

SENATE BILL 329

E4

4r1612
CF 4r0508

By: **Senator Astle**

Introduced and read first time: January 17, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

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

10 BY repealing and reenacting, without amendments,
11 Article – Public Safety
12 Section 12–801(a) and 12–806(a)
13 Annotated Code of Maryland
14 (2011 Replacement Volume and 2013 Supplement)

15 BY adding to
16 Article – Public Safety
17 Section 12–801(f)
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Public Safety
22 Section 12–801(f) through (t), 12–804, 12–809(d), and 12–812(b)
23 Annotated Code of Maryland
24 (2011 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Public Safety

2 12–801.

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

4 **(F) “CLIFFSIDE ELEVATOR” MEANS AN ELEVATOR LOCATED AT, ON, OR**
5 **ADJACENT TO THE SIDE OF A CLIFF OR A NATURAL INCLINE THAT IS INTENDED**
6 **FOR USE BY INDIVIDUALS.**7 **[(f)] (G) “Commissioner”** means the Commissioner of Labor and Industry or
8 an authorized representative of the Commissioner of Labor and Industry.9 **[(g)] (H) “Dumbwaiter”** means a hoisting and lowering machine equipped
10 with a car of limited capacity and size that moves in guides in a substantially vertical
11 direction and is used exclusively for carrying material.12 **[(h)] (I) “Elevator”** means a hoisting and lowering machine equipped with a
13 car or platform that moves in guides in a substantially vertical direction and serves
14 two or more floors of a building or structure.15 **[(i)] (J) “Elevator contractor”** means a person who is engaged in the
16 business of erecting, constructing, wiring, altering, replacing, maintaining, repairing,
17 dismantling, or servicing elevator or accessibility lift units.18 **[(j)] (K) “Elevator mechanic”** means a person who is engaged in erecting,
19 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or
20 servicing elevator or accessibility lift units.21 **[(k)] (L) “Elevator refinisher”** means a person who is engaged in the
22 refinishing of existing metal and wood elements in elevator cabs, including the
23 stripping of old lacquer on wood and bronze items, staining wood to match existing
24 finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of
25 scratches to maintain existing finishes.26 **[(l)] (M) “Elevator renovator contractor”** means a person who is engaged in
27 the business of performing work:28 (1) on the interior of an elevator involving the removal or installation
29 of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

30 (2) that does not affect the elevator’s moving operation.

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

1 (1) on the interior of an elevator involving the removal or installation
2 of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

3 (2) that does not affect the elevator's moving operation.

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

6 **[(o)] (P)** "Escalator" means a power driven, inclined, continuous stairway
7 used for raising and lowering passengers.

8 **[(p)] (Q)** "License" includes:

9 (1) an accessibility lift mechanic license;

10 (2) an elevator contractor license;

11 (3) an elevator mechanic license;

12 (4) an elevator renovator contractor license; and

13 (5) an elevator renovator mechanic license.

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

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

21 **[(s)] (T)** "Secretary" means the Secretary of Labor, Licensing, and
22 Regulation.

23 **[(t)] (U)** "Third-party qualified elevator inspector" means an inspector who:

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

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

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

1 (ii) any renewal of certification requires continuing education.

2 12-804.

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

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

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

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

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

13 12-806.

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

16 (1) the Safety Code; and

17 (2) any other regulations adopted by the Commissioner.

18 12-809.

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

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

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

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

1 12-812.

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

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

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