

HOUSE BILL 1523

E4

0lr3564
CF SB 1101

By: ~~Delegate Minnick~~ **Delegates Minnick and McHale**

Introduced and read first time: March 8, 2010

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 15, 2010

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2010

CHAPTER _____

1 AN ACT concerning

2 **Elevator Safety – Elevator Units in ~~Churches~~ Places of Worship – Exemption**
3 **from Third-Party Inspections**

4 FOR the purpose of requiring a State inspector to make certain periodic annual
5 inspections of elevator units in ~~churches, synagogues, mosques, and other~~
6 ~~buildings used for public religious worship~~ any building used primarily for
7 public religious worship that has a single level platform lift or stairway
8 chairlift; altering a requirement that third-party qualified elevator inspectors
9 be hired to conduct certain elevator inspections by requiring that certain
10 elevator inspections be made by a State inspector under certain circumstances;
11 making a certain conforming change; and generally relating to inspections of
12 elevator units.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 12-809 and 12-812
16 Annotated Code of Maryland
17 (2003 Volume and 2009 Supplement)

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

20 **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 12-809.

2 (a) A State inspector shall make the following inspections:

3 (1) final acceptance inspection of all new elevator units prior to
4 issuance of first certificate;

5 (2) investigation of accidents and complaints;

6 (3) follow-up inspections to confirm corrective action;

7 (4) final acceptance inspection of the modernization or alteration of an
8 elevator unit;

9 (5) a comprehensive 5-year inspection as defined by regulation;

10 (6) except as provided by § 12-807(b) of this subtitle, inspections of
11 elevator units owned by the State or a political subdivision; [and]

12 (7) quality control monitoring of inspections conducted by third-party
13 qualified elevator inspectors; AND

14 **(8) PERIODIC ANNUAL INSPECTIONS REQUIRED BY THE SAFETY**
15 **CODE OF ELEVATOR UNITS IN ~~CHURCHES, SYNAGOGUES, MOSQUES, AND OTHER~~**
16 **~~BUILDINGS USED FOR PUBLIC RELIGIOUS WORSHIP~~ A BUILDING USED**
17 **PRIMARILY FOR PUBLIC RELIGIOUS WORSHIP THAT HAS A SINGLE LEVEL**
18 **PLATFORM LIFT OR STAIRWAY CHAIRLIFT.**

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

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

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

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

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

30 (2) Each fee collected under this subsection shall be paid into the
31 Elevator Safety Review Board Fund established under this subtitle.

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

5 (d) (1) ~~[An] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS~~
6 ~~SUBSECTION SUBSECTION (A) OF THIS SECTION, AN~~ owner shall hire a third-party
7 qualified elevator inspector to conduct all periodic annual inspections that are
8 required by the Safety Code.

9 (2) An inspection by a third-party qualified elevator inspector shall
10 ensure that the elevator unit complies with the Safety Code and other regulations
11 adopted by the Commissioner under Part II of this subtitle.

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

16 (4) Any fees collected by the Commissioner to register third-party
17 qualified elevator inspectors shall be paid into the Elevator Safety Review Board Fund
18 established under this subtitle.

19 ~~(5) A STATE INSPECTOR SHALL MAKE THE PERIODIC ANNUAL~~
20 ~~INSPECTIONS REQUIRED BY THE SAFETY CODE OF ELEVATOR UNITS IN~~
21 ~~CHURCHES, SYNAGOGUES, MOSQUES, AND OTHER BUILDINGS USED FOR PUBLIC~~
22 ~~RELIGIOUS WORSHIP.~~

23 12-812.

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

25 (b) Each elevator unit in the State shall have a periodic annual inspection by
26 a State inspector as provided for in § 12-809(a)(6) **OR (8)** of this subtitle or by a
27 third-party qualified elevator inspector as provided for in § 12-809(d) of this subtitle.

28 (c) Before scheduling an inspection with the Commissioner or a third-party
29 qualified elevator inspector, the contractor, owner, or lessee of an elevator unit shall:

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

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

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

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

7 (3) If a State inspector conducts a follow-up inspection to ensure
8 compliance with the corrections specified on the inspection checklist, the contractor,
9 owner, or lessee shall pay a fee in accordance with § 12-809 of this subtitle.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.