

SENATE BILL 238

Unofficial Copy  
E4

2001 Regular Session  
(11r0038)

*ENROLLED BILL*  
*-- Finance/Economic Matters --*

Introduced by **Chairman, Finance Committee (Departmental - Labor,  
Licensing and Regulation)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

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, without amendments,  
12 Article 89 - Miscellaneous Business, Work, and Safety Provisions  
13 Section 49B(a)  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 2000 Supplement)

1 BY adding to  
2 Article 89 - Miscellaneous Business, Work, and Safety Provisions  
3 Section 49B(b)(11), (12), and (13)  
4 Annotated Code of Maryland  
5 (1998 Replacement Volume and 2000 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article 89 - Miscellaneous Business, Work, and Safety Provisions  
8 Section 49B(c) and (i)  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 2000 Supplement)

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

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

14 49B.

15 (a) An elevator, dumbwaiter, escalator or moving walk may not be operated in  
16 any building, structure, or place of employment in the State unless a certificate of  
17 registration and inspection for the operation thereof is issued by the Commissioner of  
18 Labor and Industry, and unless the certificate remains in effect and is kept posted  
19 conspicuously in or on the elevator, dumbwaiter, escalator or moving walk.

20 (b) For the purposes of this section:

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

25 (12) "INSPECTION CHECKLIST" MEANS A FORM PROVIDED BY THE  
26 COMMISSIONER SPECIFYING THE REQUIREMENTS FOR COMPLIANCE WITH  
27 APPLICABLE SAFETY CODES AND RULES AND REGULATIONS ADOPTED BY THE  
28 COMMISSIONER.

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

32 (c) (1) Within 60 days after January 1, 1975, the owner or lessee of every  
33 existing elevator shall register with the Commissioner each elevator, dumbwaiter,  
34 escalator and moving walk that it owns or operates, giving type, rating load and  
35 speed, name of manufacturer, its location and the purpose for which it is used and any  
36 other information the Commissioner may require. Registration shall be made on a  
37 form to be furnished by the Commissioner. [Elevators] EXCEPT AS PROVIDED IN  
38 PARAGRAPH (2) OF THIS SUBSECTION, ELEVATORS, dumbwaiters, escalators and

1 moving walks whose erection is begun subsequent to January 1, 1975, shall be  
 2 registered [within ten days after they are completed] AT LEAST 60 DAYS PRIOR TO  
 3 PLANNED COMPLETION and before placed in service.

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

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

15 (2) (I) PRIOR TO SCHEDULING A FINAL ACCEPTANCE INSPECTION  
 16 WITH THE COMMISSIONER FOR AN ELEVATOR, DUMBWAITER, ESCALATOR, OR  
 17 MOVING WALK BEING INSTALLED IN THE STATE, THE CONTRACTOR SHALL ENSURE  
 18 THAT:

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

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

24 (II) ~~IF AN INSPECTOR ARRIVES TO INSPECT THE AN ELEVATOR,~~  
 25 ~~DUMBWAITER, ESCALATOR, OR MOVING WALK AT THE DESIGNATED TIME AND THE~~  
 26 ~~ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK IS NOT READY FOR~~  
 27 ~~INSPECTION DOES NOT MEET THE CRITERIA ESTABLISHED IN SUBPARAGRAPH (I) OF~~  
 28 ~~THIS PARAGRAPH, THE INSPECTOR MAY CANCEL THE INSPECTION AND ASSESS THE~~  
 29 ~~OWNER OR LESSEE OF THE ELEVATOR, DUMBWAITER, ESCALATOR, OR MOVING WALK~~  
 30 ~~CONTRACTOR A CANCELLATION FEE AS SET BY THE COMMISSIONER IN~~  
 31 ~~REGULATION.~~

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

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

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

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

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

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

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

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

19 ~~(3)~~ (5) IF AN INSPECTOR CANCELS AN A FINAL ACCEPTANCE  
20 INSPECTION UNDER PARAGRAPH (2) OF THIS SUBSECTION OR A FOLLOW-UP  
21 INSPECTION IS REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE OWNER  
22 OR LESSEE CONTRACTOR, OWNER, OR LESSEE OF THE ELEVATOR, DUMBWAITER,  
23 ESCALATOR, OR MOVING WALK SHALL:

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

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

29 ~~(4)~~ (6) AN OWNER OR LESSEE A CONTRACTOR, OWNER, OR LESSEE  
30 WHO NOTIFIES THE COMMISSIONER AT LEAST 24 HOURS IN ADVANCE OF THE  
31 SCHEDULED INSPECTION THAT THE ELEVATOR, DUMBWAITER, ESCALATOR, OR  
32 MOVING WALK ~~WILL NOT BE READY FOR INSPECTION~~ DOES NOT COMPLY WITH THE  
33 REQUIREMENTS OF THIS SUBSECTION, MAY NOT BE ASSESSED A CANCELLATION FEE  
34 UNDER PARAGRAPH (7) OF THIS SUBSECTION.

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

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

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

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

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