

SENATE BILL 798

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By: **Senators Collins, Conway, Dyson, Pinsky, and Stone**
Introduced and read first time: February 12, 2001
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Elevator Safety - Licensing of Elevator Contractors and Mechanics**

3 FOR the purpose of repealing certain provisions authorizing the Commissioner of
4 Labor and Industry to designate special elevator inspectors under certain
5 circumstances; requiring all elevator inspections in the State to be done by a
6 State inspector; establishing the Elevator Safety Review Board in the
7 Department of Labor, Licensing, and Regulation; providing for the composition,
8 appointment, terms, and compensation of Board members; establishing certain
9 powers and duties of the Board; requiring certain persons to be licensed by the
10 Board as elevator mechanics or elevator contractors before performing certain
11 work on elevators and certain other conveyances in the State; establishing
12 certain education and experience requirements for elevator mechanics and
13 elevator contractors; establishing certain licensing and license renewal
14 requirements for elevator mechanics and elevator contractors; establishing
15 certain examination requirements for elevator mechanics; authorizing the
16 Board to waive certain examination requirements in certain circumstances;
17 authorizing the Board to issue emergency elevator mechanic licenses and
18 temporary elevator mechanic licenses under certain circumstances; authorizing
19 the Board to deny a license to an applicant, refuse to renew a license, reprimand
20 a licensee, suspend or revoke a license, or impose certain penalties under certain
21 circumstances; establishing certain hearing and appeal procedures for elevator
22 mechanics and elevator contractors; requiring that an elevator contractor have
23 certain insurance coverage; defining certain terms; and generally relating to
24 elevator safety and the licensing of elevator contractors and elevator mechanics.

25 BY repealing and reenacting, with amendments,
26 Article 89 - Miscellaneous Business, Work, and Safety Provisions
27 Section 49B
28 Annotated Code of Maryland
29 (1998 Replacement Volume and 2000 Supplement)

30 BY adding to
31 Article 89 - Miscellaneous Business, Work, and Safety Provisions
32 Section 49C

1 Annotated Code of Maryland
2 (1998 Replacement Volume and 2000 Supplement)

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

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

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

11 (b) For the purposes of this section AND § 49C OF THIS SUBTITLE:

12 (1) "Elevator" means a hoisting or lowering machine equipped with a car
13 or platform which moves in guides in a substantially vertical direction and serves two
14 or more floors of a building or structure, and the term includes dumbwaiters,
15 escalators, and moving walks.

16 (2) "Dumbwaiter" means a hoisting and lowering mechanism equipped
17 with a car of limited capacity and size which moves in guides in a substantially
18 vertical direction and is used exclusively for carrying material.

19 (3) "Escalator" means a power driven, inclined, continuous stairway used
20 for raising and lowering passengers.

21 (4) "Moving walk" means a type of passenger-carrying device on which
22 passengers stand or walk and in which the passenger-carrying surface remains
23 parallel to its direction of motion and is uninterrupted.

24 (5) "Certificate" means a certificate of registration and inspection issued
25 by the Commissioner of Labor and Industry to operate an elevator, dumbwaiter,
26 escalator and moving walk.

27 (6) "Place of employment" means any place an employee or employees
28 are suffered or permitted to work.

29 (7) "New elevator" means any elevator not classified as an existing
30 elevator or any existing elevator moved to a new location subsequent to January 1,
31 1975.

32 (8) "Existing elevator" means an elevator in which all work or
33 installation was completed prior to January 1, 1975.

34 (9) "Alteration" means any change made to an existing elevator other
35 than the repair or replacement of damaged, worn or broken parts necessary for
36 normal operation.

1 (10) "Commissioner" means the Commissioner of Labor and Industry or
2 his authorized representative.

3 (11) "REPAIR" HAS THE MEANING STATED IN THE AMERICAN NATIONAL
4 STANDARD SAFETY CODE FOR ELEVATORS, DUMBWAITERS, ESCALATORS, AND
5 MOVING WALKS.

6 (c) Within 60 days after January 1, 1975, the owner or lessee of every existing
7 elevator shall register with the Commissioner each elevator, dumbwaiter, escalator
8 and moving walk that it owns or operates, giving type, rating load and speed, name of
9 manufacturer, its location and the purpose for which it is used and any other
10 information the Commissioner may require. Registration shall be made on a form to
11 be furnished by the Commissioner. Elevators, dumbwaiters, escalators and moving
12 walks whose erection is begun subsequent to January 1, 1975, shall be registered
13 within ten days after they are completed and before placed in service.

14 (d) All new and existing elevators, dumbwaiters, escalators, and moving walks
15 shall be inspected, tested and maintained in a safe operating condition in accordance
16 with the American National Standard Safety Code for elevators, dumbwaiters,
17 escalators, and moving walks, known as ANSI A17.1-1971, and all subsequent
18 amendments and revisions to it, as adopted by the Commissioner, and any rules and
19 regulations as may be adopted by the Commissioner. However, any elevator,
20 dumbwaiter, escalator, and moving walk installed before July 1, 1955 may be used
21 without being altered or rebuilt to comply with the requirements of the ANSI Code, as
22 adopted by the Commissioner. However, all elevators shall be equipped with standard
23 hoistway entrance protection, and all passenger elevators of more than 100 feet per
24 minute contract speed shall be provided with car doors or gates which meet the
25 requirements of the ANSI Code A17.1-1971 and all subsequent amendments and
26 revisions to it, as adopted by the Commissioner. Notwithstanding the foregoing, all
27 elevators, dumbwaiters, escalators, and moving walks installed before July 1, 1955
28 shall be maintained in a safe operating condition so as not to create a substantial
29 probability of serious physical harm or death and shall be subject to inspections and
30 tests as required.

31 All alterations and relocations of elevators, dumbwaiters, escalators, and
32 moving walks, installed subsequent to January 1, 1975, shall meet the requirements
33 of the ANSI Code A17.1-1971 and all subsequent amendments and revisions to it, as
34 adopted by the Commissioner.

35 (e) The Commissioner shall administer and enforce the provisions of this
36 section and shall prescribe rules and regulations that conform generally to ANSI Code
37 A17.1-1971 and all subsequent amendments and revisions to it. If necessary to fulfill
38 the Commissioner's responsibilities under this section, the Commissioner shall adopt
39 regulations that amend standards set forth in ANSI Code A17.1-1971 and all
40 subsequent amendments and revisions to it, and prescribe other rules and
41 regulations. The rules and regulations shall be consistent with the requirements of
42 Article 83B, § 6-503 of the Code.

1 (f) When an inspection discloses that an elevator is in unsafe condition so that
2 its continued operation will violate any rule, regulation, standard or Code
3 promulgated and issued under this section, citation and penalties may be issued in
4 accordance with §§ 5-212 and 5-213 of the Labor and Employment Article.

5 (g) The Commissioner, upon written request, may grant exceptions from the
6 literal requirements or permit the use of other devices or methods than those
7 specified under ANSI Code A17.1-1971 and all subsequent amendments and
8 revisions to it, as adopted by the Commissioner, and rules and regulations adopted
9 where it is evident that action is necessary to prevent undue hardship or where
10 existing conditions prevent practical compliance and reasonable safety can in the
11 opinion of the Commissioner be secured.

12 (h) If after inspection or testing of any elevator, dumbwaiter, escalator or
13 moving walk the Commissioner or authorized representative of the Commissioner
14 determines that any elevator, dumbwaiter, escalator or moving walk is in violation of
15 any standard or safety code promulgated under this subtitle, and that there is a
16 substantial probability that death or serious physical harm could result from its
17 continued use, action shall be taken in accordance with § 5-210 of the Labor and
18 Employment Article.

19 (i) If an inspection discloses that an elevator, dumbwaiter, escalator, or
20 moving walk complies with the applicable safety code, as adopted by the
21 Commissioner, and the rules and regulations of the Commissioner, the Commissioner
22 shall issue to the owner or lessee thereof a certificate of registration and inspection.
23 The certificate shall be valid for not more than one year from date of issuance. The
24 certificate, when issued, shall be posted in or on the elevator, dumbwaiter, escalator,
25 or moving walk.

26 (j) The cost of administering this section is provided for under § 5-204 of the
27 Labor and Employment Article.

28 (k) In addition to provisions enumerated in subsections (f) and (j) of this
29 section, §§ 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5, Subtitle 8 of the
30 Labor and Employment Article are applicable to this section.

31 (l) The Commissioner may assign duties and functions imposed by this
32 section to the chief elevator inspector.

33 (m) [(1) On request of an authorized insurer for elevators in the State, the
34 Commissioner may designate, as a special elevator inspector, an employee of the
35 insurer who is qualified to inspect elevators. A special elevator inspector is not
36 entitled to compensation or reimbursement for expenses from the State.

37 (2) The Commissioner shall define, by regulation:

38 (i) The authority of a special elevator inspector; and

39 (ii) Procedures to report about an inspection to the Commissioner.]

1 ALL ELEVATOR INSPECTIONS IN THE STATE SHALL BE DONE BY A STATE
2 INSPECTOR.

3 (n) Notwithstanding any provisions of this section, the Commissioner shall
4 accept certificates of inspection from any political subdivision or municipal
5 corporation in lieu of certificates of registration and inspection as required by this
6 section.

7 (o) Nothing in this section may be construed to apply to any existing or new
8 elevator, escalator, moving walk or dumbwaiter installed in a privately owned
9 single-family residential dwelling.

10 (p) Every passenger elevator in a permanent installation used by the public
11 shall have a sign reading "Warning - Elevators shall not be used in event of fire - Use
12 marked exit stairways" posted at the entrance to the elevator shaft on every floor. The
13 sign shall be posted directly above the call button. A similar sign shall be posted
14 within the elevator cabin. The tops of these signs shall not be more than 6 feet above
15 the floor and the lettering in the word "warning" shall be at least three-eighths inch
16 and the rest of the lettering shall be at least one-fourth inch.

17 (q) (1) Any new building constructed after July 1, 1985, in which at least
18 one elevator is planned, shall have a passenger elevator that can accommodate a
19 horizontally carried and positioned 6 foot 8 inch rescue litter.

20 (2) This subsection does not apply to one or two family dwellings or to
21 buildings under 3 stories.

22 (3) For purposes of the subsection, repair, renovation, modification,
23 reconstruction, change of occupancy, and addition to an existing building as defined in
24 Article 83B, Title 6, Subtitle 5 of the Code may not be considered to constitute a new
25 building.

26 49C.

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (2) "BOARD" MEANS THE ELEVATOR SAFETY REVIEW BOARD.

30 (3) "ELEVATOR CONTRACTOR" MEANS A PERSON WHO IS ENGAGED IN
31 THE BUSINESS OF ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING,
32 MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING ELEVATORS,
33 DUMBWAITERS, ESCALATORS, AND MOVING WALKS.

34 (4) "ELEVATOR MECHANIC" MEANS A PERSON WHO IS ENGAGED IN
35 ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING,
36 REPAIRING, DISMANTLING, OR SERVICING ELEVATORS, DUMBWAITERS,
37 ESCALATORS, AND MOVING WALKS.

38 (5) "LICENSE" INCLUDES:

1 (I) AN ELEVATOR CONTRACTOR LICENSE; AND

2 (II) AN ELEVATOR MECHANIC LICENSE.

3 (B) THERE IS AN ELEVATOR SAFETY REVIEW BOARD IN THE DEPARTMENT OF
4 LABOR, LICENSING, AND REGULATION.

5 (C) (1) THE BOARD SHALL CONSIST OF NINE MEMBERS.

6 (2) OF THE NINE MEMBERS OF THE BOARD:

7 (I) ONE SHALL BE THE COMMISSIONER OF LABOR AND INDUSTRY
8 OR DESIGNEE OF THE COMMISSIONER, AS AN EX OFFICIO MEMBER;

9 (II) ONE SHALL REPRESENT A MAJOR ELEVATOR MANUFACTURING
10 COMPANY OR ITS AUTHORIZED REPRESENTATIVE;

11 (III) ONE SHALL REPRESENT AN ELEVATOR SERVICING COMPANY;

12 (IV) ONE SHALL REPRESENT THE ARCHITECTURAL DESIGN
13 PROFESSION;

14 (V) ONE SHALL REPRESENT A MUNICIPAL CORPORATION IN THE
15 STATE;

16 (VI) ONE SHALL REPRESENT A BUILDING OWNER OR MANAGER;

17 (VII) ONE SHALL REPRESENT LABOR INVOLVED IN THE
18 INSTALLATION, MAINTENANCE, AND REPAIR OF ELEVATORS; AND

19 (VIII) TWO SHALL BE MEMBERS OF THE GENERAL PUBLIC.

20 (3) EXCEPT FOR THE EX OFFICIO MEMBER, THE GOVERNOR SHALL
21 APPOINT THE MEMBERS OF THE BOARD WITH THE ADVICE OF THE SECRETARY OF
22 LABOR, LICENSING, AND REGULATION AND WITH THE ADVICE AND CONSENT OF THE
23 SENATE.

24 (4) (I) EXCEPT FOR THE EX OFFICIO MEMBER, THE TERM OF A
25 MEMBER IS 3 YEARS.

26 (II) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
27 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

28 (III) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
29 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
30 AND QUALIFIES.

31 (D) (1) FROM AMONG THE BOARD MEMBERS, THE GOVERNOR SHALL
32 APPOINT A CHAIRMAN.

1 (2) THE CHAIRMAN SHALL BE THE DECIDING VOTE IN THE EVENT OF A
2 TIE VOTE.

3 (E) (1) THE BOARD SHALL MEET:

4 (I) REGULARLY QUARTERLY; AND

5 (II) AT OTHER TIMES AS NECESSARY.

6 (2) SPECIAL MEETINGS OF THE BOARD MAY BE HELD AS THE BOARD
7 PROVIDES IN ITS REGULATIONS.

8 (3) THE BOARD SHALL DETERMINE THE PLACES OF ITS MEETINGS.

9 (F) A MEMBER OF THE BOARD:

10 (1) MAY NOT RECEIVE COMPENSATION; BUT

11 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
12 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

13 (G) (1) THE BOARD MAY CONSULT WITH ENGINEERING AUTHORITIES AND
14 ORGANIZATIONS CONCERNED WITH STANDARD SAFETY CODES, RULES, AND
15 REGULATIONS GOVERNING THE OPERATION, MAINTENANCE, SERVICING,
16 CONSTRUCTION, ALTERATION, INSTALLATION, AND INSPECTION OF ELEVATORS,
17 DUMBWAITERS, ESCALATORS, AND MOVING WALKS, AND THE QUALIFICATIONS THAT
18 ARE ADEQUATE, REASONABLE, AND NECESSARY FOR THE ELEVATOR MECHANIC AND
19 ELEVATOR CONTRACTOR.

20 (2) THE BOARD MAY RECOMMEND THE AMENDMENTS OF APPLICABLE
21 LEGISLATION, WHEN APPROPRIATE.

22 (3) (I) THE BOARD SHALL ESTABLISH FEES FOR THE APPLICATION,
23 ISSUANCE, AND RENEWAL OF LICENSES ISSUED UNDER THIS SECTION.

24 (II) THE FEES SHALL REFLECT THE ACTUAL COSTS AND EXPENSES
25 TO CONDUCT THE DUTIES OF THE BOARD AS DESCRIBED IN THIS SECTION.

26 (H) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
27 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR MECHANIC BEFORE THE
28 PERSON ERECTS, CONSTRUCTS, WIRES, ALTERS, REPLACES, MAINTAINS, REPAIRS,
29 DISMANTLES, OR SERVICES ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING
30 WALKS IN THE STATE.

31 (2) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
32 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR CONTRACTOR BEFORE THE
33 PERSON ENGAGES IN THE BUSINESS OF ERECTING, CONSTRUCTING, WIRING,
34 ALTERING, REPLACING, MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING
35 ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS IN THE STATE.

1 (II) A LICENSED ELEVATOR CONTRACTOR IS NOT REQUIRED FOR
2 REMOVING OR DISMANTLING CONVEYANCES THAT ARE DESTROYED AS A RESULT OF
3 A COMPLETE DEMOLITION OF A BUILDING OR WHERE THE HOISTWAY OR WELLWAY
4 IS DEMOLISHED BACK TO THE BASIS SUPPORT STRUCTURE.

5 (3) A LICENSE IS NOT REQUIRED FOR AN ELEVATOR APPRENTICE.

6 (I) (1) AN APPLICANT FOR AN ELEVATOR MECHANIC LICENSE SHALL:

7 (I) 1. HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
8 EXPERIENCE AND EDUCATION CREDITS, WITH AT LEAST 3 YEARS WORK EXPERIENCE
9 IN THE ELEVATOR INDUSTRY, IN CONSTRUCTION, MAINTENANCE, AND
10 SERVICE/REPAIR, AS VERIFIED BY CURRENT AND PREVIOUS EMPLOYERS LICENSED
11 TO DO BUSINESS IN THE STATE;

12 2. HAVE A CERTIFICATE OF COMPLETION OF THE MECHANIC
13 EXAMINATION OF A NATIONALLY RECOGNIZED TRAINING PROGRAM FOR THE
14 ELEVATOR INDUSTRY SUCH AS THE NATIONAL ELEVATOR INDUSTRY EDUCATIONAL
15 PROGRAM OR ITS EQUIVALENT; OR

16 3. HAVE A CERTIFICATE OF COMPLETION OF AN
17 APPRENTICESHIP PROGRAM FOR ELEVATOR MECHANICS, WITH STANDARDS
18 SUBSTANTIALLY EQUAL TO THOSE OF THIS SECTION AND REGISTERED WITH THE
19 BUREAU OF APPRENTICESHIP AND TRAINING, U.S. DEPARTMENT OF LABOR, OR A
20 STATE APPRENTICESHIP COUNCIL; AND

21 (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
22 SATISFACTORILY COMPLETE A WRITTEN EXAMINATION ADMINISTERED BY THE
23 BOARD ON THE MOST RECENT REFERENCED CODES AND STANDARDS.

24 (2) AN APPLICANT WHO PROVIDES THE BOARD WITH ACCEPTABLE
25 PROOF THAT THE APPLICANT HAS WORKED AS AN ELEVATOR CONTRACTOR,
26 MAINTENANCE OR REPAIR PERSON IS ENTITLED TO A LICENSE WITHOUT
27 EXAMINATION IF THE APPLICANT:

28 (I) HAS WORKED WITHOUT DIRECT AND IMMEDIATE SUPERVISION
29 FOR A LICENSED ELEVATOR CONTRACTOR FOR AT LEAST 3 YEARS IMMEDIATELY
30 BEFORE APPLYING FOR THE LICENSE; AND

31 (II) APPLIES FOR THE LICENSE WITHIN 1 YEAR OF THE EFFECTIVE
32 DATE OF THIS SECTION.

33 (3) AN APPLICANT FOR AN ELEVATOR CONTRACTOR LICENSE SHALL
34 HAVE AT LEAST 5 YEARS OF WORK EXPERIENCE IN THE ELEVATOR INDUSTRY IN
35 CONSTRUCTION, MAINTENANCE, SERVICE, OR REPAIR.

36 (J) (1) AN APPLICANT FOR A LICENSE SHALL:

37 (I) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT
38 THE BOARD PROVIDES;

1 (II) SUBMIT TO THE BOARD ANY PROOF OF ELIGIBILITY THE BOARD
2 REQUIRES; AND

3 (III) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

4 (2) EACH APPLICATION SHALL CONTAIN THE FOLLOWING
5 INFORMATION:

6 (I) IF AN INDIVIDUAL, THE NAME, RESIDENCE, AND BUSINESS
7 ADDRESS OF THE APPLICANT;

8 (II) IF A PARTNERSHIP, THE NAME, RESIDENCE, AND BUSINESS
9 ADDRESS OF EACH PARTNER;

10 (III) IF A DOMESTIC CORPORATION, THE NAME AND BUSINESS
11 ADDRESS OF THE CORPORATION AND THE NAME AND RESIDENCE ADDRESS OF THE
12 PRINCIPAL OFFICER OF THE CORPORATION AND IF A CORPORATION OTHER THAN A
13 DOMESTIC CORPORATION, THE NAME AND ADDRESS OF AN AGENT LOCATED
14 LOCALLY WHO SHALL BE AUTHORIZED TO ACCEPT SERVICE OF PROCESS;

15 (IV) THE NUMBER OF YEARS THE APPLICANT HAS ENGAGED IN THE
16 BUSINESS OF INSTALLING, ALTERING, REPAIRING, OR SERVICING ELEVATORS;

17 (V) THE APPROXIMATE NUMBER OF INDIVIDUALS, IF ANY, TO BE
18 EMPLOYED BY THE ELEVATOR CONTRACTOR APPLICANT, AND IF APPLICABLE,
19 SATISFACTORY EVIDENCE THAT THE EMPLOYEES ARE OR WILL BE COVERED BY
20 WORKERS' COMPENSATION INSURANCE;

21 (VI) SATISFACTORY EVIDENCE THAT THE APPLICANT IS OR WILL BE
22 COVERED BY GENERAL LIABILITY, PERSONAL INJURY, AND PROPERTY DAMAGE
23 INSURANCE;

24 (VII) CRIMINAL RECORD OF CONVICTIONS, IF ANY, AS VERIFIED BY
25 THE DEPARTMENT OF STATE POLICE; AND

26 (VIII) ANY OTHER INFORMATION THAT THE BOARD REQUIRES.

27 (K) (1) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS
28 ENTITLED TO BE EXAMINED AS PROVIDED IN THIS SUBSECTION.

29 (2) THE BOARD PERIODICALLY SHALL GIVE EXAMINATIONS TO
30 APPLICANTS AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

31 (3) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF
32 THE TIME AND PLACE OF EXAMINATION.

33 (4) THE BOARD SHALL DETERMINE THE CONTENT, SCOPE, AND PASSING
34 SCORE FOR EXAMINATIONS GIVEN UNDER THIS SUBSECTION.

35 (5) (I) THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE
36 EXAMINATIONS REQUIRED UNDER THIS SUBSECTION.

1 (II) IF THE BOARD USES A TESTING SERVICE UNDER THIS
2 SUBSECTION, THE TESTING SERVICE, SUBJECT TO REQUIREMENTS SET BY THE
3 BOARD, MAY:

- 4 1. SET THE TIMES AND PLACES OF THE EXAMINATIONS;
- 5 2. PROVIDE NOTICE OF THE TIMES AND PLACES OF
6 EXAMINATIONS TO THE APPLICANTS; AND
- 7 3. PROVIDE ANY OTHER INFORMATION THAT THE BOARD
8 MAY REQUIRE THE TESTING SERVICE TO PROVIDE.

9 (6) THE BOARD OR A DESIGNEE OF THE BOARD SHALL PROVIDE TO THE
10 APPLICANT NOTICE OF THE APPLICANT'S EXAMINATION RESULT.

11 (L) (1) SUBJECT TO THE LIMITATIONS OF THIS SUBSECTION, THE BOARD
12 MAY WAIVE THE EXAMINATION REQUIREMENTS OF THIS SECTION FOR AN
13 INDIVIDUAL WHO IS LICENSED TO PERFORM ELEVATOR INSTALLATION,
14 ALTERATION, REPAIR, OR SERVICE WORK IN ANOTHER STATE OR A SUBDIVISION OF
15 ANOTHER STATE.

16 (2) THE BOARD MAY GRANT A WAIVER UNDER THIS SUBSECTION ONLY
17 IF THE APPLICANT:

18 (I) PAYS TO THE BOARD THE APPROPRIATE APPLICATION FEE
19 REQUIRED BY THIS SECTION; AND

20 (II) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

21 1. MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY
22 THIS SECTION;

23 2. HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE
24 OTHER STATE OR SUBDIVISION THAT IS EQUIVALENT TO A LICENSE IN THIS STATE;
25 AND

26 3. BECAME LICENSED IN THE OTHER STATE OR
27 SUBDIVISION AFTER PASSING AN EXAMINATION THAT IS SIMILAR TO THE
28 EXAMINATION FOR WHICH THE APPLICANT IS SEEKING THE WAIVER.

29 (3) THE BOARD MAY GRANT A WAIVER ONLY IF THE STATE OR
30 SUBDIVISION IN WHICH THE APPLICANT IS LICENSED WAIVES THE EXAMINATION OF
31 LICENSEES OF THIS STATE TO A SIMILAR EXTENT AS THIS STATE WAIVES THE
32 EXAMINATION REQUIREMENTS FOR INDIVIDUALS LICENSED IN THAT STATE OR
33 SUBDIVISION.

34 (M) (1) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SECTION,
35 THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES:

36 (I) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

1 (II) ON RECEIPT OF A LICENSE FEE SET BY THE BOARD, THE BOARD
2 SHALL ISSUE A LICENSE TO THE APPLICANT.

3 (2) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A
4 LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

5 (N) (1) WHILE AN ELEVATOR MECHANIC LICENSE IS IN EFFECT, IT
6 AUTHORIZES THE LICENSEE TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE,
7 MAINTAIN, REPAIR, DISMANTLE, OR SERVICE ELEVATORS, DUMBWAITERS,
8 ESCALATORS, AND MOVING WALKS UNDER THE DIRECT SUPERVISION OF A
9 LICENSED ELEVATOR CONTRACTOR.

10 (2) WHILE AN ELEVATOR CONTRACTOR LICENSE IS IN EFFECT, IT
11 AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF ERECTING,
12 CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING, REPAIRING,
13 DISMANTLING, OR SERVICING ELEVATORS, DUMBWAITERS, ESCALATORS, AND
14 MOVING WALKS.

15 (O) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, UNLESS THE
16 LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SUBSECTION, A
17 LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE.

18 (2) THE SECRETARY OF LABOR, LICENSING, AND REGULATION MAY
19 DETERMINE THAT LICENSES ISSUED UNDER THIS SECTION SHALL EXPIRE ON A
20 STAGGERED BASIS.

21 (3) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
22 MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

23 (I) A RENEWAL APPLICATION FORM; AND

24 (II) A NOTICE THAT STATES:

25 1. THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

26 2. THE DATE BY WHICH THE BOARD MUST RECEIVE THE
27 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
28 LICENSE EXPIRES; AND

29 3. THE AMOUNT OF THE RENEWAL FEE.

30 (4) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY
31 RENEW THE LICENSE FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE:

32 (I) OTHERWISE IS ENTITLED TO BE LICENSED;

33 (II) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

34 (III) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE
35 FORM THAT THE BOARD PROVIDES.

1 (5) THE BOARD SHALL ADOPT REGULATIONS:

2 (I) TO REQUIRE A DEMONSTRATION OF CONTINUING
3 PROFESSIONAL COMPETENCY FOR A LICENSEE AS A CONDITION OF RENEWAL OF A
4 LICENSE UNDER THIS SUBSECTION;

5 (II) TO ESTABLISH CRITERIA FOR CONTINUING EDUCATION
6 PROVIDERS;

7 (III) TO PROVIDE FOR A TEMPORARY WAIVER OF CONTINUING
8 EDUCATION UNDER SPECIFIED CIRCUMSTANCES; AND

9 (IV) TO SET RECORD KEEPING CRITERIA FOR APPROVED TRAINING
10 PROVIDERS.

11 (6) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
12 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
13 SUBSECTION.

14 (P) (1) WHENEVER AN EMERGENCY EXISTS IN THE STATE DUE TO
15 DISASTER, ACT OF GOD, OR WORK STOPPAGE AND THE NUMBER OF INDIVIDUALS IN
16 THE STATE HOLDING LICENSES ISSUED BY THE BOARD IS INSUFFICIENT TO COPE
17 WITH THE EMERGENCY, THE LICENSED ELEVATOR CONTRACTOR SHALL RESPOND AS
18 NECESSARY TO ENSURE THE SAFETY OF THE PUBLIC.

19 (2) ANY INDIVIDUAL CERTIFIED BY A LICENSED ELEVATOR
20 CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
21 EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITHOUT DIRECT AND
22 IMMEDIATE SUPERVISION SHALL SEEK AN EMERGENCY ELEVATOR MECHANIC
23 LICENSE FROM THE BOARD WITHIN 5 BUSINESS DAYS AFTER BEGINNING WORK
24 REQUIRING A LICENSE.

25 (3) THE BOARD SHALL ISSUE EMERGENCY ELEVATOR MECHANIC
26 LICENSES.

27 (4) THE LICENSED ELEVATOR CONTRACTOR SHALL PROVIDE PROOF OF
28 COMPETENCY AS THE BOARD MAY REQUIRE.

29 (5) EACH EMERGENCY ELEVATOR MECHANIC LICENSE IS VALID FOR A
30 PERIOD OF 30 DAYS FOR PARTICULAR ELEVATORS OR GEOGRAPHICAL AREAS AS THE
31 BOARD DESIGNATES AND ENTITLES THE LICENSEE TO THE RIGHTS AND PRIVILEGES
32 OF AN ELEVATOR MECHANIC LICENSE ISSUED UNDER THIS SECTION.

33 (6) THE BOARD SHALL RENEW AN EMERGENCY ELEVATOR MECHANIC
34 LICENSE DURING THE EXISTENCE OF AN EMERGENCY.

35 (7) THE BOARD MAY NOT CHARGE A FEE FOR THE ISSUANCE OR
36 RENEWAL OF AN EMERGENCY ELEVATOR MECHANIC LICENSE.

1 (Q) (1) A LICENSED ELEVATOR CONTRACTOR SHALL NOTIFY THE BOARD
2 WHEN THERE ARE NO LICENSED PERSONNEL AVAILABLE TO PERFORM ELEVATOR
3 WORK.

4 (2) THE LICENSED ELEVATOR CONTRACTOR MAY REQUEST THE BOARD
5 TO ISSUE TEMPORARY ELEVATOR MECHANIC LICENSES TO INDIVIDUALS CERTIFIED
6 BY THE LICENSED ELEVATOR CONTRACTOR TO HAVE AN ACCEPTABLE
7 COMBINATION OF DOCUMENTED EXPERIENCE AND EDUCATION TO PERFORM
8 ELEVATOR WORK WITHOUT DIRECT AND IMMEDIATE SUPERVISION.

9 (3) ANY INDIVIDUAL CERTIFIED BY A LICENSED ELEVATOR
10 CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCUMENTED
11 EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITHOUT DIRECT AND
12 IMMEDIATE SUPERVISION SHALL IMMEDIATELY SEEK A TEMPORARY ELEVATOR
13 MECHANIC LICENSE FROM THE BOARD AND SHALL PAY THE FEE THAT THE BOARD
14 DETERMINES.

15 (4) EACH TEMPORARY ELEVATOR MECHANIC LICENSE IS VALID FOR A
16 PERIOD OF 30 DAYS WHILE THE LICENSEE IS EMPLOYED BY THE LICENSED
17 ELEVATOR CONTRACTOR THAT CERTIFIED THE LICENSEE AS QUALIFIED.

18 (5) A TEMPORARY ELEVATOR MECHANIC LICENSE MAY BE RENEWED AS
19 LONG AS THE SHORTAGE OF LICENSE HOLDERS CONTINUES.

20 (R) SUBJECT TO THE HEARING PROVISIONS OF SUBSECTION (S) OF THIS
21 SECTION, THE BOARD MAY DENY A LICENSE TO AN APPLICANT, REFUSE TO RENEW A
22 LICENSE, REPRIMAND A LICENSEE, SUSPEND OR REVOKE A LICENSE, OR IMPOSE A
23 CIVIL PENALTY IF THE BOARD FINDS THAT THE APPLICANT OR LICENSEE:

24 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
25 OBTAIN A LICENSE;

26 (2) FAILS TO NOTIFY THE BOARD OR THE OWNER OR LESSEE OF AN
27 ELEVATOR OR RELATED MECHANISM OF ANY CONDITION NOT IN COMPLIANCE WITH
28 § 49B OF THIS SUBTITLE; OR

29 (3) VIOLATES ANY PROVISION OF THIS SECTION OR § 49B OF THIS
30 SUBTITLE.

31 (S) (1) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE
32 STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION
33 UNDER THIS SECTION, THE BOARD SHALL GIVE THE INDIVIDUAL AGAINST WHOM
34 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
35 BOARD.

36 (2) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
37 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

38 (T) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
39 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,

1 MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE
2 GOVERNMENT ARTICLE.

3 (U) (1) AN ELEVATOR CONTRACTOR MAY NOT ENGAGE IN THE BUSINESS OF
4 ELEVATOR INSTALLATION, ALTERATION, REPAIR, OR SERVICE WORK UNLESS THE
5 WORK OF THE ELEVATOR CONTRACTOR IS COVERED BY:

6 (I) GENERAL LIABILITY INSURANCE IN THE AMOUNT OF AT LEAST
7 \$1,000,000; AND

8 (II) PROPERTY DAMAGE INSURANCE IN THE AMOUNT OF AT LEAST
9 \$500,000.

10 (2) AN APPLICANT FOR AN ELEVATOR CONTRACTOR LICENSE SHALL
11 SUBMIT PROOF OF THE INSURANCE REQUIRED UNDER THIS SUBSECTION TO THE
12 BOARD WITH THE LICENSE APPLICATION.

13 (3) UNLESS A LICENSEE MEETS THE INSURANCE REQUIREMENTS OF
14 THIS SECTION, THE BOARD MAY NOT RENEW THE LICENSE OF A LICENSEE TO WHOM
15 THE INSURANCE REQUIREMENTS OF THIS SUBSECTION APPLY.

16 (4) A LICENSED ELEVATOR CONTRACTOR SHALL GIVE THE BOARD
17 NOTICE OF THE CANCELLATION OF INSURANCE AT LEAST 10 DAYS BEFORE THE
18 EFFECTIVE DATE OF THE CANCELLATION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2001.