

SB0407/453093/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 407
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “for” insert “certain inspections, certain registrations, and”; in line 7, after “Fund;” insert “providing that certain balances in the Fund at the end of each fiscal year revert to the General Fund; providing for an audit of the Fund; requiring the Elevator Safety Review Board to report to certain committees of the General Assembly on or before a certain date each year;”; and in line 11, after “Section” insert “12-809 and”.

AMENDMENT NO. 2

On page 3, after line 4, insert:

“12-809.

(a) 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 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) For 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:

(Over)

(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] ELEVATOR SAFETY REVIEW BOARD FUND ESTABLISHED UNDER THIS SUBTITLE.

(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) 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 shall comply with regulations adopted by the Commissioner under this subsection.

(2) The Commissioner shall authorize inspections of periodic annual no-load tests of elevator units 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.

(5) ANY FEES COLLECTED BY THE COMMISSIONER TO REGISTER THIRD PARTY QUALIFIED INSPECTORS SHALL BE PAID INTO THE ELEVATOR SAFETY REVIEW BOARD FUND ESTABLISHED UNDER THIS SUBTITLE.”.

On page 4, after line 13, insert:

“(J) ANY BALANCE IN THE FUND AT THE END OF JUNE 30 OF EACH FISCAL YEAR IN EXCESS OF 10% OF THE ACTUAL EXPENSES OF OPERATING THE ELEVATOR SAFETY REVIEW BOARD SHALL REVERT TO THE GENERAL FUND OF THE STATE.

(K) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

(L) ON OR BEFORE OCTOBER 1, 2009, AND EACH YEAR THEREAFTER, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE BOARD SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON THE IMPLEMENTATION OF THE FUND.”.