

# SENATE BILL 831

E4, K3

8lr2042  
CF 8lr2674

---

By: **Senators Middleton, Astle, Benson, Feldman, Klausmeier, and Mathias**  
Introduced and read first time: February 5, 2018  
Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Elevator Inspections – Testing**

3 FOR the purpose of requiring that a certain test on an elevator unit performed in connection  
4 with a certain inspection be performed by a certain licensed elevator mechanic; requiring  
5 a third-party qualified inspector to be physically present during a certain test in its  
6 entirety to witness that the test has been performed correctly and to verify the proper  
7 recording of the result; clarifying that a State inspector retains certain authority under  
8 this Act; requiring, beginning on a certain date, the presence of a third-party qualified  
9 elevator inspector instead of a State inspector to witness a certain inspection;  
10 establishing certain procedures for the scheduling of a certain test; establishing a date  
11 on which a certain inspection is required to be performed by a third-party inspector  
12 rather than a State inspector; making certain conforming changes; and generally  
13 relating to elevators.

14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 12-806, 12-809(a) and (c), 12-810, and 12-812(b) and (c)  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2017 Supplement)

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

21 **Article – Public Safety**

22 12-806.

23 (a) Except as otherwise provided in this section, each elevator unit shall be  
24 inspected, tested, and maintained in a safe operating condition in accordance with:

25 (1) the Safety Code; and

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (2) any other regulations adopted by the Commissioner.

2 (b) (1) (i) Subject to subparagraph (ii) of this paragraph, an elevator unit  
3 installed before July 1, 1955, may be used without being altered or rebuilt to comply with  
4 the requirements of the Safety Code.

5 (ii) Each elevator shall be equipped with standard hoistway  
6 entrance protection, and each passenger elevator of more than 100 feet per minute contract  
7 speed shall be provided with car doors or gates that meet the requirements of the Safety  
8 Code.

9 (2) Notwithstanding any other provision of this subsection, each elevator  
10 unit installed before July 1, 1955:

11 (i) shall be maintained in a safe operating condition so as not to  
12 create a substantial probability of serious physical harm or death; and

13 (ii) is subject to inspections and tests as required.

14 (c) (1) For purposes of this subsection, an alteration of an existing elevator  
15 unit is any change made to it other than the repair or replacement of damaged, worn, or  
16 broken parts necessary for normal operation.

17 (2) Each alteration or relocation of an elevator unit installed after January  
18 1, 1975, shall meet the requirements of the Safety Code.

19 **(D) (1) A TEST ON AN ELEVATOR UNIT PERFORMED IN CONNECTION WITH**  
20 **AN INSPECTION REQUIRED BY THIS SUBTITLE, THE SAFETY CODE, OR A**  
21 **REGULATION ADOPTED BY THE COMMISSIONER SHALL BE PERFORMED BY A**  
22 **LICENSED ELEVATOR MECHANIC.**

23 **(2) A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR REQUIRED TO**  
24 **WITNESS A TEST PERFORMED ON AN ELEVATOR UNIT IN ACCORDANCE WITH THIS**  
25 **SUBTITLE, THE SAFETY CODE, OR A REGULATION ADOPTED BY THE COMMISSIONER**  
26 **SHALL BE PHYSICALLY PRESENT DURING THE ENTIRE TEST TO WITNESS THAT THE**  
27 **TEST WAS PERFORMED CORRECTLY AND TO VERIFY THE PROPER RECORDING OF**  
28 **THE TEST RESULT.**

29 **(3) A STATE INSPECTOR SHALL OVERSEE ALL THIRD-PARTY**  
30 **QUALIFIED ELEVATOR INSPECTORS AND RETAINS AUTHORITY OVER FINAL**  
31 **ACCEPTANCE OF NEW CONSTRUCTION, MODERNIZATION, AND SERVICE UPGRADE**  
32 **TURNOVERS OF ELEVATORS.**

33 **(4) A TEST REQUIRING THE PRESENCE OF A THIRD-PARTY QUALIFIED**

1 ELEVATOR INSPECTOR SHALL BE CONDUCTED IN ACCORDANCE WITH THE  
2 FOLLOWING:

3 (I) BEGINNING OCTOBER 1, 2018, A 5-YEAR TEST ON AN  
4 ELEVATOR OF A PRIVATELY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO  
5 WITNESS THE INSPECTION SHALL BE PERFORMED BY A THIRD-PARTY INSPECTOR  
6 WHEN THE INSPECTOR IS PHYSICALLY PRESENT;

7 (II) BEGINNING OCTOBER 1, 2019, AN ANNUAL TEST ON AN  
8 ELEVATOR OF A PRIVATELY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO  
9 WITNESS THE INSPECTION SHALL BE PERFORMED BY A THIRD-PARTY INSPECTOR  
10 WHEN THE INSPECTOR IS PHYSICALLY PRESENT; AND

11 (III) BEGINNING OCTOBER 1, 2020, A TEST ON AN ELEVATOR OF  
12 A PUBLICLY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO WITNESS THE  
13 INSPECTION SHALL BE PERFORMED BY A THIRD-PARTY INSPECTOR WHEN THE  
14 INSPECTOR IS PHYSICALLY PRESENT.

15 (E) (1) A THIRD-PARTY INSPECTOR SHALL SCHEDULE A TEST IN  
16 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

17 (2) THE THIRD-PARTY INSPECTOR SHALL CONTACT THE ELEVATOR  
18 CONTRACTING COMPANY AND THE PROPERTY OWNER NOT LESS THAN 60 DAYS IN  
19 ADVANCE TO SCHEDULE THE TEST FOR A DATE AND TIME THAT IS REASONABLY  
20 CONVENIENT FOR ALL PARTIES INVOLVED.

21 (3) IN THE EVENT OF AN UNFORESEEN CIRCUMSTANCE OR UNDUE  
22 HARDSHIP, ANY PARTY INVOLVED IN SCHEDULING THE TEST MAY RESCHEDULE THE  
23 TEST.

24 (4) THE THIRD-PARTY INSPECTOR SHALL NOTIFY THE  
25 COMMISSIONER OF THE TIME, DATE, AND LOCATION OF EACH TEST.

26 [(d)] (F) On written request, the Commissioner may grant exceptions from the  
27 literal requirements or allow the use of devices or methods other than those specified under  
28 the Safety Code and other regulations adopted by the Commissioner if:

29 (1) it is evident that the exception is necessary to prevent undue hardship;  
30 or

31 (2) existing conditions prevent practical compliance and in the opinion of  
32 the Commissioner reasonable safety can be secured.

1 (a) A State inspector shall make the following inspections:

2 (1) final acceptance inspection of all new elevator units prior to issuance of  
3 first certificate;

4 (2) investigation of accidents and complaints;

5 (3) follow-up inspections to confirm corrective action;

6 (4) final acceptance inspection of the modernization or alteration of an  
7 elevator unit;

8 (5) **FOR PRIVATELY OWNED BUILDINGS AND UNTIL OCTOBER 1, 2020,**  
9 **FOR PUBLICLY OWNED BUILDINGS, WHEN THE INSPECTION SHALL BE PERFORMED**  
10 **BY A THIRD-PARTY INSPECTOR,** a comprehensive 5-year inspection as defined by  
11 regulation;

12 (6) except as provided by § 12-807(b) of this subtitle, inspections of elevator  
13 units owned by the State or a political subdivision; and

14 (7) quality control monitoring of inspections conducted by third-party  
15 qualified elevator inspectors.

16 (c) (1) For all inspections conducted by a State inspector, the contractor,  
17 owner, or lessee of an elevator unit shall pay a fee for an inspection under [§ 12-810(d) or  
18 § 12-812(d)(3)] **§ 12-810** of this subtitle at the following rate:

19 (i) half day (up to 4 hours), not to exceed \$250; or

20 (ii) full day (up to 8 hours), not to exceed \$500.

21 (2) Each fee collected under this subsection shall be paid into the Elevator  
22 Safety Review Board Fund established under this subtitle.

23 (3) A contractor, owner, or lessee who notifies the Commissioner at least  
24 24 hours in advance of a scheduled inspection that the elevator unit does not comply with  
25 the requirements of Part II of this subtitle may not be charged a fee under paragraph (1) of  
26 this subsection.

27 12-810.

28 [(a)] The Commissioner shall conduct a final acceptance inspection on completion  
29 of the installation, modification, or alteration of an elevator unit before it is placed in  
30 service.

1           [(b) The Commissioner shall provide an inspection checklist that specifies the  
2 requirements for compliance with the Safety Code and other regulations adopted by the  
3 Commissioner.

4           (c) At least 15 days before a scheduled final acceptance inspection for an elevator  
5 unit being installed, modified, or altered in the State, the contractor, owner, or lessee shall  
6 submit to the Commissioner a written certification that:

7                   (1) the elevator plans and construction documents have been reviewed by  
8 a third-party qualified elevator inspector;

9                   (2) the third-party qualified elevator inspector has certified that the  
10 elevator unit as constructed and installed complies with this subtitle, its regulations, and  
11 the Safety Code; and

12                   (3) the elements indicated on the inspection checklist are operational, have  
13 been tested, and are functional.

14           (d) If a State inspector arrives to inspect an elevator unit at the designated time  
15 and the elevator unit does not meet the criteria established in subsection (c) of this section,  
16 the inspector may cancel the inspection and charge the contractor a fee in accordance with  
17 § 12-809 of this subtitle.]

18 12-812.

19           (b) (1) Except as provided in paragraph (2) of this subsection, each elevator  
20 unit in the State shall have a periodic annual inspection by a [State inspector as provided  
21 for in § 12-809(a)(6) of this subtitle or by a] third-party qualified elevator inspector as  
22 provided for in § 12-809(d) of this subtitle.

23                   (2) Each cliffside elevator on the property of a privately owned  
24 single-family residential dwelling shall have a periodic inspection once every 2 years by a  
25 third-party qualified inspector as provided for in § 12-809(d) of this subtitle.

26           (c) Before scheduling an inspection with the Commissioner or a third-party  
27 qualified elevator inspector **ON OR AFTER OCTOBER 1, 2018, FOR PRIVATELY OWNED**  
28 **BUILDINGS AND ON OR AFTER OCTOBER 1, 2020, FOR PUBLICLY OWNED BUILDINGS,**  
29 the contractor, owner, or lessee of an elevator unit shall:

30                   (1) ensure that the elevator unit is operated, inspected, and repaired in  
31 accordance with Part II of this subtitle and the regulations adopted under Part II of this  
32 subtitle; and

33                   (2) make inspection, maintenance, and repair records available to the  
34 inspector charged with inspecting the elevator unit.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2018.