

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 515

(First Reading File Bill)

AMENDMENT NO. 1

At the top of page 1, insert “EMERGENCY BILL”; in line 2, strike “Elevator Safety -”; in the same line, after the second “Elevator” insert “Renovators and”; in the same line, strike “and Renovators”; in line 3, strike “a”; in the same line, strike “refinisher and”; in the same line, strike “license” and substitute “licenses”; in line 4, strike “a”; in the same line, strike “fee” and substitute “fees”; in the same line, strike “license” and substitute “elevator renovator licenses”; in line 5, strike “governing elevator refinishers and” and substitute “regarding elevator”; strike beginning with “altering” in line 6 down through “date;” in line 8; in line 8, strike the second “a”; in the same line, strike “term” and substitute “terms”; strike beginning with “making” in line 8 down through “changes;” in line 9; in line 10, after “Act;” insert “making this Act an emergency measure;”; in line 11, strike “refinishers and”; and in the same line, strike “elevator safety” and substitute “refinishers”.

On page 2, in line 6, after “12-801(i)” insert “, (j), and (k)”.

AMENDMENT NO. 2

On pages 1 through 10, strike in their entirety the lines beginning with line 12 on page 2 through line 6 on page 10, inclusive, and substitute:

“49C.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Elevator Safety Review Board.

(3) (i) “Elevator apprentice” means a person who works under the direct supervision of a licensed elevator mechanic OR A LICENSED ELEVATOR RENOVATOR MECHANIC.

(Over)

(ii) “Elevator apprentice” includes a person commonly known as an elevator helper while working under the direct supervision of a licensed elevator mechanic OR A LICENSED ELEVATOR RENOVATOR MECHANIC.

(4) “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevators, dumbwaiters, escalators, and moving walks.

(5) “ELEVATOR REFINISHER” MEANS A PERSON WHO IS ENGAGED IN THE REFINISHING OF EXISTING METAL AND WOOD ELEMENTS IN ELEVATOR CABS, INCLUDING THE STRIPPING OF OLD LACQUER ON WOOD AND BRONZE ITEMS, STAINING WOOD TO MATCH EXISTING FINISHES, CLEANING, POLISHING, OXIDIZING, PAINTING, LACQUERING, AND THE REMOVING OF SCRATCHES TO MAINTAIN EXISTING FINISHES.

(6) “ELEVATOR RENOVATOR CONTRACTOR” MEANS A PERSON WHO IS ENGAGED IN THE BUSINESS OF PERFORMING WORK:

(I) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR’S WALL, CEILING, FLOOR, RAIL, OR HANDLE; AND

(II) THAT DOES NOT AFFECT THE ELEVATOR’S MOVING OPERATION.

(7) “ELEVATOR RENOVATOR MECHANIC” MEANS A PERSON WHO PERFORMS WORK:

(I) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR’S WALL, CEILING, FLOOR, RAIL, OR HANDLE; AND

(II) THAT DOES NOT AFFECT THE ELEVATOR’S MOVING OPERATION.

[5] (8) “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevators,

dumbwaiters, escalators, and moving walks.

[(6)] (9) "License" includes:

(i) An elevator contractor license; [and]

(ii) An elevator mechanic license;

(III) AN ELEVATOR RENOVATOR CONTRACTOR LICENSE; AND

(IV) AN ELEVATOR RENOVATOR MECHANIC LICENSE.

(g) (3) (i) The Board shall establish fees for the application, issuance, and renewal of licenses issued under this section.

(ii) The total amount of fees in subparagraph (i) of this paragraph may not exceed \$100 per year for an elevator mechanic OR ELEVATOR RENOVATOR MECHANIC and \$150 per year for an elevator contractor[,] OR AN ELEVATOR RENOVATOR CONTRACTOR which may be collected for the 2-year period of the license.

(h) (1) Except as otherwise provided in this section, a person shall be licensed by the Board as an elevator mechanic before the person erects, constructs, wires, alters, replaces, maintains, repairs, dismantles, or services elevators, dumbwaiters, escalators, and moving walks in the State.

(2) (i) Except as otherwise provided in this section, a person shall be licensed by the Board as an elevator contractor before the person engages in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevators, dumbwaiters, escalators, and moving walks in the State.

(ii) A licensed elevator contractor is not required for removing or dismantling conveyances that are destroyed as a result of a complete demolition of a building or where the hoistway or wellway is demolished back to the basic support structure.

(Over)

(3) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR CONTRACTOR BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING.

(II) BY JUNE 1, 2004, A PERSON WHO ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING FOR A BUSINESS INCORPORATED BEFORE JANUARY 1, 2002, SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR CONTRACTOR BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING.

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR MECHANIC BEFORE THE PERSON PERFORMS ELEVATOR RENOVATOR WORK.

~~[(3)]~~ (5) A license is not required for an elevator apprentice.

(6) A LICENSE IS NOT REQUIRED FOR AN ELEVATOR REFINISHER.

(i) (1) An applicant for an elevator mechanic license shall:

(i) Have an acceptable combination of documented experience and education credits, with at least 3 years of recent and active work experience in the elevator industry, in construction, maintenance, and service/repair, as verified by current and previous employers and satisfactorily complete a written examination administered by the Board on the most recent referenced codes and standards;

(ii) Upon completion of 3 years of work experience as provided in item (i) of this paragraph, have a certificate of completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(iii) Have a certificate of completion of an apprenticeship program for elevator mechanics, with standards substantially equal to those of this section and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a State apprenticeship council.

(2) An applicant who provides the Board with acceptable proof that the applicant has worked as an elevator contractor or maintenance or repair person is entitled to a license without examination if the applicant:

(i) Possesses sufficient ability and skill and a minimum of 3 years of experience that is acceptable to the Board; and

(ii) Applies for the license on or before September 30, 2002.

(3) An applicant for an elevator contractor license shall have at least 5 years of work experience in the elevator industry in construction, maintenance, service, or repair.

(4) THE BOARD SHALL ADOPT REGULATIONS GOVERNING:

(I) THE QUALIFICATION OF AN APPLICANT FOR AN ELEVATOR RENOVATOR CONTRACTOR LICENSE AND AN APPLICANT FOR AN ELEVATOR RENOVATOR MECHANIC LICENSE; AND

(II) THE SCOPE OF PRACTICE OF A LICENSED ELEVATOR RENOVATOR CONTRACTOR AND A LICENSED ELEVATOR RENOVATOR MECHANIC.

(j) (1) An applicant for a license shall:

(i) Submit to the Board an application on the form that the Board provides;

(ii) Submit to the Board any proof of eligibility the Board requires; and

(iii) Pay to the Board or a designee of the Board, a nonrefundable application fee set by the Board.

(2) Each application shall contain the following information:

(i) If an individual, the name, residence, and business address of the

(Over)

applicant;

(ii) If a partnership, the name, residence, and business address of each partner;

(iii) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation and if a corporation other than a domestic corporation, the name and address of an agent located locally who shall be authorized to accept service of process;

(iv) The number of years the applicant has engaged in the business of installing, altering, repairing, RENOVATING, or servicing elevators;

(v) The approximate number of individuals, if any, to be employed by the elevator contractor OR ELEVATOR RENOVATOR CONTRACTOR applicant, and if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

(vi) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance; and

(vii) Any other information that the Board requires.

(m) (1) If an applicant qualifies for a license under this section, the Board shall send the applicant a notice that states:

(i) The applicant has qualified for a license; and

(ii) On receipt of a license fee set by the Board, the Board shall issue a license to the applicant.

(2) On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of this section.

(n) (1) While an elevator mechanic license is in effect, it authorizes the licensee to erect, construct, wire, alter, replace, maintain, repair, dismantle, or service elevators, dumbwaiters, escalators, and moving walks under the direct supervision of a licensed elevator contractor.

(2) While an elevator contractor license is in effect, it authorizes the licensee to engage in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevators, dumbwaiters, escalators, and moving walks.

(3) WHILE AN ELEVATOR RENOVATOR CONTRACTOR LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF PERFORMING WORK:

(I) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL, CEILING, FLOOR, RAIL, OR HANDLE; AND

(II) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.

(4) WHILE AN ELEVATOR RENOVATOR MECHANIC LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PERFORM WORK:

(I) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL, CEILING, FLOOR, RAIL, OR HANDLE; AND

(II) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Public Safety

12-801.

(a) In this subtitle the following words have the meanings indicated.

(Over)

(b) “Board” means the Elevator Safety Review Board.

(g) “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units.

(h) “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units.

(I) “ELEVATOR REFINISHER” MEANS A PERSON WHO IS ENGAGED IN THE REFINISHING OF EXISTING METAL AND WOOD ELEMENTS IN ELEVATOR CABS, INCLUDING THE STRIPPING OF OLD LACQUER ON WOOD AND BRONZE ITEMS, STAINING WOOD TO MATCH EXISTING FINISHES, CLEANING, POLISHING, OXIDIZING, PAINTING, LACQUERING, AND THE REMOVING OF SCRATCHES TO MAINTAIN EXISTING FINISHES.

(J) “ELEVATOR RENOVATOR CONTRACTOR” MEANS A PERSON WHO IS ENGAGED IN THE BUSINESS OF PERFORMING WORK:

(1) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR’S WALL, CEILING, FLOOR, RAIL, OR HANDLE; AND

(2) THAT DOES NOT AFFECT THE ELEVATOR’S MOVING OPERATION.

(K) “ELEVATOR RENOVATOR MECHANIC” MEANS A PERSON WHO PERFORMS WORK:

(1) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR’S WALL, CEILING, FLOOR, RAIL, OR HANDLE; AND

(2) THAT DOES NOT AFFECT THE ELEVATOR’S MOVING OPERATION.

(i) (L) “Elevator unit” includes an elevator, escalator, dumbwaiter, and moving walk.

[(j)] (M) “Escalator” means a power driven, inclined, continuous stairway used for raising and lowering passengers.

[(k)] (N) “License” includes:

(1) an elevator contractor license; [and]

(2) an elevator mechanic license;

(3) AN ELEVATOR RENOVATOR CONTRACTOR LICENSE; AND

(4) AN ELEVATOR RENOVATOR MECHANIC LICENSE.

[(l)] (O) “Moving walk” means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

[(m)] (P) “Safety Code” means the American National Standard/American Society of Mechanical Engineers Safety Code for elevators, dumbwaiters, escalators, and moving walks, known as ANSI A17.1-1971, and all subsequent amendments and revisions to it, as adopted by the Commissioner.

[(n)] (Q) “Secretary” means the Secretary of Labor, Licensing, and Regulation.

12-824.

(a) The Board shall establish fees for the application, issuance, and renewal of licenses issued under Part III of this subtitle.

(b) The total amount of fees established under subsection (a) of this section may not exceed, for the 2-year term of the license:

(Over)

- (1) \$100 per year for an elevator mechanic OR ELEVATOR RENOVATOR MECHANIC; and
- (2) \$150 per year for an elevator contractor OR ELEVATOR RENOVATOR CONTRACTOR.

12-826.

(a) Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator mechanic before the person erects, constructs, wires, alters, replaces, maintains, repairs, dismantles, or services elevator units in the State.

(b) Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator contractor before the person engages in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units in the State.

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A PERSON SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR CONTRACTOR BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING.

(2) BY JUNE 1, 2004, A PERSON WHO ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING FOR A BUSINESS INCORPORATED BEFORE JANUARY 1, 2002, SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR CONTRACTOR BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR RENOVATING.

(D) EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A PERSON SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR RENOVATOR MECHANIC BEFORE THE PERSON PERFORMS ELEVATOR RENOVATOR WORK.

[(c)] (E) (1) A licensed elevator contractor is not required for removing or dismantling an elevator unit if:

(i) the elevator unit is destroyed as a result of a complete demolition of a building; or

(ii) a hoistway or wellway is demolished back to the basic support structure.

(2) (i) An individual who works as an elevator apprentice under the direct supervision of a licensed elevator mechanic OR LICENSED ELEVATOR RENOVATOR MECHANIC need not obtain a license.

(ii) An individual commonly known as an elevator helper who works under the direct supervision of a licensed elevator mechanic OR A LICENSED ELEVATOR RENOVATOR MECHANIC need not obtain a license.

(3) AN ELEVATOR REFINISHER NEED NOT OBTAIN A LICENSE.

12-827.

(a) An applicant for an elevator mechanic license shall:

(1) (i) have an acceptable combination of documented experience and education credits, with at least 3 years of recent and active work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers; and

(ii) pass a written examination administered by the Board on the Safety Code;

(2) (i) have completed at least 3 years of recent and active work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers; and

(ii) have a certificate of completion of the mechanic examination of a

(Over)

nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(3) have a certificate of completion of an apprenticeship program for elevator mechanics that has standards substantially equivalent to those of Part III of this subtitle and is registered with the Bureau of Apprenticeship and Training of the U.S. Department of Labor or a state apprenticeship council.

(b) An applicant for an elevator contractor license shall have at least 5 years of work experience in the elevator industry in construction, maintenance, service, or repair.

(C) THE BOARD SHALL ADOPT REGULATIONS GOVERNING:

(1) THE QUALIFICATIONS OF AN APPLICANT FOR AN ELEVATOR RENOVATOR CONTRACTOR LICENSE AND AN APPLICANT FOR AN ELEVATOR RENOVATOR MECHANIC LICENSE; AND

(2) THE SCOPE OF PRACTICE OF A LICENSED ELEVATOR RENOVATOR CONTRACTOR AND A LICENSED ELEVATOR RENOVATOR MECHANIC.

12-828.

(a) (1) An applicant for a license shall:

provides;

(i) submit to the Board an application on the form that the Board

(ii) submit to the Board any proof of eligibility that the Board requires; and

(iii) pay to the Board or designee of the Board an application fee set by the

Board.

(2) The application fee is nonrefundable.

(b) Each application shall contain the following information:

- (1) if the applicant is an individual, the name, residence, and business address of the applicant;
- (2) if the applicant is a partnership, the name, residence, and business address of each general partner;
- (3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;
- (4) if the applicant is a corporation other than a domestic corporation, the name and address of the resident agent;
- (5) the number of years the applicant has engaged in the business of installing, altering, repairing, RENOVATING, or servicing elevators;
- (6) the approximate number of individuals, if any, to be employed by an applicant that is an elevator contractor OR ELEVATOR RENOVATOR CONTRACTOR and, if applicable, evidence satisfactory to the Board that the employees are or will be covered by workers' compensation insurance;
- (7) evidence satisfactory to the Board that the applicant is or will be covered by general liability, personal injury, and property damage insurance; and
- (8) any other information that the Board requires.

12-831.

- (a) If an applicant qualifies for a license under Part III of this subtitle, the Board shall send the applicant a notice that states:
 - (1) the applicant has qualified for a license; and
 - (2) on receipt of a license fee set by the Board, the Board shall issue a license to the applicant.

(Over)

(b) On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of Part III of this subtitle.

12-832.

(a) While an elevator mechanic license is in effect, it authorizes the licensee to erect, construct, wire, alter, replace, maintain, repair, dismantle, or service elevator units under the direct supervision of a licensed elevator contractor.

(b) While an elevator contractor license is in effect, it authorizes the licensee to engage in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units.

(C) WHILE AN ELEVATOR RENOVATOR CONTRACTOR LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF PERFORMING WORK:

(1) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL, CEILING, FLOOR, RAIL, OR HANDLE; AND

(2) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.

(D) WHILE AN ELEVATOR RENOVATOR MECHANIC LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PERFORM WORK:

(1) ON THE INTERIOR OF AN ELEVATOR INVOLVING THE REMOVAL OR INSTALLATION OF THE NONSTRUCTURAL SURFACE OF THE ELEVATOR'S WALL, CEILING, FLOOR, RAIL, OR HANDLE; AND

(2) THAT DOES NOT AFFECT THE ELEVATOR'S MOVING OPERATION.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter (S.B. 1) of the Acts of the General Assembly of 2003. If Section

2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 3 of this Act, shall take effect from the date it is enacted.”.