

HOUSE BILL 181

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2001 Regular Session  
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By: **Chairman, Economic Matters Committee (Departmental - Labor,  
Licensing and Regulation)**

Introduced and read first time: January 19, 2001

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Elevator Safety - Registration and ~~Cancellation~~ Inspection Fees**

3 FOR the purpose of altering the time frame for registering certain elevators,  
4 dumbwaiters, escalators, and moving walks with the Commissioner of Labor  
5 and Industry; authorizing the Commission to charge a certain fee under certain  
6 circumstances; requiring certain persons to ensure that certain standards are  
7 met prior to certain scheduled inspections; requiring certain persons to  
8 maintain certain records; requiring an inspector to issue an inspection checklist  
9 under certain circumstances; defining certain terms; and generally relating to  
10 elevators, dumbwaiters, escalators, and moving walks.

11 BY repealing and reenacting, with amendments,  
12 Article 89 - Miscellaneous Business, Work and Safety Provisions  
13 Section 49B(c) and (i)  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 2000 Supplement)

16 BY adding to  
17 Article 89 - Miscellaneous Business, Work, and Safety Provisions  
18 Section 49B(b)(11), (12), and (13)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2000 Supplement)

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

**Article 89 - Miscellaneous Business, Work, and Safety Provisions**

2 49B.

3 (b) For the purposes of this section:

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

8 (12) "INSPECTION CHECKLIST" MEANS A FORM PROVIDED BY THE  
9 COMMISSIONER SPECIFYING THE REQUIREMENTS FOR COMPLIANCE WITH  
10 APPLICABLE SAFETY CODES AND RULES AND REGULATIONS ADOPTED BY THE  
11 COMMISSIONER.

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

15 (c) (1) Within 60 days after January 1, 1975, the owner or lessee of every  
16 existing elevator shall register with the Commissioner each elevator, dumbwaiter,  
17 escalator and moving walk that it owns or operates, giving type, rating load and  
18 speed, name of manufacturer, its location and the purpose for which it is used and any  
19 other information the Commissioner may require. Registration shall be made on a  
20 form to be furnished by the Commissioner.[Elevators] EXCEPT AS PROVIDED IN  
21 PARAGRAPH (2) OF THIS SUBSECTION, ELEVATORS, dumbwaiters, escalators and  
22 moving walks whose erection is begun subsequent to January 1, 1975, shall be  
23 registered [within ten days after they are completed] AT LEAST 60 DAYS PRIOR TO  
24 PLANNED COMPLETION and before placed in service.

25 (2) DUE TO EMERGENCY CIRCUMSTANCES, AN OWNER OR LESSEE MAY  
26 REGISTER THE ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK WITH THE  
27 COMMISSIONER WITH LESS THAN 60 DAYS' NOTICE IN ACCORDANCE WITH  
28 REGULATIONS ADOPTED UNDER THIS SUBTITLE.

29 (i) (1) If an inspection discloses that an elevator, dumbwaiter, escalator, or  
30 moving walk complies with the applicable safety code, as adopted by the  
31 Commissioner, and the rules and regulations of the Commissioner, the Commissioner  
32 shall issue to the owner or lessee thereof a certificate of registration and inspection.  
33 The certificate shall be valid for not more than one year from date of issuance. The  
34 certificate, when issued, shall be posted in or on the elevator, dumbwaiter, escalator,  
35 or moving walk.

36 (2) (I) PRIOR TO SCHEDULING A FINAL ACCEPTANCE INSPECTION  
37 WITH THE COMMISSIONER FOR AN ELEVATOR, DUMBWAITER, ESCALATOR, OR  
38 MOVING WALK BEING INSTALLED IN THE STATE, THE OWNER, LESSEE, OR  
39 CONTRACTOR SHALL ENSURE THAT:

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

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

6                               (II)     IF AN INSPECTOR ARRIVES TO INSPECT ~~THE~~ AN ELEVATOR,  
7 DUMBWAITER, ESCALATOR, OR MOVING WALK AT THE DESIGNATED TIME AND THE  
8 ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK ~~IS NOT READY FOR~~  
9 ~~INSPECTION DOES NOT MEET THE CRITERIA ESTABLISHED IN SUBPARAGRAPH (I) OF~~  
10 ~~THIS PARAGRAPH,~~ THE INSPECTOR MAY CANCEL THE INSPECTION AND ASSESS THE  
11 OWNER ~~OR, LESSEE, OR CONTRACTOR~~ OF THE ELEVATOR, DUMBWAITER, ESCALATOR,  
12 OR MOVING WALK A CANCELLATION FEE AS ~~SET BY THE COMMISSIONER IN~~  
13 ~~REGULATION.~~

14                            (II)     ~~THE COMMISSIONER SHALL SET THE CANCELLATION FEE SO~~  
15 ~~AS TO APPROXIMATE THE COSTS INCURRED BY THE INSPECTOR, INCLUDING THE~~  
16 ~~INSPECTOR'S COSTS FOR RETURNING TO COMPLETE THE INSPECTION AT ANOTHER~~  
17 ~~TIME PROVIDED UNDER PARAGRAPH (7) OF THIS SUBSECTION.~~

18                           (III)    ~~ANY FEE COLLECTED UNDER THIS SUBSECTION SHALL BE PAID~~  
19 ~~INTO THE GENERAL FUND OF THE STATE.~~

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

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

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

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

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

36                           (III)    IF A FOLLOW-UP INSPECTION IS REQUIRED TO ENSURE  
37 COMPLIANCE WITH THE CORRECTIONS DETAILED ON THE INSPECTION CHECKLIST,  
38 THE OWNER OR LESSEE SHALL PAY A FEE AS PROVIDED UNDER PARAGRAPH (7) OF  
39 THIS SUBSECTION.

1           ~~(3)~~     (5)     IF AN INSPECTOR CANCELS ~~AN~~ A FINAL ACCEPTANCE  
2 INSPECTION UNDER PARAGRAPH (2) OF THIS SUBSECTION OR A FOLLOW-UP  
3 INSPECTION IS REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE OWNER  
4 OR, LESSEE, OR CONTRACTOR OF THE ELEVATOR, DUMBWAITER, ESCALATOR, OR  
5 MOVING WALK SHALL:

6                   (I)     RESCHEDULE THE INSPECTION WITH THE INSPECTOR; AND

7                   (II)    HAVE THE ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING  
8 ~~WALK READY FOR INSPECTION~~ COMPLY WITH THE REQUIREMENTS OF THIS  
9 SUBSECTION, INCLUDING CORRECTING ANY NECESSARY CODE VIOLATIONS OR  
10 SAFETY HAZARDS, ON THE DESIGNATED DATE.

11           ~~(4)~~     (6)     AN OWNER ~~OR, LESSEE, OR CONTRACTOR,~~ WHO NOTIFIES THE  
12 COMMISSIONER AT LEAST 24 HOURS IN ADVANCE OF THE SCHEDULED INSPECTION  
13 THAT THE ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK ~~WILL NOT BE~~  
14 ~~READY FOR INSPECTION~~ DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS  
15 SUBSECTION, MAY NOT BE ASSESSED A CANCELLATION FEE UNDER PARAGRAPH (7)  
16 OF THIS SUBSECTION.

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

19                   (I)     HALF DAY (UP TO 4 HOURS) ..... \$250

20                   (II)    FULL DAY (UP TO 8 HOURS)..... \$500.

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

23     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect June 1, 2001.