

SENATE BILL 265

E4
SB 290/09 – FIN

0lr1853

By: **Senators Exum, Garagiola, Kelley, Klausmeier, and Pugh**

Introduced and read first time: January 22, 2010

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2010

CHAPTER _____

1 AN ACT concerning

2 **Assisted Living Programs – ~~Elevator Installation – Exemption~~**
3 **Noncommercial Elevator Units – Installation and Inspection**

4 FOR the purpose of ~~exempting certain licensed assisted living programs from the~~
5 ~~registration and inspection requirements for installing an elevator; authorizing~~
6 ~~the adoption of certain regulations to enhance the safety of certain elevator~~
7 ~~units~~ authorizing the Commission of Labor and Industry to adopt regulations to
8 authorize and regulate the installation and inspection of noncommercial
9 elevator units in certain assisted living programs; defining a certain term; and
10 generally relating to assisted living programs and the ~~registration~~ installation
11 and inspection of elevators.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section ~~12-804~~ 12-805
15 Annotated Code of Maryland
16 (2003 Volume and 2009 Supplement)

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

19 **Article – Public Safety**

20 ~~12-804.~~

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 ~~(a) IN THIS SECTION, “ASSISTED LIVING PROGRAM” HAS THE MEANING~~
 2 ~~STATED IN § 19-1801 OF THE HEALTH GENERAL ARTICLE.~~

3 ~~(B) Part II of this subtitle does not apply to an elevator unit that is:~~

4 ~~(1) installed in a privately owned single family residential dwelling;~~
 5 ~~[or]~~

6 ~~(2) installed in a building or structure under federal control or~~
 7 ~~regulation; OR~~

8 ~~(3) INSTALLED IN AN ASSISTED LIVING PROGRAM WITH FIVE OR~~
 9 ~~FEWER BEDS THAT IS LICENSED BY THE DEPARTMENT OF HEALTH AND~~
 10 ~~MENTAL HYGIENE UNDER § 19-1804.1 OF THE HEALTH GENERAL ARTICLE.~~

11 ~~[(b)] (C) Sections 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5,~~
 12 ~~Subtitle 8 of the Labor and Employment Article apply to Part II of this subtitle.~~

13 ~~(D) THE COMMISSIONER MAY ADOPT REGULATIONS TO ENHANCE THE~~
 14 ~~SAFETY OF ELEVATOR UNITS INSTALLED IN ACCORDANCE WITH SUBSECTION~~
 15 ~~(B)(3) OF THIS SECTION.~~

16 12-805.

17 (a) IN THIS SECTION, “ASSISTED LIVING PROGRAM” HAS THE MEANING
 18 STATED IN § 19-1801 OF THE HEALTH – GENERAL ARTICLE.

19 (B) The Commissioner shall administer and enforce Part II of this subtitle.

20 [(b)] (C) (1) The Commissioner shall adopt regulations that conform
 21 generally to the American National Standard/American Society of Mechanical
 22 Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks,
 23 ANSI Code A17.1-1971, and all subsequent amendments and revisions to it.

24 (2) If necessary to fulfill the Commissioner’s responsibilities under
 25 Part II of this subtitle, the Commissioner shall:

26 (i) adopt regulations that amend standards set forth in the
 27 American National Standard/American Society of Mechanical Engineers Safety Code
 28 for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971,
 29 and all subsequent amendments and revisions to it; and

30 (ii) adopt other regulations.

1 **(3) THE COMMISSIONER MAY ADOPT REGULATIONS TO**
 2 **AUTHORIZE AND REGULATE THE INSTALLATION AND INSPECTION OF**
 3 **NONCOMMERCIAL ELEVATOR UNITS IN ASSISTED LIVING PROGRAMS WITH FIVE**
 4 **OR FEWER BEDS THAT ARE LICENSED BY THE DEPARTMENT OF HEALTH AND**
 5 **MENTAL HYGIENE UNDER § 19-1804.1 OF THE HEALTH – GENERAL ARTICLE.**

6 **[(3)] (4)** The regulations shall be consistent with the requirements of
 7 **§ 12-1006 of this title.**

8 **[(c)] (D)** The Commissioner may assign duties and functions imposed by
 9 **Part II of this subtitle to the chief elevator inspector.**

10 **[(d)] (E)** The cost of administering Part II of this subtitle is provided for
 11 **under § 5-204 of the Labor and Employment Article.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.