

Chapter 569

(Senate Bill 618)

AN ACT concerning

Public Safety – Hydraulic Elevator Inspections – Privately Owned Buildings

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

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

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

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

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

Article – Public Safety

12–801.

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

(H) “DIRECT–ACTING HYDRAULIC ELEVATOR” MEANS AN ELEVATOR IN WHICH THE ENERGY IS APPLIED BY A DIRECT HYDRAULIC DRIVING MACHINE.

[(h)] (I) “Dumbwaiter” means a hoisting and lowering machine equipped with a car of limited capacity and size that moves in guides in a substantially vertical direction and is used exclusively for carrying material.

[(i)] (J) “Elevator” means a hoisting and lowering machine equipped with a car or platform that moves in guides in a substantially vertical direction and serves two or more floors of a building or structure.

[(j)] (K) “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

[(k)] (L) “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

[(l)] (M) “Elevator refinisher” means a person who is engaged in the refinishing of existing metal and wood elements in elevator cabs, including the stripping of old lacquer on wood and bronze items, staining wood to match existing finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of scratches to maintain existing finishes.

[(m)] (N) “Elevator renovator contractor” means a person who is engaged in the business of performing work:

- (1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and
- (2) that does not affect the elevator’s moving operation.

[(n)] (O) “Elevator renovator mechanic” means a person who performs work:

- (1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and
- (2) that does not affect the elevator’s moving operation.

[(o)] (P) “Elevator unit” includes a cliffside elevator, an elevator, an escalator, a dumbwaiter, and a moving walk.

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

[(q)] (R) “License” includes:

- (1) an accessibility lift mechanic license;

- (2) an elevator contractor license;
- (3) an elevator mechanic license;
- (4) an elevator renovator contractor license; and
- (5) an elevator renovator mechanic license.

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

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

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

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

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

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

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

(ii) any renewal of certification requires continuing education.

12–806.

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

(1) the Safety Code; and

(2) any other regulations adopted by the Commissioner.

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021, and on or before January 1, 2022, the Secretary of Labor shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article, on the status of how elevator inspections are being conducted in accordance with this Act.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.