORMING WORK:~~

11 (1) ~~ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL,~~
12 ~~INSTALLATION, OR REFINISHING OF THE NONSTRUCTURAL SURFACE OF THE~~
13 ~~ELEVATOR'S WALL, FLOOR, CEILING, RAIL, OR HANDLE; AND~~

14 (2) ~~THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.~~

15 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, for any elevator~~
16 ~~refinisher and renovator business that was incorporated before January 1, 2001, the~~
17 ~~provisions of this Act do not apply until June 1, 2004.~~

18 ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall~~
19 ~~take effect on the taking effect of Chapter _____ (S.B. 1) of the Acts of the General~~
20 ~~Assembly of 2003. If Section 2 of this Act takes effect, Section 1 of this Act shall be~~
21 ~~abrogated and of no further force and effect.~~

22 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions~~
23 ~~of Sections 3 and 4 of this Act, this Act shall take effect June 1, 2003.~~
24 ~~49C.~~

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "Board" means the Elevator Safety Review Board.

27 (3) (i) "Elevator apprentice" means a person who works under the
28 direct supervision of a licensed elevator mechanic OR A LICENSED ELEVATOR
29 RENOVATOR MECHANIC.

30 (ii) "Elevator apprentice" includes a person commonly known as an
31 elevator helper while working under the direct supervision of a licensed elevator
32 mechanic OR A LICENSED ELEVATOR RENOVATOR MECHANIC.

33 (4) "Elevator contractor" means a person who is engaged in the business
34 of erecting, constructing, wiring, altering, replacing, maintaining, repairing,
35 dismantling, or servicing elevators, dumbwaiters, escalators, and moving walks.

1 (5) "ELEVATOR REFINISHER" MEANS A PERSON WHO IS ENGAGED IN
 2 THE REFINISHING OF EXISTING METAL AND WOOD ELEMENTS IN ELEVATOR CABS,
 3 INCLUDING THE STRIPPING OF OLD LACQUER ON WOOD AND BRONZE ITEMS,
 4 STAINING WOOD TO MATCH EXISTING FINISHES, CLEANING, POLISHING, OXIDIZING,
 5 PAINTING, LACQUERING, AND THE REMOVING OF SCRATCHES TO MAINTAIN
 6 EXISTING FINISHES.

7 (6) "ELEVATOR RENOVATOR CONTRACTOR" MEANS A PERSON WHO IS
 8 ENGAGED IN THE BUSINESS OF PERFORMING WORK:

9 (I) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL
 10 OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL,
 11 CEILING, FLOOR, RAIL, OR HANDLE; AND

12 (II) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING
 13 OPERATION.

14 (7) "ELEVATOR RENOVATOR MECHANIC" MEANS A PERSON WHO
 15 PERFORMS WORK:

16 (I) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL
 17 OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL,
 18 CEILING, FLOOR, RAIL, OR HANDLE; AND

19 (II) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING
 20 OPERATION.

21 [5] (8) "Elevator mechanic" means a person who is engaged in erecting,
 22 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or
 23 servicing elevators, dumbwaiters, escalators, and moving walks.

24 [6] (9) "License" includes:

25 (i) An elevator contractor license; [and]

26 (ii) An elevator mechanic license;

27 (III) AN ELEVATOR RENOVATOR CONTRACTOR LICENSE; AND

28 (IV) AN ELEVATOR RENOVATOR MECHANIC LICENSE.

29 (g) (3) (i) The Board shall establish fees for the application, issuance, and
 30 renewal of licenses issued under this section.

31 (ii) The total amount of fees in subparagraph (i) of this paragraph
 32 may not exceed \$100 per year for an elevator mechanic OR ELEVATOR RENOVATOR
 33 MECHANIC and \$150 per year for an elevator contractor[,] OR AN ELEVATOR
 34 RENOVATOR CONTRACTOR which may be collected for the 2-year period of the
 35 license.

1 (h) (1) Except as otherwise provided in this section, a person shall be
2 licensed by the Board as an elevator mechanic before the person erects, constructs,
3 wires, alters, replaces, maintains, repairs, dismantles, or services elevators,
4 dumbwaiters, escalators, and moving walks in the State.

5 (2) (i) Except as otherwise provided in this section, a person shall be
6 licensed by the Board as an elevator contractor before the person engages in the
7 business of erecting, constructing, wiring, altering, replacing, maintaining, repairing,
8 dismantling, or servicing elevators, dumbwaiters, escalators, and moving walks in the
9 State.

10 (ii) A licensed elevator contractor is not required for removing or
11 dismantling conveyances that are destroyed as a result of a complete demolition of a
12 building or where the hoistway or wellway is demolished back to the basic support
13 structure.

14 (3) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
15 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR CONTRACTOR
16 BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING.

17 (II) BY JUNE 1, 2004, A PERSON WHO ENGAGES IN THE BUSINESS OF
18 ELEVATOR RENOVATING FOR A BUSINESS INCORPORATED BEFORE JANUARY 1, 2002,
19 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR CONTRACTOR
20 BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING.

21 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
22 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR MECHANIC
23 BEFORE THE PERSON PERFORMS ELEVATOR RENOVATOR WORK.

24 [3] (5) A license is not required for an elevator apprentice.

25 (6) A LICENSE IS NOT REQUIRED FOR AN ELEVATOR REFINISHER.

26 (i) (1) An applicant for an elevator mechanic license shall:

27 (i) Have an acceptable combination of documented experience and
28 education credits, with at least 3 years of recent and active work experience in the
29 elevator industry, in construction, maintenance, and service/repair, as verified by
30 current and previous employers and satisfactorily complete a written examination
31 administered by the Board on the most recent referenced codes and standards;

32 (ii) Upon completion of 3 years of work experience as provided in
33 item (i) of this paragraph, have a certificate of completion of the mechanic
34 examination of a nationally recognized training program for the elevator industry
35 such as the National Elevator Industry Educational Program or its equivalent; or

36 (iii) Have a certificate of completion of an apprenticeship program
37 for elevator mechanics, with standards substantially equal to those of this section and
38 registered with the Bureau of Apprenticeship and Training, U.S. Department of
39 Labor, or a State apprenticeship council.

1 (2) An applicant who provides the Board with acceptable proof that the
2 applicant has worked as an elevator contractor or maintenance or repair person is
3 entitled to a license without examination if the applicant:

4 (i) Possesses sufficient ability and skill and a minimum of 3 years
5 of experience that is acceptable to the Board; and

6 (ii) Applies for the license on or before September 30, 2002.

7 (3) An applicant for an elevator contractor license shall have at least 5
8 years of work experience in the elevator industry in construction, maintenance,
9 service, or repair.

10 (4) THE BOARD SHALL ADOPT REGULATIONS GOVERNING:

11 (I) THE QUALIFICATION OF AN APPLICANT FOR AN ELEVATOR
12 RENOVATOR CONTRACTOR LICENSE AND AN APPLICANT FOR AN ELEVATOR
13 RENOVATOR MECHANIC LICENSE; AND

14 (II) THE SCOPE OF PRACTICE OF A LICENSED ELEVATOR
15 RENOVATOR CONTRACTOR AND A LICENSED ELEVATOR RENOVATOR MECHANIC.

16 (j) (1) An applicant for a license shall:

17 (i) Submit to the Board an application on the form that the Board
18 provides;

19 (ii) Submit to the Board any proof of eligibility the Board requires;
20 and

21 (iii) Pay to the Board or a designee of the Board, a nonrefundable
22 application fee set by the Board.

23 (2) Each application shall contain the following information:

24 (i) If an individual, the name, residence, and business address of
25 the applicant;

26 (ii) If a partnership, the name, residence, and business address of
27 each partner;

28 (iii) If a domestic corporation, the name and business address of the
29 corporation and the name and residence address of the principal officer of the
30 corporation and if a corporation other than a domestic corporation, the name and
31 address of an agent located locally who shall be authorized to accept service of
32 process;

33 (iv) The number of years the applicant has engaged in the business
34 of installing, altering, repairing, RENOVATING, or servicing elevators;

1 (v) The approximate number of individuals, if any, to be employed
2 by the elevator contractor OR ELEVATOR RENOVATOR CONTRACTOR applicant, and if
3 applicable, satisfactory evidence that the employees are or will be covered by workers'
4 compensation insurance;

5 (vi) Satisfactory evidence that the applicant is or will be covered by
6 general liability, personal injury, and property damage insurance; and

7 (vii) Any other information that the Board requires.

8 (m) (1) If an applicant qualifies for a license under this section, the Board
9 shall send the applicant a notice that states:

10 (i) The applicant has qualified for a license; and

11 (ii) On receipt of a license fee set by the Board, the Board shall
12 issue a license to the applicant.

13 (2) On payment of the license fee, the Board shall issue a license to each
14 applicant who meets the requirements of this section.

15 (n) (1) While an elevator mechanic license is in effect, it authorizes the
16 licensee to erect, construct, wire, alter, replace, maintain, repair, dismantle, or service
17 elevators, dumbwaiters, escalators, and moving walks under the direct supervision of
18 a licensed elevator contractor.

19 (2) While an elevator contractor license is in effect, it authorizes the
20 licensee to engage in the business of erecting, constructing, wiring, altering,
21 replacing, maintaining, repairing, dismantling, or servicing elevators, dumbwaiters,
22 escalators, and moving walks.

23 (3) WHILE AN ELEVATOR RENOVATOR CONTRACTOR LICENSE IS IN
24 EFFECT, IT AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF
25 PERFORMING WORK:

26 (I) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL
27 OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL,
28 CEILING, FLOOR, RAIL, OR HANDLE; AND

29 (II) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING
30 OPERATION.

31 (4) WHILE AN ELEVATOR RENOVATOR MECHANIC LICENSE IS IN
32 EFFECT, IT AUTHORIZES THE LICENSEE TO PERFORM WORK:

33 (I) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL
34 OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL,
35 CEILING, FLOOR, RAIL, OR HANDLE; AND

1 (II) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING
2 OPERATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
4 read as follows:

5 Article - Public Safety

6 12-801.

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

8 (b) "Board" means the Elevator Safety Review Board.

9 (g) "Elevator contractor" means a person who is engaged in the business of
10 erecting, constructing, wiring, altering, replacing, maintaining, repairing,
11 dismantling, or servicing elevator units.

12 (h) "Elevator mechanic" means a person who is engaged in erecting,
13 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or
14 servicing elevator units.

15 (I) "ELEVATOR REFINISHER" MEANS A PERSON WHO IS ENGAGED IN THE
16 REFINISHING OF EXISTING METAL AND WOOD ELEMENTS IN ELEVATOR CABS,
17 INCLUDING THE STRIPPING OF OLD LACQUER ON WOOD AND BRONZE ITEMS,
18 STAINING WOOD TO MATCH EXISTING FINISHES, CLEANING, POLISHING, OXIDIZING,
19 PAINTING, LACQUERING, AND THE REMOVING OF SCRATCHES TO MAINTAIN
20 EXISTING FINISHES.

21 (J) "ELEVATOR RENOVATOR CONTRACTOR" MEANS A PERSON WHO IS
22 ENGAGED IN THE BUSINESS OF PERFORMING WORK:

23 (1) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR
24 INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL,
25 CEILING, FLOOR, RAIL, OR HANDLE; AND

26 (2) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.

27 (K) "ELEVATOR RENOVATOR MECHANIC" MEANS A PERSON WHO PERFORMS
28 WORK:

29 (1) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR
30 INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL,
31 CEILING, FLOOR, RAIL, OR HANDLE; AND

32 (2) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.

33 [(i)] (L) "Elevator unit" includes an elevator, escalator, dumbwaiter, and
34 moving walk.

1 [(j)] (M) "Escalator" means a power driven, inclined, continuous stairway used
2 for raising and lowering passengers.

3 [(k)] (N) "License" includes:

4 (1) an elevator contractor license; [and]

5 (2) an elevator mechanic license;

6 (3) AN ELEVATOR RENOVATOR CONTRACTOR LICENSE; AND

7 (4) AN ELEVATOR RENOVATOR MECHANIC LICENSE.

8 [(l)] (O) "Moving walk" means a type of passenger-carrying device on which
9 passengers stand or walk and in which the passenger-carrying surface remains
10 parallel to its direction of motion and is uninterrupted.

11 [(m)] (P) "Safety Code" means the American National Standard/American
12 Society of Mechanical Engineers Safety Code for elevators, dumbwaiters, escalators,
13 and moving walks, known as ANSI A17.1-1971, and all subsequent amendments and
14 revisions to it, as adopted by the Commissioner.

15 [(n)] (Q) "Secretary" means the Secretary of Labor, Licensing, and Regulation.
16 12-824.

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

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

21 (1) \$100 per year for an elevator mechanic OR ELEVATOR RENOVATOR
22 MECHANIC; and

23 (2) \$150 per year for an elevator contractor OR ELEVATOR RENOVATOR
24 CONTRACTOR.

25 12-826.

26 (a) Except as otherwise provided in Part III of this subtitle, a person shall be
27 licensed by the Board as an elevator mechanic before the person erects, constructs,
28 wires, alters, replaces, maintains, repairs, dismantles, or services elevator units in
29 the State.

30 (b) Except as otherwise provided in Part III of this subtitle, a person shall be
31 licensed by the Board as an elevator contractor before the person engages in the
32 business of erecting, constructing, wiring, altering, replacing, maintaining, repairing,
33 dismantling, or servicing elevator units in the State.

1 (C) (1) EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A
2 PERSON SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR
3 CONTRACTOR BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR
4 RENOVATING.

5 (2) BY JUNE 1, 2004, A PERSON WHO ENGAGES IN THE BUSINESS OF
6 ELEVATOR RENOVATING FOR A BUSINESS INCORPORATED BEFORE JANUARY 1, 2002,
7 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR CONTRACTOR
8 BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING.

9 (D) EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A
10 PERSON SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR
11 MECHANIC BEFORE THE PERSON PERFORMS ELEVATOR RENOVATOR WORK.

12 [(c)] (E) (1) A licensed elevator contractor is not required for removing or
13 dismantling an elevator unit if:

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

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

18 (2) (i) An individual who works as an elevator apprentice under the
19 direct supervision of a licensed elevator mechanic OR LICENSED ELEVATOR
20 RENOVATOR MECHANIC need not obtain a license.

21 (ii) An individual commonly known as an elevator helper who
22 works under the direct supervision of a licensed elevator mechanic OR A LICENSED
23 ELEVATOR RENOVATOR MECHANIC need not obtain a license.

24 (3) AN ELEVATOR REFINISHER NEED NOT OBTAIN A LICENSE.
25 12-827.

26 (a) An applicant for an elevator mechanic license shall:

27 (1) (i) have an acceptable combination of documented experience and
28 education credits, with at least 3 years of recent and active work experience in the
29 elevator industry, in construction, maintenance, and service or repair, as verified by
30 current and previous employers; and

31 (ii) pass a written examination administered by the Board on the
32 Safety Code;

33 (2) (i) have completed at least 3 years of recent and active work
34 experience in the elevator industry, in construction, maintenance, and service or
35 repair, as verified by current and previous employers; and

1 (ii) have a certificate of completion of the mechanic examination of
2 a nationally recognized training program for the elevator industry such as the
3 National Elevator Industry Educational Program or its equivalent; or

4 (3) have a certificate of completion of an apprenticeship program for
5 elevator mechanics that has standards substantially equivalent to those of Part III of
6 this subtitle and is registered with the Bureau of Apprenticeship and Training of the
7 U.S. Department of Labor or a state apprenticeship council.

8 (b) An applicant for an elevator contractor license shall have at least 5 years of
9 work experience in the elevator industry in construction, maintenance, service, or
10 repair.

11 (C) THE BOARD SHALL ADOPT REGULATIONS GOVERNING:

12 (1) THE QUALIFICATIONS OF AN APPLICANT FOR AN ELEVATOR
13 RENOVATOR CONTRACTOR LICENSE AND AN APPLICANT FOR AN ELEVATOR
14 RENOVATOR MECHANIC LICENSE; AND

15 (2) THE SCOPE OF PRACTICE OF A LICENSED ELEVATOR RENOVATOR
16 CONTRACTOR AND A LICENSED ELEVATOR RENOVATOR MECHANIC.

17 12-828.

18 (a) (1) An applicant for a license shall:

19 (i) submit to the Board an application on the form that the Board
20 provides;

21 (ii) submit to the Board any proof of eligibility that the Board
22 requires; and

23 (iii) pay to the Board or designee of the Board an application fee set
24 by the Board.

25 (2) The application fee is nonrefundable.

26 (b) Each application shall contain the following information:

27 (1) if the applicant is an individual, the name, residence, and business
28 address of the applicant;

29 (2) if the applicant is a partnership, the name, residence, and business
30 address of each general partner;

31 (3) if the applicant is a domestic corporation, the name and business
32 address of the corporation and the name and residence address of the principal officer
33 of the corporation;

34 (4) if the applicant is a corporation other than a domestic corporation,
35 the name and address of the resident agent;

1 (5) the number of years the applicant has engaged in the business of
2 installing, altering, repairing, RENOVATING, or servicing elevators;

3 (6) the approximate number of individuals, if any, to be employed by an
4 applicant that is an elevator contractor OR ELEVATOR RENOVATOR CONTRACTOR
5 and, if applicable, evidence satisfactory to the Board that the employees are or will be
6 covered by workers' compensation insurance;

7 (7) evidence satisfactory to the Board that the applicant is or will be
8 covered by general liability, personal injury, and property damage insurance; and

9 (8) any other information that the Board requires.

10 12-831.

11 (a) If an applicant qualifies for a license under Part III of this subtitle, the
12 Board shall send the applicant a notice that states:

13 (1) the applicant has qualified for a license; and

14 (2) on receipt of a license fee set by the Board, the Board shall issue a
15 license to the applicant.

16 (b) On payment of the license fee, the Board shall issue a license to each
17 applicant who meets the requirements of Part III of this subtitle.

18 12-832.

19 (a) While an elevator mechanic license is in effect, it authorizes the licensee to
20 erect, construct, wire, alter, replace, maintain, repair, dismantle, or service elevator
21 units under the direct supervision of a licensed elevator contractor.

22 (b) While an elevator contractor license is in effect, it authorizes the licensee
23 to engage in the business of erecting, constructing, wiring, altering, replacing,
24 maintaining, repairing, dismantling, or servicing elevator units.

25 (C) WHILE AN ELEVATOR RENOVATOR CONTRACTOR LICENSE IS IN EFFECT,
26 IT AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF PERFORMING
27 WORK:

28 (1) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR
29 INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL,
30 CEILING, FLOOR, RAIL, OR HANDLE; AND

31 (2) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.

32 (D) WHILE AN ELEVATOR RENOVATOR MECHANIC LICENSE IS IN EFFECT, IT
33 AUTHORIZES THE LICENSEE TO PERFORM WORK:

1 (1) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR
2 INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL,
3 CEILING, FLOOR, RAIL, OR HANDLE; AND

4 (2) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
6 take effect on the taking effect of Chapter _____ (S.B. 1) of the Acts of the General
7 Assembly of 2003. If Section 2 of this Act takes effect, Section 1 of this Act shall be
8 abrogated and of no further force and effect.

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
10 measure, is necessary for the immediate preservation of the public health or safety,
11 has been passed by a ye and nay vote supported by three-fifths of all the members
12 elected to each of the two Houses of the General Assembly, and, except as provided in
13 Section 3 of this Act, shall take effect from the date it is enacted.