

CHAPTER 408

(House Bill 494)

AN ACT concerning

Elevator Safety – Third-Party Qualified Elevator Inspectors

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

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12-801(p), (q), and (r), 12-809, 12-810, 12-812, 12-813, and 12-814

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

BY adding to

Article – Public Safety

Section 12-801(r)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

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

Article – Public Safety

12-801.

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

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

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

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

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

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

12-809.

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

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

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

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

- (i) half day (up to 4 hours), not to exceed \$250; or
- (ii) full day (up to 8 hours), not to exceed \$500.

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

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

~~(D) (1) INSPECTIONS OF MODIFICATIONS OR ALTERATIONS OF ELEVATOR UNITS IN EXISTING BUILDINGS~~ PERIODIC ANNUAL NO-LOAD TEST INSPECTIONS OF ELEVATOR UNITS REQUIRED BY PART II OF THIS SUBTITLE AND THE ENFORCEMENT OF THE SAFETY CODE FOR ELEVATOR UNITS IN EXISTING BUILDINGS SHALL COMPLY WITH REGULATIONS ADOPTED BY THE COMMISSIONER UNDER THIS SUBSECTION.

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

~~(3) THE COMMISSIONER SHALL ESTABLISH QUALIFICATIONS,~~ INSURANCE REQUIREMENTS, AND PROCEDURES BASED ON NATIONALLY ACCEPTED STANDARDS THAT THE COMMISSIONER CONSIDERS NECESSARY TO

REGISTER THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS UNDER PART II OF THIS SUBTITLE.

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

12-810.

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

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

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

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

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

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

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

12-812.

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

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

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

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

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

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

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

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

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

12-813.

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

(1) reschedule the inspection with the ~~STATE~~ inspector; and

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

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

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

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

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

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

12-814.

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

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

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

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

Approved by the Governor, May 8, 2007.