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

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commissioner of Labor and Industry - Elevator Safety**

3 FOR the purpose of exempting certain elevator units from certain provisions of
4 elevator law; requiring an owner or lessee of an elevator unit to reregister with
5 the Commissioner within a certain period of time prior to the expiration of the
6 certificate; requiring contractors, owners, or lessees to submit a written
7 certification prior to the final inspection that the elevator plans and
8 construction documents have been reviewed by a qualified elevator inspector for
9 compliance with certain law, regulations, and the safety code; requiring
10 contractors, owners, or lessees to provide the Commissioner with a certain
11 period of notice for the scheduling of an inspection; authorizing inspection
12 intervals set by regulation; requiring owners, contractors, and lessees to file
13 certain records with the Commissioner; authorizing the Commissioner to issue a
14 certain notice prohibiting use of an elevator unit for certain safety reasons;
15 authorizing a person aggrieved to bring a certain action; defining a certain term;
16 and generally relating to elevator unit safety and inspection.

17 BY repealing and reenacting, without amendments,
18 Article - Public Safety
19 Section 12-801(a)
20 Annotated Code of Maryland
21 (2003 Volume and 2004 Supplement)

22 BY adding to
23 Article - Public Safety
24 Section 12-801(q) and 12-814.1
25 Annotated Code of Maryland
26 (2003 Volume and 2004 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Public Safety
29 Section 12-801(q), 12-804(a), 12-808, 12-809, 12-810, 12-812, 12-813, and
30 12-814

1 Annotated Code of Maryland
2 (2003 Volume and 2004 Supplement)

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

5 **Article - Public Safety**

6 12-801.

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

8 (Q) "QUALIFIED ELEVATOR INSPECTOR" MEANS AN INSPECTOR WHO IS
9 CERTIFIED BY AN ORGANIZATION ACCREDITED BY THE AMERICAN SOCIETY OF
10 MECHANICAL ENGINEERS IN ACCORDANCE WITH THE AMERICAN NATIONAL
11 STANDARD/AMERICAN SOCIETY OF MECHANICAL ENGINEERS CODE FOR ELEVATORS,
12 A17.1-1971, AND ALL SUBSEQUENT AMENDMENTS.

13 [(q)] (R) "Secretary" means the Secretary of Labor, Licensing, and Regulation.
14 12-804.

15 (a) Part II of this subtitle does not apply to an elevator unit that is:

16 (1) installed in a privately owned single-family residential dwelling; OR

17 (2) INSTALLED IN A BUILDING OR STRUCTURE UNDER FEDERAL
18 CONTROL OR REGULATION.

19 12-808.

20 (a) Except as otherwise provided in this section, each elevator unit owned or to
21 be operated shall be registered with the Commissioner at least 60 days before its
22 planned completion and before it is placed in service.

23 (b) (1) The owner or lessee of each elevator unit shall register it on the form
24 provided by the Commissioner.

25 (2) For each elevator unit registered, the owner or lessee shall provide:

26 (i) its type;

27 (ii) its rating load and speed;

28 (iii) the name of its manufacturer;

29 (iv) its location;

30 (v) the purpose for which it is used; and

31 (vi) any other information the Commissioner requires.

1 (c) Under emergency circumstances, an owner or lessee may register an
2 elevator unit with the Commissioner with less than 60 days' notice in accordance with
3 regulations adopted under Part II of this subtitle.

4 (D) AFTER AN ELEVATOR UNIT IS PLACED IN SERVICE AND A CERTIFICATE
5 ISSUED PURSUANT TO § 12-811(A) OF THIS SUBTITLE, THE OWNER OR LESSEE SHALL
6 REREGISTER THE ELEVATOR UNIT WITH THE COMMISSIONER 30 DAYS PRIOR TO THE
7 EXPIRATION OF THE CERTIFICATE.

8 12-809.

9 (a) Each inspection required by Part II of this subtitle shall be done by a State
10 inspector.

11 (B) (1) A CONTRACTOR, OWNER, OR LESSEE SHALL PROVIDE THE
12 COMMISSIONER WITH AT LEAST 60 DAYS' NOTICE OF A REQUESTED INSPECTION.

13 (2) IF A CONTRACTOR, OWNER, OR LESSEE PROVIDES THE
14 COMMISSIONER WITH LESS THAN 60 DAYS' NOTICE OF A REQUESTED INSPECTION,
15 THE COMMISSIONER SHALL SCHEDULE THE INSPECTION AT THE EARLIEST
16 CONVENIENCE OF THE STATE SUBJECT TO THE AVAILABILITY OF STATE
17 RESOURCES.

18 [(b)] (C) (1) The contractor, owner, or lessee of an elevator unit shall pay a
19 fee for an inspection under § 12-810(d) or § 12-812(d)(3) of this subtitle at the
20 following rate:

21 (i) half day (up to 4 hours), not to exceed \$250

22 (ii) full day (up to 8 hours), not to exceed \$500

23 (2) Each fee collected under this subsection shall be paid into the
24 General Fund.

25 (3) A contractor, owner, or lessee who notifies the Commissioner at least
26 24 hours in advance of a scheduled inspection that the elevator unit does not comply
27 with the requirements of Part II of this subtitle may not be charged a fee under
28 paragraph (1) of this subsection.

29 12-810.

30 (a) The Commissioner shall conduct a final acceptance inspection on
31 completion of the installation, MODIFICATION, OR ALTERATION of an elevator unit
32 before it is placed in service.

33 (b) The Commissioner shall provide an inspection checklist that specifies the
34 requirements for compliance with the Safety Code and other regulations adopted by
35 the Commissioner.

1 (c) [Before scheduling a] AT LEAST 15 DAYS BEFORE A SCHEDULED final
2 acceptance inspection [with the Commissioner] for an elevator unit being installed,
3 MODIFIED, OR ALTERED in the State, the contractor, OWNER, OR LESSEE shall
4 [ensure] SUBMIT TO THE COMMISSIONER A WRITTEN CERTIFICATION that:

5 [(1) the elevator unit meets the requirements of the Safety Code and
6 other regulations adopted by the Commissioner; and]

7 (1) THE ELEVATOR PLANS AND CONSTRUCTION DOCUMENTS HAVE
8 BEEN REVIEWED BY A QUALIFIED ELEVATOR INSPECTOR;

9 (2) THE QUALIFIED ELEVATOR INSPECTOR HAS CERTIFIED THAT THE
10 INSTALLATION COMPLIES WITH THIS SUBTITLE, ITS REGULATIONS, AND THE SAFETY
11 CODE; AND

12 [(2)] (3) the elements indicated on the inspection checklist are
13 operational, have been tested and are functional.

14 (d) If an inspector arrives to inspect an elevator unit at the designated time
15 and the elevator unit does not meet the criteria established in subsection (c) of this
16 section, the inspector may cancel the inspection and charge the contractor a fee in
17 accordance with § 12-809 of this subtitle.

18 12-812.

19 (a) [A certificate expires 1 year after its effective date.] A CERTIFICATE IS
20 VALID FOR THE PERIOD INDICATED ON THE CERTIFICATE.

21 (b) [The Commissioner shall conduct an annual inspection of each elevator
22 unit to determine whether to reissue the certificate.]

23 (1) THE COMMISSIONER SHALL CONDUCT AN INSPECTION OF EACH
24 ELEVATOR UNIT AT TIME INTERVALS SET FORTH IN REGULATIONS ADOPTED UNDER
25 THIS SUBTITLE.

26 (2) THE TIME INTERVALS SHALL PROTECT THE PUBLIC SAFETY, TAKING
27 INTO CONSIDERATION THE DESIGN, TYPE, AGE, AND OPERATING CHARACTERISTICS
28 OF THE ELEVATOR UNIT.

29 (c) Before scheduling an [annual] inspection with the Commissioner, the
30 contractor, owner, or lessee of an elevator unit shall:

31 (1) ensure that the elevator unit is operated, inspected, and repaired in
32 accordance with Part II of this subtitle and the regulations adopted under Part II of
33 this subtitle; and

34 (2) make inspections, maintenance, and repair records available to the
35 inspector charged with inspecting the elevator unit.

1 (d) (1) When an inspector conducts an [annual] inspection and the elevator
2 unit fails the inspection, the inspector shall issue an inspection checklist that
3 specifies the corrections required.

4 (2) The inspection checklist shall be on a form provided by the
5 Commissioner and shall specify the requirements for compliance with the Safety Code
6 and other regulations adopted by the Commissioner.

7 (3) If a follow-up inspection is required to ensure compliance with the
8 corrections specified on the inspection checklist, the contractor, owner, or lessee shall
9 pay a fee in accordance with § 12-809 of this subtitle.

10 12-813.

11 (a) If an inspector cancels a final acceptance inspection under § 12-810 of this
12 subtitle or if a follow-up inspection is required under § 12-812 of this subtitle, the
13 contractor, owner or lessee of the elevator unit shall:

14 (1) reschedule the inspection with the inspector; and

15 (2) ensure that the elevator unit complies with the requirements of Part
16 II of this subtitle, including correcting as necessary any safety hazards or violations of
17 the Safety Code, on the designated date.

18 (b) A contractor, owner, or lessee shall maintain a copy of any inspection,
19 maintenance, and repair records at a central location in a manner consistent with
20 regulations adopted under Part II of this subtitle.

21 (C) A CONTRACTOR, OWNER, OR LESSEE OF AN ELEVATOR UNIT SHALL FILE
22 WITH THE COMMISSIONER THE FOLLOWING RECORDS AT TIME INTERVALS SET BY
23 REGULATION:

24 (1) RECORDS OF ALL TEST REPORTS AND INSPECTION REPORTS AS
25 DEFINED BY REGULATION; AND

26 (2) RECORDS OF ALL ACCIDENTS OR SERIOUS INJURIES.

27 (D) ALL RECORDS SUBMITTED TO THE COMMISSIONER ELECTRONICALLY
28 SHALL BE IN A FORMAT AND METHOD DEFINED BY REGULATION.

29 12-814.

30 [(a)] When an inspection discloses that an elevator unit is in unsafe condition so
31 that its continued operation will violate the Safety Code, or any other regulation
32 adopted by the Commissioner under part II of this subtitle, a citation may be issued
33 and penalties may be assessed in accordance with §§ 5-212 and 5-213 of the Labor
34 and Employment Article.

35 [(b)] If after inspection or testing of an elevator unit the Commissioner
36 determines that the elevator unit is in violation of the Safety Code or any other

1 regulation adopted by the Commissioner under Part II of this subtitle, and that there
2 is a substantial probability that death or serious physical harm could result from its
3 continued use, action shall be taken in accordance with § 5-210 of the Labor and
4 Employment Article.]

5 12-814.1.

6 (A) THE COMMISSIONER MAY PROHIBIT USE OF AN ELEVATOR UNIT AFTER
7 DETERMINING BASED ON AN INSPECTION THAT:

8 (1) THE ELEVATOR UNIT VIOLATES § 12-806 OF THIS SUBTITLE; OR

9 (2) THERE IS A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS
10 PHYSICAL HARM COULD RESULT FROM CONTINUED USE OF THE ELEVATOR UNIT.

11 (B) THE COMMISSIONER SHALL ISSUE A WRITTEN NOTICE PROHIBITING USE
12 OF THE ELEVATOR UNIT TO THE CONTRACTOR, OWNER, LESSEE, OR AGENT IN
13 CHARGE OF THE ELEVATOR UNIT.

14 (C) A COPY OF THE NOTICE SHALL:

15 (1) BE ATTACHED TO THE ELEVATOR UNIT; AND

16 (2) MAY NOT BE REMOVED UNTIL A STATE INSPECTOR DETERMINES
17 THAT THE ELEVATOR UNIT COMPLIES WITH THIS SUBTITLE.

18 (D) USE OF THE ELEVATOR UNIT IS PROHIBITED WHILE A NOTICE IS POSTED
19 ON THE ELEVATOR UNIT.

20 (E) A PERSON AGGRIEVED BY THE DECISION TO PROHIBIT USE OF AN
21 ELEVATOR UNIT MAY BRING AN ACTION TO MODIFY OR VACATE THE DECISION ON
22 THE GROUND THAT IT IS UNLAWFUL OR UNREASONABLE.

23 (F) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE CIRCUIT
24 COURT FOR THE COUNTY WHERE THE ELEVATOR UNIT IS LOCATED.

25 (G) IN A PROCEEDING UNDER THIS SECTION, A COURT MAY NOT STAY AN
26 ORDER OF THE COMMISSIONER UNLESS:

27 (1) THE COURT GIVES THE COMMISSIONER NOTICE AND AN
28 OPPORTUNITY FOR A HEARING; AND

29 (2) THE AGGRIEVED PERSON POSTS SECURITY OR MEETS EACH OTHER
30 CONDITION THAT THE COURT CONSIDERS PROPER.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2005.