

# HOUSE BILL 494

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By: **Delegates Feldman, Stifler, and Krysiak**

Introduced and read first time: February 6, 2007

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elevator Safety – Third-Party Qualified Elevator Inspectors**

3 FOR the purpose of authorizing the inspection of modifications or alterations of  
4 elevator units in existing buildings by third-party qualified elevator inspectors;  
5 requiring the Commissioner of Labor and Industry to adopt certain regulations  
6 for inspections of modifications or alterations of elevator units in existing  
7 buildings; requiring the Commissioner to establish certain qualifications and  
8 procedures to register third-party qualified elevator inspectors; providing that  
9 certain notice and fee requirements only apply to new elevator unit  
10 installations; repealing the requirement that the Commissioner conduct a final  
11 acceptance inspection after the modification or alteration of an elevator unit;  
12 authorizing third-party qualified elevator inspectors to conduct certain elevator  
13 inspections at the option of the contractor, owner, or lessee of the elevator unit;  
14 requiring a third-party qualified elevator inspector to notify the Commissioner  
15 in a certain manner if an inspection discloses that the elevator unit is in unsafe  
16 condition; authorizing the Commissioner to issue a certain citation and assess  
17 certain penalties under certain circumstances; and generally relating to  
18 inspection of elevators and elevator safety.

19 BY repealing and reenacting, with amendments,  
20 Article – Public Safety  
21 Section 12-809, 12-810, 12-812, 12-813, and 12-814  
22 Annotated Code of Maryland  
23 (2003 Volume and 2006 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 12–809.

5 (a) **[Each] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**  
6 **EACH** inspection required by Part II of this subtitle shall be done by a State inspector.

7 (b) (1) **[A] FOR ALL NEW ELEVATOR UNIT INSTALLATIONS, A**  
8 contractor, owner, or lessee shall provide the Commissioner with at least 60 days'  
9 notice of a requested inspection.

10 (2) If a contractor, owner, or lessee provides the Commissioner with  
11 less than 60 days' notice of a requested inspection, the Commissioner shall schedule  
12 the inspection at the convenience of the State subject to the availability of State  
13 resources.

14 (c) (1) **[The] FOR NEW ELEVATOR UNIT INSTALLATIONS, THE**  
15 contractor, owner, or lessee of an elevator unit shall pay a fee for an inspection under §  
16 12–810(d) or § 12–812(d)(3) of this subtitle at the following rate:

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

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

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

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

25 **(D) (1) INSPECTIONS OF MODIFICATIONS OR ALTERATIONS OF**  
26 **ELEVATOR UNITS IN EXISTING BUILDINGS REQUIRED BY PART II OF THIS**  
27 **SUBTITLE AND THE ENFORCEMENT OF THE SAFETY CODE FOR ELEVATOR UNITS**  
28 **IN EXISTING BUILDINGS SHALL COMPLY WITH REGULATIONS ADOPTED BY THE**  
29 **COMMISSIONER UNDER THIS SUBSECTION.**

1           **(2) THE COMMISSIONER SHALL AUTHORIZE INSPECTIONS OF**  
2 **MODIFICATIONS OR ALTERATIONS OF ELEVATOR UNITS IN EXISTING BUILDINGS**  
3 **TO BE CONDUCTED BY THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS.**

4           **(3) THE COMMISSIONER SHALL ESTABLISH QUALIFICATIONS AND**  
5 **PROCEDURES BASED ON NATIONALLY ACCEPTED STANDARDS THAT THE**  
6 **COMMISSIONER CONSIDERS NECESSARY TO REGISTER THIRD-PARTY**  
7 **QUALIFIED ELEVATOR INSPECTORS UNDER PART II OF THIS SUBTITLE.**

8 12-810.

9           (a) The Commissioner shall conduct a final acceptance inspection on  
10 completion of the installation[, modification, or alteration] of an elevator unit before it  
11 is placed in service.

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

15           (c) At least 15 days before a scheduled final acceptance inspection for an  
16 elevator unit being installed[, modified, or altered] in the State, the contractor, owner,  
17 or lessee shall submit to the Commissioner a written certification that:

18                   (1) the elevator plans and construction documents have been reviewed  
19 by a qualified elevator inspector;

20                   (2) the qualified elevator inspector has certified that the elevator unit  
21 as constructed and installed complies with this subtitle, its regulations, and the safety  
22 code; and

23                   (3) the elements indicated on the inspection checklist are operational,  
24 have been tested, and are functional.

25           (d) If an inspector arrives to inspect an **INSTALLATION OF A NEW** elevator  
26 unit at the designated time and the elevator unit does not meet the criteria  
27 established in subsection (c) of this section, the inspector may cancel the inspection  
28 and charge the contractor a fee in accordance with § 12-809 of this subtitle.

29 12-812.

30           (a) A certificate is valid for the period indicated on the certificate.

1           (b) (1) **[The] AT THE OPTION OF THE CONTRACTOR, OWNER, OR**  
2 **LESSEE OF AN ELEVATOR UNIT, THE** Commissioner **OR A THIRD-PARTY**  
3 **QUALIFIED ELEVATOR INSPECTOR** shall conduct an inspection of each elevator unit  
4 at time intervals set forth in regulations adopted under this subtitle.

5           (2) The time intervals shall protect the public safety, taking into  
6 consideration the design, type, age, and operating characteristics of the elevator unit.

7           (c) Before scheduling an inspection with the Commissioner **OR A**  
8 **THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR**, the contractor, owner, or lessee  
9 of an elevator unit shall:

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

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

15           (d) (1) When an inspector conducts an inspection and the elevator unit  
16 fails the inspection, the inspector shall issue an inspection checklist that specifies the  
17 corrections required.

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

21           (3) **If A STATE INSPECTOR IS CONDUCTING THE INSPECTION AND**  
22 **a follow-up inspection is required to ensure compliance with the corrections specified**  
23 **on the inspection checklist, the contractor, owner, or lessee shall pay a fee in**  
24 **accordance with § 12-809 of this subtitle.**

25 12-813.

26           (a) If **[an] A STATE** inspector cancels a final acceptance inspection under §  
27 12-810 of this subtitle or if a follow-up inspection is required under § 12-812 of this  
28 subtitle, the contractor, owner, or lessee of the elevator unit shall:

29           (1) reschedule the inspection with the **STATE** inspector; and

1           (2) ensure that the elevator unit complies with the requirements of  
2 Part II of this subtitle, including correcting as necessary any safety hazards or  
3 violations of 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 with the  
8 Commissioner the following records at time intervals set by regulation:

9           (1) records of all test reports and inspection reports as defined by  
10 regulation; and

11           (2) records of all incidents or serious injuries as defined by regulation.

12           (d) All records submitted to the Commissioner electronically shall be in a  
13 format and method defined by regulation.

14 12-814.

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

20           **(B) (1) WHEN AN INSPECTION BY A THIRD-PARTY QUALIFIED**  
21 **ELEVATOR INSPECTOR DISCLOSES THAT AN ELEVATOR UNIT IS IN UNSAFE**  
22 **CONDITION SO THAT ITS CONTINUED OPERATION WILL VIOLATE THE SAFETY**  
23 **CODE, OR ANY OTHER REGULATION ADOPTED BY THE COMMISSIONER UNDER**  
24 **PART II OF THIS SUBTITLE, THE THIRD-PARTY QUALIFIED ELEVATOR**  
25 **INSPECTOR SHALL NOTIFY THE COMMISSIONER IMMEDIATELY.**

26           **(2) ON NOTIFICATION, THE COMMISSIONER MAY ISSUE A**  
27 **CITATION AND ASSESS PENALTIES IN ACCORDANCE WITH §§ 5-212 AND 5-213**  
28 **OF THE LABOR AND EMPLOYMENT ARTICLE.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2007.