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

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Rules suspended

Assigned to: Finance

Committee Report: Favorable with amendments

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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 the
 4 elevator law; requiring an owner or lessee of an elevator unit to reregister with
 5 the Commissioner of Labor and Industry within a certain period of time prior to
 6 the expiration of ~~the~~ a certain certificate; requiring the Commissioner to conduct
 7 a certain inspection on completion of the modification or alteration of a certain
 8 elevator unit; requiring contractors, owners, or lessees to submit a written
 9 certification prior to the final acceptance inspection for an elevator unit being
 10 installed, modified, or altered in the State that the elevator plans and
 11 construction documents have been reviewed by a qualified elevator inspector
 12 and that the qualified elevator inspector has certified that the construction and
 13 installation complies with certain law, regulations, and the safety code;
 14 requiring contractors, owners, or lessees to provide the Commissioner with a
 15 certain period of notice for the scheduling of an inspection; ~~authorizing~~
 16 ~~inspection~~ altering the time period for which a certain certificate is valid;
 17 altering the intervals at which the Commissioner is required to conduct an
 18 inspection of each elevator unit; requiring the Commissioner to conduct an
 19 inspection at intervals set by regulation; requiring owners, contractors, and
 20 lessees to file certain records with the Commissioner; repealing a requirement
 21 that certain action be taken after the inspection or testing of an elevator unit
 22 under certain circumstances; authorizing the Commissioner to prohibit the use
 23 of an elevator unit after making a certain determination; requiring the
 24 Commissioner to issue a certain notice prohibiting use of an elevator unit for
 25 certain safety reasons; authorizing a person aggrieved by a certain decision of
 26 the Commissioner to bring a certain action; defining a certain term; and

1 generally relating to elevator unit safety and inspection.

2 BY repealing and reenacting, without amendments,

3 Article - Public Safety

4 Section 12-801(a)

5 Annotated Code of Maryland

6 (2003 Volume and 2005 Supplement)

7 BY adding to

8 Article - Public Safety

9 Section 12-801(p) and 12-814.1

10 Annotated Code of Maryland

11 (2003 Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Public Safety

14 Section 12-801(p) and (q), 12-804(a), 12-808, 12-809, 12-810, 12-812, 12-813,

15 and 12-814

16 Annotated Code of Maryland

17 (2003 Volume and 2005 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Public Safety**

21 12-801.

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

23 (P) "QUALIFIED ELEVATOR INSPECTOR" MEANS AN INSPECTOR WHO IS
24 CERTIFIED BY AN ORGANIZATION ACCREDITED BY THE AMERICAN SOCIETY OF
25 MECHANICAL ENGINEERS IN ACCORDANCE WITH THE AMERICAN NATIONAL
26 STANDARD/AMERICAN SOCIETY OF MECHANICAL ENGINEERS SAFETY CODE FOR
27 ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS, KNOWN AS ANSI
28 A17.1-1971, AND ALL SUBSEQUENT AMENDMENTS, AND ANY RELATED CONSENSUS
29 STANDARDS.

30 [(p)] (Q) "Safety Code" means the American National Standard/American
31 Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators,
32 and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments and
33 revisions to it, as adopted by the Commissioner.

34 [(q)] (R) "Secretary" means the Secretary of Labor, Licensing, and Regulation.

1 12-804.

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

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

4 (2) **INSTALLED IN A BUILDING OR STRUCTURE UNDER FEDERAL**
5 **CONTROL OR REGULATION.**

6 12-808.

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

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

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

13 (i) its type;

14 (ii) its rating load and speed;

15 (iii) the name of its manufacturer;

16 (iv) its location;

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

18 (vi) any other information the Commissioner requires.

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

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

26 12-809.

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

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

31 (2) **IF A CONTRACTOR, OWNER, OR LESSEE PROVIDES THE**
32 **COMMISSIONER WITH LESS THAN 60 DAYS' NOTICE OF A REQUESTED INSPECTION,**

1 THE COMMISSIONER SHALL SCHEDULE THE INSPECTION AT THE CONVENIENCE OF
2 THE STATE SUBJECT TO THE AVAILABILITY OF STATE RESOURCES.

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

6 (i) half day (up to 4 hours), not to exceed \$250; OR

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

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

10 (3) A contractor, owner, or lessee who notifies the Commissioner at least
11 24 hours in advance of a scheduled inspection that the elevator unit does not comply
12 with the requirements of Part II of this subtitle may not be charged a fee under
13 paragraph (1) of this subsection.

14 12-810.

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

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

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

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

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

29 (2) THE QUALIFIED ELEVATOR INSPECTOR HAS CERTIFIED THAT THE
30 ELEVATOR UNIT AS CONSTRUCTED AND INSTALLED COMPLIES WITH THIS SUBTITLE,
31 ITS REGULATIONS, AND THE SAFETY CODE; AND

32 [(2)] (3) the elements indicated on the inspection checklist are
33 operational, have been tested, and are functional.

34 (d) If an inspector arrives to inspect an elevator unit at the designated time
35 and the elevator unit does not meet the criteria established in subsection (c) of this

1 section, the inspector may cancel the inspection and charge the contractor a fee in
2 accordance with § 12-809 of this subtitle.

3 12-812.

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

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

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

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

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

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

19 (2) make inspection, maintenance, and repair records available to the
20 inspector charged with inspecting the elevator unit.

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

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

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

30 12-813.

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

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

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

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

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

10 (1) RECORDS OF ALL TEST REPORTS AND INSPECTION REPORTS AS
11 DEFINED BY REGULATION; AND

12 (2) RECORDS OF ALL INCIDENTS OR SERIOUS INJURIES AS DEFINED BY
13 REGULATION.

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

16 12-814.

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

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

28 12-814.1.

29 (A) THE COMMISSIONER MAY PROHIBIT USE OF AN ELEVATOR UNIT AFTER
30 DETERMINING, BASED ON AN INSPECTION, THAT:

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

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

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

1 (C) A COPY OF THE NOTICE:

2 (1) SHALL BE ATTACHED TO THE ELEVATOR UNIT; AND

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

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

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

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

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

14 (1) THE COURT GIVES THE COMMISSIONER NOTICE AND AN
15 OPPORTUNITY FOR A HEARING; AND

16 (2) THE AGGRIEVED PERSON POSTS SECURITY OR MEETS ANY OTHER
17 CONDITION THAT THE COURT CONSIDERS PROPER.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect July 1, 2006.