

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

House Bill 1175 (Chairman, Economic Matters Committee)  
(By Request – Departmental – Labor, Licensing, and Regulation)

Economic Matters

Finance

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

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This departmental bill removes the requirement that the Department of Labor, Licensing, and Regulation (DLLR) annually inspect and certify all elevator units. DLLR may determine, by regulation, the required inspection and certification intervals. The interval timing must protect the public safety, taking into consideration the design, type, age, and operating characteristics of the unit.

DLLR may prohibit use of an elevator unit if, based on inspection, the unit violates safety standards or there is substantial probability that death or serious harm could result from its continued use. Specified notices must be issued by DLLR and posted on the unit. An action may be brought in circuit court to modify or vacate the decision to prohibit use on the ground that it is unlawful or unreasonable.

The bill takes effect July 1, 2005.

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**Fiscal Summary**

**State Effect:** Any change in State activities would not materially affect State finances but would result in efficiencies and help reduce the backlog in inspections.

**Local Effect:** None.

**Small Business Effect:** DLLR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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## Analysis

**Bill Summary:** The bill exempts from inspection and regulation elevators installed in a building or structure under federal control or regulation. An elevator contractor, owner, or lessee must give DLLR at least 60 days notice for a requested inspection; if less than 60 days notice is provided, the inspection will be scheduled at the earliest convenience of the State subject to availability of State resources. A final acceptance inspection is required when modifications or alterations of the unit are made before placing it in service. At least 15 days prior to a final acceptance inspection, the contractor, owner, or lessee must file a written certification that the elevator plans and construction documents have been reviewed by a qualified elevator inspector and the inspector has certified that the installation complies with the law, regulations, and safety code.

**Current Law:** The Commissioner of Labor and Industry is responsible for the annual inspection and certification of all elevator units (elevators, dumbwaiters, escalators, and moving walks). Single-family residences are exempt. Units may not be operated without a valid certificate of inspection. Inspections are conducted in accordance with the American Society of Mechanical Engineers Safety Code for Elevators and Escalators. Certificates of inspection are valid for not more than one year from the date of issuance.

Generally, inspections are conducted by State inspectors at no charge to the building owner. However, fees are charged when a unit fails inspection and a follow-up inspection is needed.

**Background:** According to the most recent legislative audit of DLLR's Division of Labor and Industry, safety inspections for boilers, pressure vessels, and elevators (which include dumbwaiters, escalators, and moving walks) have continued to be delinquent. According to the division's records, as of April 2002, inspections for over 13,200 of the approximately 56,500 boilers and pressure vessels, and over 3,800 of the approximately 17,400 elevators requiring inspection by law were overdue for inspection as indicated in the following table.

### Number of Inspections Overdue by Duration

	<u>3 Months to 1 Year</u>	<u>1 to 2 Years</u>	<u>2 to 3 Years</u>	<u>3 to 4 Years</u>	<u>4 to 5 Years</u>	<u>Over 5 Years</u>	<u>Total Overdue</u>	<u>Percent Overdue</u>
Elevators	2,428	920	299	82	36	39	3,804	22%

The similar condition regarding overdue elevator inspections appeared in the Legislative Auditor's two preceding audit reports. The auditors were advised that inspections had not been conducted because of staffing shortages.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2005  
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