

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 238

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Cancellation” and substitute “Inspection”; in line 6, after the semicolon insert “requiring certain persons to ensure that certain standards are met prior to certain scheduled inspections; requiring certain persons to maintain certain records; requiring an inspector to issue an inspection checklist under certain circumstances; defining certain terms;”; after line 7, insert:

“BY repealing and reenacting, without amendments,

Article 89 - Miscellaneous Business, Work, and Safety Provisions

Section 49B(a)

Annotated Code of Maryland

(1998 Replacement Volume and 2000 Supplement)

BY adding to

Article 89 - Miscellaneous Business, Work, and Safety Provisions

Section 49B(b)(11), (12), and (13)

Annotated Code of Maryland

(1998 Replacement Volume and 2000 Supplement)”;

and in line 9, after “Work” insert a comma.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“(a) An elevator, dumbwaiter, escalator or moving walk may not be operated in any building, structure, or place of employment in the State unless a certificate of registration and inspection for the operation thereof is issued by the Commissioner of Labor and Industry, and unless

(Over)

the certificate remains in effect and is kept posted conspicuously in or on the elevator, dumbwaiter, escalator or moving walk.

(b) For the purposes of this section:

(11) “FINAL ACCEPTANCE INSPECTION” MEANS AN INSPECTION CONDUCTED BY THE COMMISSIONER ON COMPLETION OF AN ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK PRIOR TO THE PLACEMENT OF THE UNIT IN SERVICE.

(12) “INSPECTION CHECKLIST” MEANS A FORM PROVIDED BY THE COMMISSIONER SPECIFYING THE REQUIREMENTS FOR COMPLIANCE WITH APPLICABLE SAFETY CODES AND RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER.

(13) “ANNUAL INSPECTION” MEANS AN INSPECTION CONDUCTED BY THE COMMISSIONER FOR THE PURPOSE OF REISSUING A CERTIFICATE OF REGISTRATION AND INSPECTION.”.

AMENDMENT NO. 3

On page 2, in line 10, after “(I)” insert “PRIOR TO SCHEDULING A FINAL ACCEPTANCE INSPECTION WITH THE COMMISSIONER FOR AN ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK BEING INSTALLED IN THE STATE, THE CONTRACTOR SHALL ENSURE THAT:

1. THE ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK MEETS THE APPLICABLE SAFETY CODE AND RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER; AND

2. THE ELEMENTS INDICATED ON THE INSPECTION CHECKLIST ARE OPERATIONAL, HAVE BEEN TESTED, AND ARE FUNCTIONAL.

(II)”;

in the same line, strike “THE” and substitute “AN”; strike beginning with “IS” in line 12 down through “INSPECTION” in line 13 and substitute “DOES NOT MEET THE CRITERIA ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH”; in line 14, strike “OWNER OR LESSEE OF THE”; in the same line, after “WALK” insert “CONTRACTOR”; in line 15, strike “CANCELLATION”; strike beginning with “SET” in line 15 down through “TIME” in line 19 and substitute “PROVIDED UNDER PARAGRAPH (7) OF THIS SUBSECTION”; and strike in their entirety lines 20 and 21.

AMENDMENT NO. 4

On page 2, after line 21, insert:

“(3) AN OWNER OR LESSEE SHALL MAINTAIN A COPY OF ANY INSPECTION, MAINTENANCE, AND REPAIR RECORDS AT A CENTRAL LOCATION IN A MANNER CONSISTENT WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(4) (I) PRIOR TO SCHEDULING AN ANNUAL INSPECTION, THE CONTRACTOR, OWNER, OR LESSEE OF AN ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK SHALL:

1. ENSURE THAT THE ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK IS OPERATED, INSPECTED, AND REPAIRED IN ACCORDANCE WITH THIS SUBTITLE AND WITH THE REGULATIONS ADOPTED UNDER THIS SUBTITLE; AND

2. MAKE INSPECTION, MAINTENANCE, AND REPAIR RECORDS AVAILABLE TO THE INSPECTOR CHARGED WITH INSPECTING THE ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK.

(II) WHEN AN INSPECTOR CONDUCTS AN ANNUAL INSPECTION, AND THE ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK DOES NOT PASS THE INSPECTION, THE INSPECTOR SHALL ISSUE AN INSPECTION CHECKLIST DETAILING THE CORRECTIONS REQUIRED.

(III) IF A FOLLOW-UP INSPECTION IS REQUIRED TO ENSURE

(Over)

COMPLIANCE WITH THE CORRECTIONS DETAILED ON THE INSPECTION CHECKLIST, THE CONTRACTOR, OWNER, OR LESSEE SHALL PAY A FEE AS PROVIDED UNDER PARAGRAPH (7) OF THIS SUBSECTION.”;

in line 22, strike “(3)” and substitute “(5)”; in the same line, strike the second “AN” and substitute “A FINAL ACCEPTANCE”; in line 23, after “SUBSECTION” insert “OR A FOLLOW-UP INSPECTION IS REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION”; in the same line, strike “OWNER OR LESSEE” and substitute “CONTRACTOR, OWNER, OR LESSEE”; in line 27, strike “READY FOR INSPECTION” and substitute “COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION”; in line 29, strike “(4)” and substitute “(6)”; in the same line, strike “AN OWNER OR LESSEE” and substitute “A CONTRACTOR, OWNER, OR LESSEE”; strike beginning with “WILL” in line 31 down through “INSPECTION” in line 32 and substitute “DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION.”; in line 32, strike “CANCELLATION”; and in the same line, after “FEE” insert “UNDER PARAGRAPH (7) OF THIS SUBSECTION”.

AMENDMENT NO. 5

On page 2, after line 32, insert:

“(7) THE FEES AUTHORIZED IN PARAGRAPHS (2) AND (4) OF THIS SUBSECTION SHALL BE SET AT THE FOLLOWING RATE:

(I) HALF DAY (UP TO 4 HOURS), NOT TO EXCEED.....\$250;

AND

(II) FULL DAY (UP TO 8 HOURS), NOT TO EXCEED.....\$500.

(8) ANY FEE COLLECTED UNDER THIS SUBSECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.”.