

Department of Legislative Services  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

**Revised**

Senate Bill 265

(Senator Exum, *et al.*)

Finance

Economic Matters

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**Assisted Living Programs - Noncommercial Elevator Units - Installation and Inspection**

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This bill authorizes the Commissioner of Labor and Industry to adopt specified regulations to authorize and regulate the installation and inspection of noncommercial elevator units in assisted living programs with five or fewer beds that are licensed by the Department of Health and Mental Hygiene.

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**Fiscal Summary**

**State Effect:** Promulgation of regulations can be handled with the existing budgeted resources of the Department of Labor, Licensing, and Regulation (DLLR).

**Local Effect:** None.

**Small Business Effect:** Potential meaningful expenditure decrease for small assisted living programs that wish to install an elevator, to the extent that regulations adopted by DLLR are less onerous than current installation and inspection requirements.

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**Analysis**

**Current Law/Background:** An “assisted living program” is a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living or instrumental activities of daily living in a way that promotes optimum dignity and independence for the individuals. There are currently 1,377 assisted living facilities in the State, of which 718 have five or fewer beds.

With the exception of elevators installed in privately owned single-family residences or buildings or structures under federal control, each elevator unit in the State must be inspected, tested, and maintained in a safe operating condition in accordance with the Safety Code and any regulations adopted by the Commissioner of Labor and Industry. An elevator unit may not be operated unless the unit is registered with the commissioner and a certificate is issued by the commissioner. The commissioner must accept certificates of inspection from a political subdivision or municipal corporation.

A State inspector must conduct a final acceptance inspection on completion of the installation, modification, or alteration of an elevator unit before it is placed in service. At least 15 days before a scheduled final acceptance inspection for an elevator unit being installed, modified, or altered, the contractor, owner, or lessee must submit to the commissioner a written certification that (1) the elevator plans and construction documents have been reviewed by a third-party qualified elevator inspector; (2) the third-party qualified elevator inspector has certified that the elevator unit as constructed and installed complies with existing laws, regulations, and the Safety Code; and (3) the elements indicated on the inspection checklist are operational, have been tested, and are functional.

According to DLLR, installation of a new, two-stop elevator in full compliance with State law and regulation may cost between \$30,000 and \$40,000. Other, noncompliant limited service elevators can be installed for much less.

DLLR advises that the State's safety law for elevator units covers 21,685 elevators, but that the number of elevators in assisted living facilities is unknown.

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### **Additional Information**

**Prior Introductions:** SB 290 of 2009 was amended in the Senate and received a favorable with amendments report from the House Economic Matters Committee. The House did not vote on the bill.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2010  
mpc/mwc Revised - Senate Third Reader - March 27, 2010

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