

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 232

(Chair, Finance Committee)(By Request - Departmental -
Labor, Licensing and Regulation)

Finance

Economic Matters

Elevator Safety Review Board - Licensing

This departmental bill requires the Elevator Safety Review Board to issue licensing certifications and to reinstate expired licenses under specified circumstances. It expands the conditions under which the board may deny a new or renewal license to an applicant, suspend or revoke a license, or reprimand a licensee. It also increases the sanctions available to the board to discipline a licensee and requires that a majority of board members currently serving approve a sanction or license denial.

Fiscal Summary

State Effect: Potential minimal increase in general fund and special fund revenues from increased fines and fees collected by the board. No impact on expenditures as the Department of Labor, Licensing, and Regulation (DLLR) can handle any anticipated increase in workload with existing budgeted resources.

Local Effect: None.

Small Business Effect: DLLR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: Certifications of licensure status are available to any person upon request, subject to payment of a fee set by the board, and must include a statement of the licensing status of the person who is the subject to the request. The certifications may also include information related to examination results, license issuance, and disciplinary

actions. If authorized by the licensee, information pertaining to any complaints about the licensee may also be included.

The board must reinstate the license of a person that, for any reason, has failed to renew the license if the person (1) applies for reinstatement within two years after the license expires; (2) meets established renewal requirements; and (3) pays a reinstatement fee (capped at \$100) as set by the board. If a person applies for license reinstatement longer than two years after the license expires, the board may either require the person to reapply for an original license or approve the reinstatement, subject to specified conditions.

In addition to its current statutory powers, the board may deny a license to an applicant; refuse to renew, suspend, or revoke a license; or reprimand a licensee, if the person is convicted of a felony or a misdemeanor pertinent to offering elevator mechanic or elevator renovator mechanic services or being an elevator contractor or elevator renovator contractor. The board may *also* impose a fine (capped at \$5,000) for each violation or choose to *only* impose a fine. For both actions relating to criminal activity and the issuance of fines, the board must consider specified criteria in determining the extent and nature of the penalty. Fine revenues are payable to the general fund.

Current Law/Background: The board was established by Chapter 703 of 2001 within DLLR. The original board, though fully appointed by January 2003, did not receive funding, and therefore did not operate, until fiscal 2009. The board began bimonthly meetings in February of 2011. In reviewing its statute, the board recognized the absence of several provisions that are common to most of the other regulatory boards and commissions within DLLR. These include authorizations to provide licensure certifications for reciprocal licensing and/or employment purposes and to reinstate expired licenses.

The board may deny, refuse to renew, suspend, or revoke a license or reprimand a licensee if the person (1) fraudulently or deceptively attempts to obtain (or obtains) a license; (2) fails to report certain safety violations; (3) violates any statute related to elevator safety; (4) transfers the license authority to another person; (5) performs pertinent work in a negligent or careless manner; or (6) willfully or deliberately disregards relevant safety codes. Instead of taking these actions, the board may assess a civil penalty against a licensee of up to \$1,000.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 8, 2012
mc/mcr Revised - Senate Third Reader/Updated Information - March 26, 2012

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Elevator Safety Review Board – Licensing

BILL NUMBER: SB 232

PREPARED BY: Department of Labor, Licensing, and Regulation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.