

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Labor, Licensing, and Regulation
(DLS Control No. 14-022)**

Overview and Legal and Fiscal Impact

These regulations define “vertical reciprocating conveyor,” and exempt vertical reciprocating conveyors from the requirements of the elevator safety code.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Labor, Licensing, and Regulation:

Division of Labor and Industry: Elevator, Escalator, and Chairlift Safety:
COMAR 09.12.81.01-1, and .02-1

Legal Analysis

Background

The Elevator Safety Review Board was established by Chapter 703 of 2001 within the Department of Labor, Licensing, and Regulation. The board licenses people who engage in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevators, dumbwaiters, escalators, and moving walks. The elevator safety code is 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 of Labor and Industry.

Vertical reciprocating conveyors move materials in factories, warehouses, industrial plants, institutions, or any location in which products or supplies need to move from one level to another. Vertical reciprocating conveyors are not considered elevators; they have their own safety code – ASME B20.1 Safety Standard for Conveyors and Related Equipment – and are specifically exempt from the elevator safety code.

Summary of Regulations

The regulations define the term “vertical reciprocating conveyor” and establish that a vertical reciprocating conveyor is not an elevator unit and is not subject to the requirements of the safety code, including recordkeeping and periodic inspections. “Vertical reciprocating conveyor” is defined to mean a machine that receives objects from a horizontal or inclined conveyor that moves on a carrier or bed of rollers that transports the objects vertically to another conveyor and is an integral component of a larger conveyor system used for the continuous transport of materials.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 12-805, 12-806, 12-809, and 12-812 of the Public Safety Article as authority for the regulations. Specifically, the regulations are authorized by § 12-805, which requires the commissioner to adopt regulations that conform generally to the American National Standard/ASME Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks and all subsequent amendments and revisions to it, and authorizes the commissioner, if necessary to fulfill the commissioner’s statutory responsibilities relating to registration and inspection of elevators, to adopt regulations that amend these standards or adopt other regulations.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budgets.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Lindsay A. Eastwood – (410) 946/(301) 970-5350

Fiscal Analysis: Stephen M. Ross – (410) 946/(301) 970-5510