

SENATE BILL 407

C2, E4

8lr2539

By: **Senator Della**

Introduced and read first time: January 31, 2008

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2008

CHAPTER _____

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**

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 ~~12-800.~~

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

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

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

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

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

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

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

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

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

24 ~~(2) The Commissioner shall authorize inspections of periodic annual~~
25 ~~no-load tests of elevator units to be conducted by third-party qualified elevator~~
26 ~~inspectors.~~

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

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

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

5 12-824.

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

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

10 (1) \$100 per year for an elevator mechanic or elevator renovator
11 mechanic; and

12 (2) \$150 per year for an elevator contractor or elevator renovator
13 contractor.

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

17 **12-824.1.**

18 (A) IN THIS SECTION, "FUND" MEANS THE ELEVATOR SAFETY REVIEW
19 BOARD FUND.

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

21 (C) THE PURPOSE OF THE FUND IS TO COVER THE ACTUAL
22 DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY
23 AND REGULATORY DUTIES OF THE BOARD.

24 (D) THE COMMISSIONER SHALL ADMINISTER THE FUND.

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

27 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY
28 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

29 (F) THE FUND CONSISTS OF:

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

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

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

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

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

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

10 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**
11 **INTO THE FUND.**

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.