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

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Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

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CHAPTER _____

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

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

3 BY repealing and reenacting, with amendments,
4 Article - Public Safety
5 Section 12-801(q), 12-804(a), 12-808, 12-809, 12-810, 12-812, 12-813, and
6 12-814
7 Annotated Code of Maryland
8 (2003 Volume and 2004 Supplement)

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

11 **Article - Public Safety**

12 12-801.

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

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

19 [(q)] (R) "Secretary" means the Secretary of Labor, Licensing, and Regulation.
20 12-804.

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

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

23 (2) INSTALLED IN A BUILDING OR STRUCTURE UNDER FEDERAL
24 CONTROL OR REGULATION.

25 12-808.

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

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

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

32 (i) its type;

33 (ii) its rating load and speed;

- 1 (iii) the name of its manufacturer;
- 2 (iv) its location;
- 3 (v) the purpose for which it is used; and
- 4 (vi) any other information the Commissioner requires.

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

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

12 12-809.

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

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

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

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

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

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

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

29 (3) A contractor, owner, or lessee who notifies the Commissioner at least
30 24 hours in advance of a scheduled inspection that the elevator unit does not comply
31 with the requirements of Part II of this subtitle may not be charged a fee under
32 paragraph (1) of this subsection.

1 12-810.

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

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

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

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

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

16 (2) THE QUALIFIED ELEVATOR INSPECTOR HAS CERTIFIED THAT THE
17 INSTALLATION COMPLIES WITH THIS SUBTITLE, ITS REGULATIONS, AND THE SAFETY
18 CODE; AND

19 [(2)] (3) the elements indicated on the inspection checklist are
20 operational, have been tested and are functional.

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

25 12-812.

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

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

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

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

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

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

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

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

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

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

17 12-813.

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

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

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

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

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

31 (1) RECORDS OF ALL TEST REPORTS AND INSPECTION REPORTS AS
32 DEFINED BY REGULATION; AND

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

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

1 12-814.

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

7 [(b)] If after inspection or testing of an elevator unit the Commissioner
8 determines that the elevator unit is in violation of the Safety Code or any other
9 regulation adopted by the Commissioner under Part II of this subtitle, and that there
10 is a substantial probability that death or serious physical harm could result from its
11 continued use, action shall be taken in accordance with § 5-210 of the Labor and
12 Employment Article.]

13 12-814.1.

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

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

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

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

22 (C) A COPY OF THE NOTICE SHALL:

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

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

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

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

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

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

35 (1) THE COURT GIVES THE COMMISSIONER NOTICE AND AN
36 OPPORTUNITY FOR A HEARING; AND

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

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