

SENATE BILL 831

E4, K3

8lr2042
CF HB 1107

By: **Senators Middleton, Astle, Benson, Feldman, Klausmeier, ~~and Mathias~~
Mathias, and Manno**

Introduced and read first time: February 5, 2018

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 30, 2018

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
12 test in the presence of certain inspectors under certain circumstances; requiring a
13 certain 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
16 inspection is required to be performed by a third-party qualified elevator inspector
17 rather than a State inspector; requiring the Department of Labor, Licensing, and
18 Regulation to establish, beginning on a certain date, a certain apprenticeship
19 program; requiring the Secretary of Labor, Licensing, and Regulation to make a
20 certain report on or before a certain date; making certain conforming changes; and
21 generally relating to elevators.

22 BY repealing and reenacting, with amendments,
23 Article – Public Safety

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.



1 Section 12–806, 12–809(a) and (c), and 12–810, and ~~12–812(b) and (c)~~
 2 Annotated Code of Maryland
 3 (2011 Replacement Volume and 2017 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article – Public Safety
 6 Section 12–812(b) and (c)
 7 Annotated Code of Maryland
 8 (2011 Replacement Volume and 2017 Supplement)

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

11 **Article – Public Safety**

12 12–806.

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

15 (1) the Safety Code; and

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

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

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

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

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

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

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

32 (2) Each alteration or relocation of an elevator unit installed after January
 33 1, 1975, shall meet the requirements of the Safety Code.

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

5 (2) A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR REQUIRED TO
6 WITNESS A TEST PERFORMED ON AN ELEVATOR UNIT IN ACCORDANCE WITH THIS
7 SUBTITLE, THE SAFETY CODE, OR A REGULATION ADOPTED BY THE COMMISSIONER
8 SHALL BE PHYSICALLY PRESENT DURING THE ENTIRE TEST TO WITNESS THAT THE
9 TEST WAS PERFORMED CORRECTLY AND TO VERIFY THE PROPER RECORDING OF
10 THE TEST RESULT.

11 (3) A STATE INSPECTOR SHALL OVERSEE ALL THIRD-PARTY
12 QUALIFIED ELEVATOR INSPECTORS AND RETAINS AUTHORITY OVER FINAL
13 ACCEPTANCE OF NEW CONSTRUCTION, MODERNIZATION, AND SERVICE UPGRADE
14 TURNSOVERS OF ELEVATORS.

15 (4) ~~A~~ SUBJECT TO SUBSECTION (G) OF THIS SECTION, A TEST
16 REQUIRING THE PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR
17 SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING:

18 (I) BEGINNING OCTOBER 1, 2018, A 5-YEAR TEST ON AN
19 ELEVATOR OF A PRIVATELY OWNED BUILDING THAT REQUIRES AN INSPECTOR TO
20 WITNESS THE ~~INSPECTION TEST~~ SHALL BE PERFORMED BY A ~~THIRD-PARTY~~
21 ~~INSPECTOR WHEN THE~~ LICENSED ELEVATOR MECHANIC IN THE PHYSICAL
22 PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR IS PHYSICALLY
23 PRESENT;

24 (II) BEGINNING OCTOBER 1, 2019, ~~AN ANNUAL~~ A TEST ON AN
25 ELEVATOR OF A ~~PRIVATELY~~ PUBLICLY OWNED BUILDING THAT REQUIRES AN
26 INSPECTOR TO WITNESS THE ~~INSPECTION TEST~~ SHALL BE PERFORMED BY A
27 ~~THIRD-PARTY INSPECTOR WHEN THE~~ LICENSED ELEVATOR MECHANIC IN THE
28 PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR IS
29 PHYSICALLY PRESENT; AND

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

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

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

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

12 **(3) IN THE EVENT OF AN UNFORESEEN CIRCUMSTANCE OR UNDUE**
13 **HARDSHIP, ANY PARTY INVOLVED IN SCHEDULING THE TEST MAY RESCHEDULE THE**
14 **TEST.**

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

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

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

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

24 **(G) (1) IF THE COMMISSIONER DETERMINES THAT THE NUMBER OF**
25 **THIRD-PARTY QUALIFIED ELEVATOR INSPECTORS IS INSUFFICIENT TO MEET THE**
26 **REQUIREMENTS OF SUBSECTION (D)(4)(II) OF THIS SECTION, A LICENSED**
27 **ELEVATOR MECHANIC MAY PERFORM A TEST IN THE PHYSICAL PRESENCE OF AN**
28 **AVAILABLE THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR, OR A STATE**
29 **INSPECTOR TO MAKE UP FOR THE DEFICIENT NUMBER OF THIRD-PARTY QUALIFIED**
30 **ELEVATOR INSPECTORS.**

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

1 **(3) THE COMMISSIONER SHALL ADOPT REGULATIONS TO**
2 **IMPLEMENT THIS SUBSECTION.**

3 12-809.

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

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

7 (2) investigation of accidents and complaints;

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

9 (4) final acceptance inspection of the modernization or alteration of an
10 elevator unit;

11 (5) **FOR PRIVATELY OWNED BUILDINGS AND UNTIL OCTOBER 1, ~~2020~~**
12 **2019, FOR PUBLICLY OWNED BUILDINGS, WHEN THE INSPECTION SHALL BE**
13 **PERFORMED BY A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR, a comprehensive**
14 **5-year inspection as defined by regulation;**

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

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

19 (c) (1) For all inspections conducted by a State inspector, the contractor,
20 owner, or lessee of an elevator unit shall pay a fee for an inspection under [§ 12-810(d) or
21 § 12-812(d)(3)] **§ 12-810** of this subtitle at the following rate:

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

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

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

26 (3) A contractor, owner, or lessee who notifies the Commissioner at least
27 24 hours in advance of a scheduled inspection that the elevator unit does not comply with
28 the requirements of Part II of this subtitle may not be charged a fee under paragraph (1) of
29 this subsection.

30 12-810.

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

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

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

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

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

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

17 (d) If a State inspector arrives to inspect an elevator unit at the designated time
18 and the elevator unit does not meet the criteria established in subsection (c) of this section,
19 the inspector may cancel the inspection and charge the contractor a fee in accordance with
20 § 12-809 of this subtitle.]

21 12-812.

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

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

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

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

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

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2020,
8 the Secretary of Labor, Licensing, and Regulation shall report to the Senate Finance
9 Committee and the House Economic Matters Committee, in accordance with § 2-1246 of
10 the State Government Article, on the status of how elevator inspections are being conducted
11 under this Act.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.