

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Labor, Licensing, and Regulation  
(DLS Control No. 16-203)**

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**Overview and Legal and Fiscal Impact**

These regulations alter the education and experience requirements for licensure by the Elevator Safety Review Board for elevator renovator contractors and elevator renovator mechanics.

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:**

Elevator Safety Review Board: Qualifications: COMAR 09.35.02.02 through .03

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**Legal Analysis**

**Background**

The board licenses and regulates elevator mechanics, elevator contractors, elevator renovator mechanics, elevator renovator contractors, and accessibility lift mechanics. Although statutory provisions detail qualification standards for some licensure classifications, regulations detail qualification standards for elevator renovator contractors and elevator renovator mechanics.

**Summary of Regulations**

The regulation makes various changes to the regulations that detail qualification standards for elevator renovator contractors and elevator renovator mechanics.

The regulations amend Regulation .02 to repeal an obsolete requirement for applicants for elevator renovator mechanic licenses who applied on or before January 1, 2013. By eliminating the distinction regarding applications received “on or before” and “after” January 1, 2013, the regulation reflects the fact that a single qualification standard – three years of relevant work experience and education – exists for applicants.

Similarly, in Regulation .03, the regulations repeal a reference to January 1, 2013, that related to applications for licensure as elevator renovator contractors. In addition, the regulations

alter the qualification standards for elevator renovator contractors by (1) increasing from three years to five years the work experience requirement and (2) repealing the examination requirement.

### **Legal Issues**

The regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The Department of Labor, Licensing, and Regulation cites §§ 12-823(4), 12-826, and 12-827(c) of the Public Safety Article as statutory authority for the regulations. Section 12-823(4) of the Public Safety Article authorizes the board to adopt regulations to implement Part III of the subtitle relating to elevator safety. Section 12-826, in part, specifies licensure requirements for elevator renovator contractors and elevator renovator mechanics. Under § 12-826(c) and (d) of the Public Safety Article, a person must be licensed by the board before engaging in the business of elevator renovating – acting as an elevator renovator contractor – or performing elevator renovator work – acting as an elevator renovator mechanic. Exceptions exist under Part III of the subtitle. Section 12-827(c) requires the board to adopt regulations relating to the qualifications and scope of practice for elevator renovator contractors and elevator renovator mechanics. The same section specifies the qualification standards and scope of practice for other license classifications.

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 regulations remove obsolete grandfathering provisions and conform to current practice. The exam fee that is repealed is paid directly to exam providers, not the State, so it has no effect on State finances. 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 regulations have minimal or no economic impact on small businesses in the State. The regulations remove obsolete grandfathering provisions and conform to current practice. Repealing the exam requirement for individuals applying for licensure as elevator renovator contractors generates a nominal savings of \$70 for applicants. The Department of Legislative Services concurs.

### **Contact Information**

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