

# SENATE BILL 618

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By: **Senator Klausmeier**

Introduced and read first time: February 3, 2020

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Hydraulic Elevator Inspections – Privately Owned Buildings**

3 FOR the purpose of exempting a certain type of hydraulic elevator in a privately owned  
4 building from a requirement for a certain test; requiring, beginning on a certain date,  
5 a certain annual test on a certain type of hydraulic elevator in a privately owned  
6 building to be performed in a certain manner; altering a certain date on which  
7 certain elevator inspections are required to begin; defining a certain term; requiring  
8 the Secretary of Labor to make certain reports to certain committees of the General  
9 Assembly on or before certain dates; and generally relating to elevator inspections.

10 BY repealing and reenacting, without amendments,  
11 Article – Public Safety  
12 Section 12–801(a) and 12–806(a)  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Public Safety  
17 Section 12–801(h) through (u) and 12–806(d)  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2019 Supplement)

20 BY adding to  
21 Article – Public Safety  
22 Section 12–801(h)  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume and 2019 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Public Safety**

2 12–801.

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

4 **(H) “DIRECT–ACTING HYDRAULIC ELEVATOR” MEANS AN ELEVATOR IN**  
5 **WHICH THE ENERGY IS APPLIED BY A DIRECT HYDRAULIC DRIVING MACHINE.**6 **[(h)] (I)** “Dumbwaiter” means a hoisting and lowering machine equipped with a  
7 car of limited capacity and size that moves in guides in a substantially vertical direction  
8 and is used exclusively for carrying material.9 **[(i)] (J)** “Elevator” means a hoisting and lowering machine equipped with a car  
10 or platform that moves in guides in a substantially vertical direction and serves two or  
11 more floors of a building or structure.12 **[(j)] (K)** “Elevator contractor” means a person who is engaged in the business of  
13 erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or  
14 servicing elevator or accessibility lift units.15 **[(k)] (L)** “Elevator mechanic” means a person who is engaged in erecting,  
16 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing  
17 elevator or accessibility lift units.18 **[(l)] (M)** “Elevator refinisher” means a person who is engaged in the refinishing  
19 of existing metal and wood elements in elevator cabs, including the stripping of old lacquer  
20 on wood and bronze items, staining wood to match existing finishes, cleaning, polishing,  
21 oxidizing, painting, lacquering, and the removing of scratches to maintain existing finishes.22 **[(m)] (N)** “Elevator renovator contractor” means a person who is engaged in the  
23 business of performing work:24 (1) on the interior of an elevator involving the removal or installation of  
25 the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

26 (2) that does not affect the elevator’s moving operation.

27 **[(n)] (O)** “Elevator renovator mechanic” means a person who performs work:28 (1) on the interior of an elevator involving the removal or installation of  
29 the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

30 (2) that does not affect the elevator’s moving operation.

31 **[(o)] (P)** “Elevator unit” includes a cliffside elevator, an elevator, an escalator, a

1 dumbwaiter, and a moving walk.

2 **[(p)] (Q)** “Escalator” means a power driven, inclined, continuous stairway used  
3 for raising and lowering passengers.

4 **[(q)] (R)** “License” includes:

- 5 (1) an accessibility lift mechanic license;
- 6 (2) an elevator contractor license;
- 7 (3) an elevator mechanic license;
- 8 (4) an elevator renovator contractor license; and
- 9 (5) an elevator renovator mechanic license.

10 **[(r)] (S)** “Moving walk” means a type of passenger-carrying device on which  
11 passengers stand or walk and in which the passenger-carrying surface remains parallel to  
12 its direction of motion and is uninterrupted.

13 **[(s)] (T)** “Safety Code” means the American National Standard/American  
14 Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and  
15 Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments and revisions  
16 to it, as adopted by the Commissioner.

17 **[(t)] (U)** “Secretary” means the Secretary of Labor.

18 **[(u)] (V)** “Third-party qualified elevator inspector” means an inspector who:

19 (1) meets the qualifications, insurance requirements, and procedures  
20 established by the Commissioner; and

21 (2) is certified by a nationally recognized safety organization accredited by  
22 the National Commission for Certifying Agencies or the American National Standards  
23 Institute that ensures that:

24 (i) the certification requires testing and grading consistent with  
25 industry recognized criteria and any related consensus standards; and

26 (ii) any renewal of certification requires continuing education.

27 12-806.

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

1 (1) the Safety Code; and

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

3 (d) (1) A test on an elevator unit performed in connection with an inspection  
4 required by this subtitle, the Safety Code, or a regulation adopted by the Commissioner  
5 shall be performed by a licensed elevator mechanic.

6 (2) A third-party qualified elevator inspector required to witness a test  
7 performed on an elevator unit in accordance with this subtitle, the Safety Code, or a  
8 regulation adopted by the Commissioner shall be physically present during the entire test  
9 to witness that the test was performed correctly and to verify the proper recording of the  
10 test result.

11 (3) A State inspector shall oversee all third-party qualified elevator  
12 inspectors and retains authority over final acceptance of new construction, modernization,  
13 and service upgrade turnovers of elevators.

14 (4) Subject to subsection (g) of this section, a test requiring the presence of  
15 a third-party qualified elevator inspector shall be conducted in accordance with the  
16 following:

17 (i) beginning October 1, 2018, a 5-year test on an elevator of a  
18 privately owned building that requires an inspector to witness the test shall be performed  
19 by a licensed elevator mechanic in the physical presence of a third-party qualified elevator  
20 inspector;

21 (ii) beginning October 1, 2019, a test on an elevator of a publicly  
22 owned building that requires an inspector to witness the test shall be performed by a  
23 licensed elevator mechanic in the physical presence of a third-party qualified elevator  
24 inspector; [and]

25 (iii) beginning October 1, [2020] **2021**, an annual test on an elevator,  
26 **EXCEPT FOR A DIRECT-ACTING HYDRAULIC ELEVATOR**, of a privately owned building  
27 that requires an inspector to witness the test shall be performed by a licensed elevator  
28 mechanic in the physical presence of a third-party qualified elevator inspector; **AND**

29 **(IV) BEGINNING OCTOBER 1, 2022, AN ANNUAL TEST ON A**  
30 **DIRECT-ACTING HYDRAULIC ELEVATOR OF A PRIVATELY OWNED BUILDING THAT**  
31 **REQUIRES AN ELEVATOR INSPECTOR TO WITNESS THE TEST SHALL BE PERFORMED**  
32 **BY A LICENSED ELEVATOR MECHANIC IN THE PHYSICAL PRESENCE OF A**  
33 **THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021,  
35 and on or before January 1, 2022, the Secretary of Labor shall report to the Senate Finance

1 Committee and the House Economic Matters Committee, in accordance with § 2–1257 of  
2 the State Government Article, on the status of how elevator inspections are being conducted  
3 in accordance with this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2020.