

# SENATE BILL 407

C2, E4

8lr2539

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By: **Senator Della**

Introduced and read first time: January 31, 2008

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elevator Safety Review Board Fund**

3 FOR the purpose of establishing the Elevator Safety Review Board Fund; providing for  
4 the purpose, administration, composition, use, investments, and expenditures of  
5 the Fund; providing that the Fund is a special, nonlapsing fund; requiring  
6 certain fees collected for certain registrations and certain licenses to be paid  
7 into the Fund; and generally relating to the Elevator Safety Review Board  
8 Fund.

9 BY repealing and reenacting, with amendments,  
10 Article – Public Safety  
11 Section 12–809 and 12–824  
12 Annotated Code of Maryland  
13 (2003 Volume and 2007 Supplement)

14 BY adding to  
15 Article – Public Safety  
16 Section 12–824.1  
17 Annotated Code of Maryland  
18 (2003 Volume and 2007 Supplement)

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

21 **Article – Public Safety**

22 12–809.

23 (a) Except as provided in subsection (d) of this section, each inspection  
24 required by Part II of this subtitle shall be done by a State inspector.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) A contractor, owner, or lessee shall provide the Commissioner with  
2 at least 60 days' notice of a requested inspection.

3 (2) If a contractor, owner, or lessee provides the Commissioner with  
4 less than 60 days' notice of a requested inspection that will be conducted by a State  
5 inspector, the Commissioner shall schedule the inspection at the convenience of the  
6 State subject to the availability of State resources.

7 (c) (1) For all inspections conducted by a State inspector, the contractor,  
8 owner, or lessee of an elevator unit shall pay a fee for an inspection under § 12-810(d)  
9 or § 12-812(d)(3) of this subtitle at the following rate:

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

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

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

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

18 (d) (1) Periodic annual no-load test inspections of elevator units required  
19 by Part II of this subtitle and the enforcement of the Safety Code for elevator units  
20 shall comply with regulations adopted by the Commissioner under this subsection.

21 (2) The Commissioner shall authorize inspections of periodic annual  
22 no-load tests of elevator units to be conducted by third-party qualified elevator  
23 inspectors.

24 (3) The Commissioner shall establish qualifications, insurance  
25 requirements, and procedures based on nationally accepted standards that the  
26 Commissioner considers necessary to register third-party qualified elevator inspectors  
27 under Part II of this subtitle.

28 (4) When the Commissioner authorizes a third-party qualified  
29 elevator inspector to conduct a periodic annual no-load test inspection, the inspection  
30 shall ensure that the elevator unit complies with the Safety Code and any other  
31 regulation adopted by the Commissioner under Part II of this subtitle.

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

1 12-824.

2 (a) The Board shall establish fees for the application, issuance, and renewal  
3 of licenses issued under Part III of this subtitle.

4 (b) The total amount of fees established under subsection (a) of this section  
5 may not exceed, for the 2-year term of the license:

6 (1) \$100 per year for an elevator mechanic or elevator renovator  
7 mechanic; and

8 (2) \$150 per year for an elevator contractor or elevator renovator  
9 contractor.

10 (C) **EACH FEE FOR THE APPLICATION, ISSUANCE, AND RENEWAL OF**  
11 **LICENSES COLLECTED BY THE BOARD SHALL BE PAID INTO THE ELEVATOR**  
12 **SAFETY REVIEW BOARD FUND ESTABLISHED UNDER THIS SUBTITLE.**

13 **12-824.1.**

14 (A) **IN THIS SECTION, "FUND" MEANS THE ELEVATOR SAFETY REVIEW**  
15 **BOARD FUND.**

16 (B) **THERE IS AN ELEVATOR SAFETY REVIEW BOARD FUND.**

17 (C) **THE PURPOSE OF THE FUND IS TO COVER THE ACTUAL**  
18 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY**  
19 **AND REGULATORY DUTIES OF THE BOARD.**

20 (D) **THE COMMISSIONER SHALL ADMINISTER THE FUND.**

21 (E) (1) **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
22 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

23 (2) **THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY**  
24 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

25 (F) **THE FUND CONSISTS OF:**

26 (1) **REVENUE DISTRIBUTED TO THE FUND UNDER THIS SUBTITLE;**

27 (2) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

28 (3) **INVESTMENT EARNINGS OF THE FUND; AND**

1           **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
2 **THE BENEFIT OF THE FUND.**

3           **(G) THE FUND MAY BE USED ONLY TO COVER THE ACTUAL**  
4 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY**  
5 **AND REGULATORY DUTIES OF THE BOARD.**

6           **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
7 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

8           **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**  
9 **INTO THE FUND.**

10           **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**  
11 **ACCORDANCE WITH THE STATE BUDGET.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2008.