

Chapter 155

(Senate Bill 329)

AN ACT concerning

Residential Cliffside Elevators – Registration and Inspection (The Jock Menzies Act)

FOR the purpose of adding a certain residential cliffside elevator to the elevators that require certain registration and inspection; requiring a cliffside elevator located on certain residential property to have a certain inspection on a certain periodic basis; altering the term “elevator unit” to include a “cliffside elevator” for purposes of provisions of law relating to elevator safety; defining a certain term; making stylistic and conforming changes; and generally relating to elevators.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 12–801(a) and 12–806(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to
Article – Public Safety
Section 12–801(f)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–801(f) through (t), 12–804, 12–809(d), and 12–812(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

12–801.

(a) In this subtitle the following words have the meanings indicated.

(F) “CLIFFSIDE ELEVATOR” MEANS AN ELEVATOR LOCATED AT, ON, OR ADJACENT TO THE SIDE OF A CLIFF OR A NATURAL INCLINE THAT IS INTENDED FOR USE BY INDIVIDUALS.

[(f)] (G) “Commissioner” means the Commissioner of Labor and Industry or an authorized representative of the Commissioner of Labor and Industry.

[(g)] (H) “Dumbwaiter” means a hoisting and lowering machine equipped with a car of limited capacity and size that moves in guides in a substantially vertical direction and is used exclusively for carrying material.

[(h)] (I) “Elevator” means a hoisting and lowering machine equipped with a car or platform that moves in guides in a substantially vertical direction and serves two or more floors of a building or structure.

[(i)] (J) “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

[(j)] (K) “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

[(k)] (L) “Elevator refinisher” means a person who is engaged in the refinishing of existing metal and wood elements in elevator cabs, including the stripping of old lacquer on wood and bronze items, staining wood to match existing finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of scratches to maintain existing finishes.

[(l)] (M) “Elevator renovator contractor” means a person who is engaged in the business of performing work:

- (1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and
- (2) that does not affect the elevator’s moving operation.

[(m)] (N) “Elevator renovator mechanic” means a person who performs work:

- (1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and
- (2) that does not affect the elevator’s moving operation.

[(n)] (O) “Elevator unit” includes **A CLIFFSIDE ELEVATOR**, an elevator, **AN** escalator, **A** dumbwaiter, and **A** moving walk.

[(o)] (P) “Escalator” means a power driven, inclined, continuous stairway used for raising and lowering passengers.

[(p)] (Q) “License” includes:

- (1) an accessibility lift mechanic license;
- (2) an elevator contractor license;
- (3) an elevator mechanic license;
- (4) an elevator renovator contractor license; and
- (5) an elevator renovator mechanic license.

[(q)] (R) “Moving walk” means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

[(r)] (S) “Safety Code” means the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments and revisions to it, as adopted by the Commissioner.

[(s)] (T) “Secretary” means the Secretary of Labor, Licensing, and Regulation.

[(t)] (U) “Third-party qualified elevator inspector” means an inspector who:

(1) meets the qualifications, insurance requirements, and procedures established by the Commissioner; and

(2) is certified by a nationally recognized safety organization accredited by the National Commission for Certifying Agencies or the American National Standards Institute that ensures that:

(i) the certification requires testing and grading consistent with industry recognized criteria and any related consensus standards; and

(ii) any renewal of certification requires continuing education.

- (a) **(1)** Part II of this subtitle does not apply to an elevator unit that is:

[(1)] (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, installed in a privately owned single-family residential dwelling; or

[(2)] (II) installed in a building or structure under federal control or regulation.

(2) PART II OF THIS SUBTITLE APPLIES TO A CLIFFSIDE ELEVATOR LOCATED ON THE PROPERTY OF A PRIVATELY OWNED SINGLE-FAMILY RESIDENTIAL DWELLING.

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

12-806.

(a) Except as otherwise provided in this section, each elevator unit shall be inspected, tested, and maintained in a safe operating condition in accordance with:

- (1) the Safety Code; and
- (2) any other regulations adopted by the Commissioner.

12-809.

(d) (1) An owner shall hire a third-party qualified elevator inspector to conduct all periodic **[annual]** inspections that are required by the Safety Code.

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

(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) 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.

12-812.

(b) **(1)** [Each] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** elevator unit in the State shall have a periodic annual inspection by a State inspector as provided for in § 12-809(a)(6) of this subtitle or by a third-party qualified elevator inspector as provided for in § 12-809(d) of this subtitle.

(2) EACH CLIFFSIDE ELEVATOR ON THE PROPERTY OF A PRIVATELY OWNED SINGLE-FAMILY RESIDENTIAL DWELLING SHALL HAVE A PERIODIC INSPECTION ONCE EVERY 2 YEARS BY A THIRD-PARTY QUALIFIED INSPECTOR AS PROVIDED FOR IN § 12-809(D) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.