

CHAPTER 484

(House Bill 63)

AN ACT concerning

Elevator Safety Review Board Fund

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

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 12–809 and 12–824
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to

Article – Public Safety
Section 12–824.1
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Article – Public Safety

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:

(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 ELEVATOR INSPECTORS SHALL BE PAID INTO THE ELEVATOR SAFETY REVIEW BOARD FUND ESTABLISHED UNDER THIS SUBTITLE.

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

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

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

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

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

12-824.1.

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

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

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

(D) THE COMMISSIONER SHALL ADMINISTER THE FUND.

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

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

(F) THE FUND CONSISTS OF:

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

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

(3) INVESTMENT EARNINGS OF THE FUND; AND

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

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

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

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

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

(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.

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

Approved by the Governor, May 13, 2008.