

SENATE BILL 515

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HB 1420/02 - ECM

2003 Regular Session
3r1769

By: **Senator Harris**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Elevator Safety - Elevator Refinishers and Renovators**

3 FOR the purpose of establishing a certain elevator refinisher and renovator license;
4 establishing a certain fee for the license; requiring the Elevator Safety Review
5 Board to adopt certain regulations governing elevator refinishers and
6 renovators; altering certain information required in a license application;
7 exempting certain elevator refinishers and renovators from certain
8 requirements for licensure until a certain date; defining a certain term; making
9 stylistic changes; providing for the effective date of certain provisions of this Act;
10 providing for the termination of certain provisions of this Act; and generally
11 relating to elevator refinishers and renovators and elevator safety.

12 BY repealing and reenacting, with amendments,
13 Article 89 - Miscellaneous Business, Work, and Safety Provisions
14 Section 49C(a), (g)(3), (h), (i), (j), and (n)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article 89 - Miscellaneous Business, Work, and Safety Provisions
19 Section 49C(m)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Public Safety
24 Section 12-801(a), (b), (g), and (h) and 12-831
25 Annotated Code of Maryland
26 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)

27 BY repealing and reenacting, with amendments,
28 Article - Public Safety
29 Section 12-801(i) through (n), inclusive, 12-824, 12-826, 12-827, 12-828, and

1 12-832
2 Annotated Code of Maryland
3 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)

4 BY adding to
5 Article - Public Safety
6 Section 12-801(i)
7 Annotated Code of Maryland
8 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)

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

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

12 49C.

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

14 (2) "Board" means the Elevator Safety Review Board.

15 (3) (i) "Elevator apprentice" means a person who works under the
16 direct supervision of a licensed elevator mechanic.

17 (ii) "Elevator apprentice" includes a person commonly known as an
18 elevator helper while working under the direct supervision of a licensed elevator
19 mechanic.

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

23 (5) "ELEVATOR REFINISHER AND RENOVATOR" MEANS A PERSON WHO
24 PERFORMS WORK:

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

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

30 (6) "Elevator mechanic" means a person who is engaged in erecting,
31 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or
32 servicing elevators, dumbwaiters, escalators, and moving walks.

33 [(6)] (7) "License" includes:

34 (i) An elevator contractor license; [and]

1 (ii) An elevator mechanic license; AND

2 (III) AN ELEVATOR REFINISHER AND RENOVATOR LICENSE.

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

5 (ii) The total amount of fees in subparagraph (i) of this paragraph
6 may not exceed \$100 per year for an elevator mechanic OR ELEVATOR REFINISHER
7 AND RENOVATOR and \$150 per year for an elevator contractor, which may be collected
8 for the 2-year period of the license.

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

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

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

22 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
23 SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR REFINISHER AND RENOVATOR
24 BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR REFINISHING AND
25 RENOVATING.

26 (4) A license is not required for an elevator apprentice.

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

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

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

37 (iii) Have a certificate of completion of an apprenticeship program
38 for elevator mechanics, with standards substantially equal to those of this section and

1 registered with the Bureau of Apprenticeship and Training, U.S. Department of
2 Labor, or a State apprenticeship council.

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

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

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

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

12 (4) THE BOARD SHALL ADOPT REGULATIONS GOVERNING THE
13 QUALIFICATIONS AND SCOPE OF PRACTICE OF AN APPLICANT FOR AN ELEVATOR
14 REFINISHER AND RENOVATOR LICENSE.

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

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

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

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

22 (2) Each application shall contain the following information:

23 (i) If an individual, the name, residence, and business address of
24 the applicant;

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

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

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

35 (v) The approximate number of individuals, if any, to be employed
36 by the elevator contractor OR ELEVATOR REFINISHER AND RENOVATOR applicant,

1 and if applicable, satisfactory evidence that the employees are or will be covered by
2 workers' compensation insurance;

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

5 (vii) Any other information that the Board requires.

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

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

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

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

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

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

21 (3) WHILE AN ELEVATOR REFINISHER AND RENOVATOR LICENSE IS IN
22 EFFECT, IT AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF
23 PERFORMING WORK:

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

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

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

31 **Article - Public Safety**

32 12-801.

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

34 (b) "Board" means the Elevator Safety Review Board.

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

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

7 (I) "ELEVATOR REFINISHER AND RENOVATOR" MEANS A PERSON WHO
8 PERFORMS WORK:

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

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

13 [(i)] (J) "Elevator unit" includes an elevator, escalator, dumbwaiter, and
14 moving walk.

15 [(j)] (K) "Escalator" means a power driven, inclined, continuous stairway used
16 for raising and lowering passengers.

17 [(k)] (L) "License" includes:

18 (1) an elevator contractor license; [and]

19 (2) an elevator mechanic license; AND

20 (3) AN ELEVATOR REFINISHER AND RENOVATOR LICENSE.

21 [(l)] (M) "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 [(m)] (N) "Safety Code" means the American National Standard/American
25 Society of Mechanical Engineers Safety Code for elevators, dumbwaiters, escalators,
26 and moving walks, known as ANSI A17.1-1971, and all subsequent amendments and
27 revisions to it, as adopted by the Commissioner.

28 [(n)] (O) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

29 12-824.

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

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

1 (1) \$100 per year for an elevator mechanic OR ELEVATOR REFINISHER
2 AND RENOVATOR LICENSE; and

3 (2) \$150 per year for an elevator contractor.

4 12-826.

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

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

13 (c) EXCEPT AS OTHERWISE PROVIDED IN PART III OF THIS SUBTITLE, A
14 PERSON SHALL BE LICENSED BY THE BOARD AS AN ELEVATOR REFINISHER AND
15 RENOVATOR BEFORE THE PERSON ENGAGES IN THE BUSINESS OF ELEVATOR
16 REFINISHING AND RESTORING.

17 (D) (1) A licensed elevator contractor is not required for removing or
18 dismantling an elevator unit if:

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

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

23 (2) (i) An individual who works as an elevator apprentice under the
24 direct supervision of a licensed elevator mechanic need not obtain a license.

25 (ii) An individual commonly known as an elevator helper who
26 works under the direct supervision of a licensed elevator mechanic need not obtain a
27 license.

28 12-827.

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

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

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

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

4 (ii) have a certificate of completion of the mechanic examination of
5 a nationally recognized training program for the elevator industry such as the
6 National Elevator Industry Educational Program or its equivalent; or

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

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

14 (C) THE BOARD SHALL ADOPT REGULATIONS GOVERNING THE
15 QUALIFICATIONS AND SCOPE OF PRACTICE OF AN APPLICANT FOR AN ELEVATOR
16 REFINISHER AND RENOVATOR LICENSE.

17 12-828.

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

19 (i) submit to the Board an application on the form that the Board
20 provides;

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

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

25 (2) The application fee is nonrefundable.

26 (b) Each application shall contain the following information:

27 (1) if the applicant is an individual, the name, residence, and business
28 address of the applicant;

29 (2) if the applicant is a partnership, the name, residence, and business
30 address of each general partner;

31 (3) if the applicant is a domestic corporation, the name and business
32 address of the corporation and the name and residence address of the principal officer
33 of the corporation;

34 (4) if the applicant is a corporation other than a domestic corporation,
35 the name and address of the resident agent;

1 (5) the number of years the applicant has engaged in the business of
2 installing, altering, repairing, REFINISHING AND RENOVATING, or servicing
3 elevators;

4 (6) the approximate number of individuals, if any, to be employed by an
5 applicant that is an elevator contractor OR ELEVATOR REFINISHER AND RENOVATOR
6 and, if applicable, evidence satisfactory to the Board that the employees are or will be
7 covered by workers' compensation insurance;

8 (7) evidence satisfactory to the Board that the applicant is or will be
9 covered by general liability, personal injury, and property damage insurance; and

10 (8) any other information that the Board requires.

11 12-831.

12 (a) If an applicant qualifies for a license under Part III of this subtitle, the
13 Board shall send the applicant a notice that states:

14 (1) the applicant has qualified for a license; and

15 (2) on receipt of a license fee set by the Board, the Board shall issue a
16 license to the applicant.

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

19 12-832.

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

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

26 (C) WHILE AN ELEVATOR REFINISHER AND RENOVATOR LICENSE IS IN
27 EFFECT, IT AUTHORIZES THE LICENSEE TO ENGAGE IN THE BUSINESS OF
28 PERFORMING WORK:

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

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

33 SECTION 3. AND BE IT FURTHER ENACTED, That, for any elevator
34 refinisher and renovator business that was incorporated before January 1, 2001, the
35 provisions of this Act do not apply until June 1, 2004.

1 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
2 take effect on the taking effect of Chapter _____ (S.B. 1) of the Acts of the General
3 Assembly of 2003. If Section 2 of this Act takes effect, Section 1 of this Act shall be
4 abrogated and of no further force and effect.

5 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions
6 of Sections 3 and 4 of this Act, this Act shall take effect June 1, 2003.