

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 14-063)**

Overview and Legal and Fiscal Impact

This emergency/proposed regulation specifies that the adopted safety code that is in effect at the time that parties execute a contract to install an elevator unit is the code that will govern the inspection of the unit if the final acceptance inspection takes place within three years of the contract date.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Division of Labor and Industry: Elevator, Escalator, and Chairlift Safety:
COMAR 09.12.81.01

Legal Analysis

Background

The Elevator Safety Review Board (board) was established by Chapter 703 of 2001, as a nine-member board within the Department of Labor, Licensing, and Regulation (department) to license elevator contractors and elevator mechanics. Prior to the enactment of Chapter 703, although registration and inspection provisions existed for the use of elevators, no provisions existed for elevator installation and maintenance.

Section 12-805(b) of the Public Safety Article requires the Commissioner of Labor and Industry (commissioner) to adopt regulations that conform to the American National Standards Institute (ANSI)/American Society of Mechanical Engineers (ASME) Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks. The subsection specifically references ANSI Code A17.1 – 1971 and all subsequent amendments and revisions and authorizes the commissioner to adopt or alter those standards to facilitate the commissioner’s registration and inspection responsibilities under Part II of the subtitle.

According to the department, effective July 8, 2013, the State adopted a new version of the code: A17.1 – 2010, as amended by ASME. The department advises that ASME revises the newest version of the code every three years and the State generally waits to incorporate the amended code by reference. The department indicates that under the current system, inspectors

exercise discretion when determining whether a unit passes inspection because the State may have adopted a newer version of ANSI 17.1 at various points during the installation process for a given elevator unit.

Summary of Regulation

The regulation specifies that, for purposes of inspection, the applicable code is the adopted safety code that was in effect at the time a contract to install an elevator unit was signed. If the final acceptance inspection takes place more than three years after the date the parties executed the contract, then the “next subsequent adopted safety code” governs the final acceptance inspection. A registrant must submit documentation verifying the contract date in order to register the elevator unit with the commissioner.

Legal Issue

The regulation presents 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 regulation.

As discussed in the background section of this analysis, § 12-805(b) requires the commissioner to adopt regulations that conform to ANSI standards for elevators, dumbwaiters, escalators, and moving walks. Section 12-806 specifies safety standards for elevator units by requiring each unit to be inspected, tested, and maintained in a safe operating condition in accordance with the Safety Code and any other regulations adopted by the commissioner. Section 12-809 specifies requirements for inspections and requires an owner of an elevator unit to hire a third-party qualified elevator inspector to conduct periodic annual inspections required by the Safety Code. Section 12-812 requires an elevator unit to have a periodic annual inspection.

Although not necessary to justify the regulation, one chapter law from the 2014 legislative session and one other provision from the Public Safety Article provide additional context. Chapter 155 of 2014 requires private residential cliffside elevator units to be inspected every two years and to be subject to other registration and inspection requirements beginning October 1, 2014. Additionally, § 12-810 specifies relevant requirements relating to the final acceptance inspection.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Reason for Emergency Status

The department requests emergency status to begin on May 16, 2014 and expire on November 1, 2014. This period is within normal timeframes approved by the committee. The department advises that the A17.1 – 2013 version of the code becomes effective April 21, 2014, which would require elevator units under construction and inspected on or after that date to be inspected based on the new version of the code. The regulation specifies that if parties execute a

contract before April 21, 2014, A17.1 – 2010 will govern the inspection, since that is the code that was in effect at the time the parties entered into the agreement.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has 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 budget.

Agency Estimate of Projected Small Business Impact

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

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