

HOUSE BILL 1107

E4, K3

(8lr2674)

ENROLLED BILL
— *Economic Matters/Finance* —

Introduced by **Delegate Wilson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Elevator Inspections – Testing and Apprenticeship Program**

3 FOR the purpose of requiring that a certain test on an elevator unit performed in connection
4 with a certain inspection be performed by a certain licensed elevator mechanic;
5 requiring a third-party qualified elevator inspector to be physically present during
6 a certain test in its entirety to witness that the test has been performed correctly
7 and to verify the proper recording of the result; clarifying that a State inspector
8 retains certain authority under this Act; requiring, beginning on a certain date, the
9 presence of a third-party qualified elevator inspector instead of a State inspector to
10 witness a certain inspection; establishing certain procedures for the scheduling of a
11 certain test; authorizing a certain licensed elevator mechanic to perform a certain test
12 in the presence of certain inspectors under certain circumstances; requiring a certain
13 licensed elevator mechanic to perform a certain test in the presence of certain
14 inspectors under certain circumstances; requiring the Commissioner of Labor and
15 Industry to adopt certain regulations; establishing a date on which a certain

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.

Italics indicate opposite chamber/conference committee amendments.



1 inspection is required to be performed by a third-party qualified elevator inspector
 2 rather than a State inspector; requiring the Department of Labor, Licensing, and
 3 Regulation to establish, beginning on a certain date, a certain apprenticeship
 4 program; requiring the Secretary of Labor, Licensing, and Regulation to make a
 5 certain report on or before a certain date; making certain conforming changes; and
 6 generally relating to elevators.

7 BY repealing and reenacting, with amendments,

8 Article – Public Safety

9 Section 12–806, 12–809(a) and (c), and 12–810, and ~~12–812(b) and (c)~~

10 Annotated Code of Maryland

11 (2011 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Public Safety

14 Section 12–812(b) and (c)

15 Annotated Code of Maryland

16 (2011 Replacement Volume and 2017 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Public Safety**

20 12–806.

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

23 (1) the Safety Code; and

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

25 (b) (1) (i) Subject to subparagraph (ii) of this paragraph, an elevator unit
 26 installed before July 1, 1955, may be used without being altered or rebuilt to comply with
 27 the requirements of the Safety Code.

28 (ii) Each elevator shall be equipped with standard hoistway
 29 entrance protection, and each passenger elevator of more than 100 feet per minute contract
 30 speed shall be provided with car doors or gates that meet the requirements of the Safety
 31 Code.

32 (2) Notwithstanding any other provision of this subsection, each elevator
 33 unit installed before July 1, 1955:

34 (i) shall be maintained in a safe operating condition so as not to
 35 create a substantial probability of serious physical harm or death; and

1 (ii) is subject to inspections and tests as required.

2 (c) (1) For purposes of this subsection, an alteration of an existing elevator
3 unit is any change made to it other than the repair or replacement of damaged, worn, or
4 broken parts necessary for normal operation.

5 (2) Each alteration or relocation of an elevator unit installed after January
6 1, 1975, shall meet the requirements of the Safety Code.

7 (D) (1) **A TEST ON AN ELEVATOR UNIT PERFORMED IN CONNECTION WITH
8 AN INSPECTION REQUIRED BY THIS SUBTITLE, THE SAFETY CODE, OR A
9 REGULATION ADOPTED BY THE COMMISSIONER SHALL BE PERFORMED BY A
10 LICENSED ELEVATOR MECHANIC.**

11 (2) **A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR REQUIRED TO
12 WITNESS A TEST PERFORMED ON AN ELEVATOR UNIT IN ACCORDANCE WITH THIS
13 SUBTITLE, THE SAFETY CODE, OR A REGULATION ADOPTED BY THE COMMISSIONER
14 SHALL BE PHYSICALLY PRESENT DURING THE ENTIRE TEST TO WITNESS THAT THE
15 TEST WAS PERFORMED CORRECTLY AND TO VERIFY THE PROPER RECORDING OF
16 THE TEST RESULT.**

17 (3) **A STATE INSPECTOR SHALL OVERSEE ALL THIRD-PARTY
18 QUALIFIED ELEVATOR INSPECTORS AND RETAINS AUTHORITY OVER FINAL
19 ACCEPTANCE OF NEW CONSTRUCTION, MODERNIZATION, AND SERVICE UPGRADE
20 TURNSOVERS OF ELEVATORS.**

21 (4) **A SUBJECT TO SUBSECTION (G) OF THIS SECTION, A TEST
22 REQUIRING THE PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR
23 SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING:**

24 (I) **BEGINNING OCTOBER 1, 2018, A 5-YEAR TEST ON AN
25 ELEVATOR OF A PRIVATELY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO
26 WITNESS THE INSPECTION TEST SHALL BE PERFORMED BY A THIRD-PARTY
27 QUALIFIED ELEVATOR INSPECTOR WHEN THE LICENSED ELEVATOR MECHANIC IN
28 THE PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR IS
29 PHYSICALLY PRESENT;**

30 (II) **BEGINNING OCTOBER 1, 2019, AN ANNUAL A TEST ON AN
31 ELEVATOR OF A PRIVATELY PUBLICLY OWNED BUILDING THAT REQUIRES AN
32 INSPECTOR TO WITNESS THE INSPECTION TEST SHALL BE PERFORMED BY A
33 THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR WHEN THE LICENSED ELEVATOR
34 MECHANIC IN THE PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR
35 INSPECTOR IS PHYSICALLY PRESENT; AND**

1 (III) BEGINNING OCTOBER 1, 2020, ~~A AN ANNUAL~~ TEST ON AN
 2 ELEVATOR OF A ~~PUBLICLY~~ PRIVATELY OWNED BUILDING THAT REQUIRES AN
 3 INSPECTOR TO WITNESS THE ~~INSPECTION~~ TEST SHALL BE PERFORMED BY A
 4 ~~THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR WHEN THE~~ LICENSED ELEVATOR
 5 MECHANIC IN THE PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR
 6 INSPECTOR IS PHYSICALLY PRESENT.

7 (E) (1) A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR OR THE
 8 OWNER OR AGENT OF THE OWNER OF THE ELEVATOR SHALL SCHEDULE A TEST IN
 9 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

10 (2) (I) THE THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR
 11 SHALL CONTACT THE ELEVATOR CONTRACTING COMPANY AND THE PROPERTY
 12 OWNER NOT LESS THAN 60 DAYS IN ADVANCE TO SCHEDULE THE TEST FOR A DATE
 13 AND TIME THAT IS REASONABLY CONVENIENT FOR ALL PARTIES INVOLVED.

14 (II) THE OWNER OR AGENT OF THE OWNER SHALL CONTACT THE
 15 ELEVATOR CONTRACTING COMPANY NOT LESS THAN 60 DAYS IN ADVANCE TO
 16 SCHEDULE THE TEST FOR A DATE AND TIME THAT IS REASONABLY CONVENIENT FOR
 17 ALL PARTIES INVOLVED.

18 (3) IN THE EVENT OF AN UNFORESEEN CIRCUMSTANCE OR UNDUE
 19 HARDSHIP, ANY PARTY INVOLVED IN SCHEDULING THE TEST MAY RESCHEDULE THE
 20 TEST.

21 (4) THE THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR SHALL
 22 NOTIFY THE COMMISSIONER OF THE TIME, DATE, AND LOCATION OF EACH TEST.

23 [(d)] (F) On written request, the Commissioner may grant exceptions from the
 24 literal requirements or allow the use of devices or methods other than those specified under
 25 the Safety Code and other regulations adopted by the Commissioner if:

26 (1) it is evident that the exception is necessary to prevent undue hardship;
 27 or

28 (2) existing conditions prevent practical compliance and in the opinion of
 29 the Commissioner reasonable safety can be secured.

30 (G) (1) IF THE COMMISSIONER DETERMINES THAT THE NUMBER OF
 31 THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS IS INSUFFICIENT TO MEET THE
 32 REQUIREMENTS OF SUBSECTION (D)(4)(II) OF THIS SECTION, A LICENSED ELEVATOR
 33 MECHANIC MAY PERFORM A TEST IN THE PHYSICAL PRESENCE OF AN AVAILABLE
 34 THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR, OR A STATE INSPECTOR TO MAKE

1 UP FOR THE DEFICIENT NUMBER OF THIRD-PARTY QUALIFIED ELEVATOR
2 INSPECTORS.

3 (2) IF THE COMMISSIONER SUBSEQUENTLY DETERMINES THAT THE
4 NUMBER OF THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS IS SUFFICIENT TO
5 MEET THE REQUIREMENTS OF SUBSECTION (D)(4)(II) OF THIS SECTION, A LICENSED
6 ELEVATOR MECHANIC SHALL PERFORM A TEST IN THE PHYSICAL PRESENCE OF A
7 THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR.

8 (3) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT
9 THIS SUBSECTION.

10 12-809.

11 (a) A State inspector shall make the following inspections:

12 (1) final acceptance inspection of all new elevator units prior to issuance of
13 first certificate;

14 (2) investigation of accidents and complaints;

15 (3) follow-up inspections to confirm corrective action;

16 (4) final acceptance inspection of the modernization or alteration of an
17 elevator unit;

18 (5) **FOR PRIVATELY OWNED BUILDINGS AND UNTIL OCTOBER 1, ~~2020~~**
19 **2019, FOR PUBLICLY OWNED BUILDINGS, WHEN THE INSPECTION SHALL BE**
20 **PERFORMED BY A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR, a comprehensive**
21 **5-year inspection as defined by regulation;**

22 (6) except as provided by § 12-807(b) of this subtitle, inspections of elevator
23 units owned by the State or a political subdivision; and

24 (7) quality control monitoring of inspections conducted by third-party
25 qualified elevator inspectors.

26 (c) (1) For all inspections conducted by a State inspector, the contractor,
27 owner, or lessee of an elevator unit shall pay a fee for an inspection under [§ 12-810(d) or
28 § 12-812(d)(3)] **§ 12-810** of this subtitle at the following rate:

29 (i) half day (up to 4 hours), not to exceed \$250; or

30 (ii) full day (up to 8 hours), not to exceed \$500.

1 (2) Each fee collected under this subsection shall be paid into the Elevator
2 Safety Review Board Fund established under this subtitle.

3 (3) A contractor, owner, or lessee who notifies the Commissioner at least
4 24 hours in advance of a scheduled inspection that the elevator unit does not comply with
5 the requirements of Part II of this subtitle may not be charged a fee under paragraph (1) of
6 this subsection.

7 12–810.

8 [(a)] The Commissioner shall conduct a final acceptance inspection on completion
9 of the installation, modification, or alteration of an elevator unit before it is placed in
10 service.

11 [(b)] The Commissioner shall provide an inspection checklist that specifies the
12 requirements for compliance with the Safety Code and other regulations adopted by the
13 Commissioner.

14 (c) At least 15 days before a scheduled final acceptance inspection for an elevator
15 unit being installed, modified, or altered in the State, the contractor, owner, or lessee shall
16 submit to the Commissioner a written certification that:

17 (1) the elevator plans and construction documents have been reviewed by
18 a third-party qualified elevator inspector;

19 (2) the third-party qualified elevator inspector has certified that the
20 elevator unit as constructed and installed complies with this subtitle, its regulations, and
21 the Safety Code; and

22 (3) the elements indicated on the inspection checklist are operational, have
23 been tested, and are functional.

24 (d) If a State inspector arrives to inspect an elevator unit at the designated time
25 and the elevator unit does not meet the criteria established in subsection (c) of this section,
26 the inspector may cancel the inspection and charge the contractor a fee in accordance with
27 § 12–809 of this subtitle.]

28 12–812.

29 (b) (1) Except as provided in paragraph (2) of this subsection, each elevator
30 unit in the State shall have a periodic annual inspection by a ~~f~~State inspector as provided
31 for in § 12–809(a)(6) of this subtitle or by a ~~f~~third-party qualified elevator inspector as
32 provided for in § 12–809(d) of this subtitle.

1 (2) Each cliffside elevator on the property of a privately owned
2 single-family residential dwelling shall have a periodic inspection once every 2 years by a
3 third-party qualified inspector as provided for in § 12-809(d) of this subtitle.

4 (c) Before scheduling an inspection with the Commissioner or a third-party
5 qualified elevator inspector ~~ON OR AFTER OCTOBER 1, 2018, FOR PRIVATELY OWNED~~
6 ~~BUILDINGS AND ON OR AFTER OCTOBER 1, 2020, FOR PUBLICLY OWNED BUILDINGS,~~
7 the contractor, owner, or lessee of an elevator unit shall:

8 (1) ensure that the elevator unit is operated, inspected, and repaired in
9 accordance with Part II of this subtitle and the regulations adopted under Part II of this
10 subtitle; and

11 (2) make inspection, maintenance, and repair records available to the
12 inspector charged with inspecting the elevator unit.

13 SECTION 2. AND BE IT FURTHER ENACTED, That, beginning October 1, 2018,
14 the Department of Labor, Licensing, and Regulation shall establish and administer, within
15 the Maryland Apprenticeship and Training Program, an apprenticeship program for
16 third-party qualified elevator inspectors.

17 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, ~~2020~~
18 ~~2019~~ 2020, the Secretary of Labor, Licensing, and Regulation shall report to the Senate
19 Finance Committee and the House Economic Matters Committee, in accordance with §
20 2-1246 of the State Government Article, on:

21 ~~(1)~~ the status of how elevator inspections are being conducted under this
22 Act; and

23 ~~(2)~~ recommendations as to whether the date for the testing described in §
24 ~~12-806(d)(4)(iii) 12-806(d)(4)(ii) of the Public Safety Article as enacted by Section 1 of this~~
25 Act should be extended.

26 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2018.