

HOUSE BILL 494

C2, E4

71r2081

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

Introduced and read first time: February 6, 2007

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of authorizing the inspection of ~~modifications or alterations~~ periodic
4 annual no-load tests of elevator units ~~in existing buildings~~ by third-party
5 qualified elevator inspectors; requiring the Commissioner of Labor and Industry
6 to adopt certain regulations for inspections of ~~modifications or alterations~~
7 periodic annual no-load tests of elevator units ~~in existing buildings~~; requiring
8 the Commissioner to establish certain qualifications, insurance requirements,
9 and procedures to register third-party qualified elevator inspectors; providing
10 that certain notice and fee requirements only apply to ~~new elevator unit~~
11 ~~installations~~ inspections conducted by a State inspector; ~~repealing the~~
12 ~~requirement that the Commissioner conduct a final acceptance inspection after~~
13 ~~the modification or alteration of an elevator unit~~; ~~authorizing third-party~~
14 ~~qualified elevator inspectors to conduct certain elevator inspections at the~~
15 ~~option of the contractor, owner, or lessee of the elevator unit~~; requiring a
16 third-party qualified elevator inspector to notify the Commissioner in a certain
17 manner if an inspection discloses that the elevator unit is in unsafe condition;
18 ~~authorizing~~ requiring the Commissioner to conduct an inspection to determine
19 whether to issue a certain citation and assess certain penalties under certain
20 circumstances; altering a certain definition; making conforming changes; and
21 generally relating to inspection of elevators and elevator safety.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Public Safety
 3 Section 12–801(p), (q), and (r), 12–809, 12–810, 12–812, 12–813, and 12–814
 4 Annotated Code of Maryland
 5 (2003 Volume and 2006 Supplement)

6 BY adding to
 7 Article – Public Safety
 8 Section 12–801(r)
 9 Annotated Code of Maryland
 10 (2003 Volume and 2006 Supplement)

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

13 **Article – Public Safety**

14 12–801.

15 (p) ["Qualified elevator inspector" means an inspector who is certified by an
 16 organization accredited by the American Society of Mechanical Engineers in
 17 accordance with the American National Standard/American Society of Mechanical
 18 Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks,
 19 known as ANSI A17.1–1971, and all subsequent amendments, and any related
 20 consensus standards.

21 (q) "Safety Code" means the American National Standard/American Society
 22 of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and
 23 Moving Walks, known as ANSI A17.1–1971, and all subsequent amendments and
 24 revisions to it, as adopted by the Commissioner.

25 [(r)] (Q) "Secretary" means the Secretary of Labor, Licensing, and
 26 Regulation.

27 (R) "THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR" MEANS AN
 28 INSPECTOR WHO:

29 (1) MEETS THE QUALIFICATIONS, INSURANCE REQUIREMENTS,
 30 AND PROCEDURES ESTABLISHED BY THE COMMISSIONER; AND

1 **(2) IS CERTIFIED BY AN ORGANIZATION ACCREDITED BY THE**
 2 **AMERICAN SOCIETY OF MECHANICAL ENGINEERS IN ACCORDANCE WITH THE**
 3 **AMERICAN NATIONAL STANDARD/AMERICAN SOCIETY OF MECHANICAL**
 4 **ENGINEERS SAFETY CODE FOR ELEVATORS, DUMBWAITERS, ESCALATORS,**
 5 **AND MOVING WALKS, KNOWN AS ANSI A17.1-1971, AND ALL SUBSEQUENT**
 6 **AMENDMENTS, AND ANY RELATED CONSENSUS STANDARDS.**

7 12-809.

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

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

13 (2) If a contractor, owner, or lessee provides the Commissioner with
 14 less than 60 days' notice of a requested inspection **THAT WILL BE CONDUCTED BY A**
 15 **STATE INSPECTOR**, the Commissioner shall schedule the inspection at the
 16 convenience of the State subject to the availability of State resources.

17 (c) (1) [The] ~~FOR NEW ELEVATOR UNIT INSTALLATIONS~~ **ALL**
 18 **INSPECTIONS CONDUCTED BY A STATE INSPECTOR**, THE contractor, owner, or
 19 lessee of an elevator unit shall pay a fee for an inspection under § 12-810(d) or § 12-
 20 812(d)(3) of this subtitle at the following rate:

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

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
 26 least 24 hours in advance of a scheduled inspection that the elevator unit does not
 27 comply with the requirements of Part II of this subtitle may not be charged a fee
 28 under paragraph (1) of this subsection.

29 **(D) (1) INSPECTIONS OF MODIFICATIONS OR ALTERATIONS OF**
 30 **ELEVATOR UNITS IN EXISTING BUILDINGS PERIODIC ANNUAL NO-LOAD TEST**
 31 **INSPECTIONS OF ELEVATOR UNITS REQUIRED BY PART II OF THIS SUBTITLE**

1 **AND THE ENFORCEMENT OF THE SAFETY CODE FOR ELEVATOR UNITS ~~IN~~**
 2 **~~EXISTING BUILDINGS~~ SHALL COMPLY WITH REGULATIONS ADOPTED BY THE**
 3 **COMMISSIONER UNDER THIS SUBSECTION.**

4 **(2) THE COMMISSIONER SHALL AUTHORIZE INSPECTIONS OF**
 5 **~~MODIFICATIONS OR ALTERATIONS~~ PERIODIC ANNUAL NO-LOAD TESTS OF**
 6 **ELEVATOR UNITS ~~IN EXISTING BUILDINGS~~ TO BE CONDUCTED BY THIRD-PARTY**
 7 **QUALIFIED ELEVATOR INSPECTORS.**

8 **(3) THE COMMISSIONER SHALL ESTABLISH QUALIFICATIONS,**
 9 **INSURANCE REQUIREMENTS, AND PROCEDURES BASED ON NATIONALLY**
 10 **ACCEPTED STANDARDS THAT THE COMMISSIONER CONSIDERS NECESSARY TO**
 11 **REGISTER THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS UNDER PART II OF**
 12 **THIS SUBTITLE.**

13 **(4) WHEN THE COMMISSIONER AUTHORIZES A THIRD-PARTY**
 14 **QUALIFIED ELEVATOR INSPECTOR TO CONDUCT A PERIODIC ANNUAL NO-LOAD**
 15 **TEST INSPECTION, THE INSPECTION SHALL ENSURE THAT THE ELEVATOR UNIT**
 16 **COMPLIES WITH THE SAFETY CODE AND ANY OTHER REGULATION ADOPTED BY**
 17 **THE COMMISSIONER UNDER PART II OF THIS SUBTITLE.**

18 12-810.

19 (a) The Commissioner shall conduct a final acceptance inspection on
 20 completion of the installation~~], modification, or alteration]~~ of an elevator unit before it
 21 is placed in service.

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

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

28 (1) the elevator plans and construction documents have been reviewed
 29 by a **THIRD-PARTY** qualified elevator inspector;

30 (2) the **THIRD-PARTY** qualified elevator inspector has certified that
 31 the elevator unit as constructed and installed complies with this subtitle, its
 32 regulations, and the safety code; and

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

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

7 12-812.

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

9 (b) (1) [The] ~~AT THE OPTION OF THE CONTRACTOR, OWNER, OR~~
10 ~~LESSEE OF AN ELEVATOR UNIT, THE~~ Commissioner ~~OR A THIRD PARTY~~
11 ~~QUALIFIED ELEVATOR INSPECTOR~~ **EXCEPT AS PROVIDED IN § 12-809(D) OF**
12 **THIS SUBTITLE, THE COMMISSIONER** shall conduct an inspection of each elevator
13 unit at time intervals set forth in regulations adopted under this subtitle.

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

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

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

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

24 (d) (1) When an inspector conducts an inspection and the elevator unit
25 fails the inspection, the inspector shall issue an inspection checklist that specifies the
26 corrections required.

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

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

5 12-813.

6 (a) If [an] **A STATE** inspector cancels a final acceptance inspection under §
7 12-810 of this subtitle or if a follow-up inspection is required under § 12-812 of this
8 subtitle, the contractor, owner, or lessee of the elevator unit shall:

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

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

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

16 (c) A contractor, owner, or lessee of an elevator unit shall file with the
17 Commissioner the following records at time intervals set by regulation:

18 (1) records of all test reports and inspection reports as defined by
19 regulation; and

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

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

23 12-814.

24 **(A)** When an inspection **BY A STATE INSPECTOR** discloses that an elevator
25 unit is in unsafe condition so that its continued operation will violate the Safety Code,
26 or any other regulation adopted by the Commissioner under Part II of this subtitle, a
27 citation may be issued and penalties may be assessed in accordance with §§ 5-212 and
28 5-213 of the Labor and Employment Article.

29 **(B) (1) WHEN AN INSPECTION BY A THIRD-PARTY QUALIFIED**
30 **ELEVATOR INSPECTOR DISCLOSES THAT AN ELEVATOR UNIT IS IN UNSAFE**

1 **CONDITION SO THAT ITS CONTINUED OPERATION WILL VIOLATE THE SAFETY**
2 **CODE, OR ANY OTHER REGULATION ADOPTED BY THE COMMISSIONER UNDER**
3 **PART II OF THIS SUBTITLE, THE THIRD-PARTY QUALIFIED ELEVATOR**
4 **INSPECTOR SHALL NOTIFY THE COMMISSIONER IMMEDIATELY.**

5 **(2) ON NOTIFICATION, THE COMMISSIONER ~~MAY~~ SHALL**
6 **CONDUCT AN INSPECTION OF THE UNSAFE CONDITION TO DETERMINE**
7 **WHETHER TO ISSUE A CITATION AND ASSESS PENALTIES IN ACCORDANCE WITH**
8 **§§ 5-212 AND 5-213 OF THE LABOR AND EMPLOYMENT ARTICLE.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.