

SENATE BILL 618

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CF HB 1507

By: **Senator Klausmeier**

Introduced and read first time: February 3, 2020

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 4, 2020

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Hydraulic Elevator Inspections – Privately Owned Buildings**

3 FOR the purpose of exempting a certain type of hydraulic elevator in a privately owned
4 building from a requirement for a certain test; requiring, beginning on a certain date,
5 a certain annual test on a certain type of hydraulic elevator in a privately owned
6 building to be performed in a certain manner; altering a certain date on which
7 certain elevator inspections are required to begin; defining a certain term; requiring
8 the Secretary of Labor to make certain reports to certain committees of the General
9 Assembly on or before certain dates; and generally relating to elevator inspections.

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 (2018 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 12–801(h) through (u) and 12–806(d)
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)

20 BY adding to
21 Article – Public Safety
22 Section 12–801(h)

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 Annotated Code of Maryland
2 (2018 Replacement Volume and 2019 Supplement)

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

5 **Article – Public Safety**

6 12–801.

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

8 **(H) “DIRECT–ACTING HYDRAULIC ELEVATOR” MEANS AN ELEVATOR IN**
9 **WHICH THE ENERGY IS APPLIED BY A DIRECT HYDRAULIC DRIVING MACHINE.**

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

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

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

19 **[(k)] (L)** “Elevator mechanic” means a person who is engaged in erecting,
20 constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing
21 elevator or accessibility lift units.

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

26 **[(m)] (N)** “Elevator renovator contractor” means a person who is engaged in the
27 business of performing work:

28 (1) on the interior of an elevator involving the removal or installation of
29 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 **[(n)] (O)** “Elevator renovator mechanic” means a person who performs work:

1 (1) on the interior of an elevator involving the removal or installation of
2 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 [(o)] (P) "Elevator unit" includes a cliffside elevator, an elevator, an escalator, a
5 dumbwaiter, and a moving walk.

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

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

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

21 [(t)] (U) "Secretary" means the Secretary of Labor.

22 [(u)] (V) "Third-party qualified elevator inspector" means an inspector who:

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

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

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

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

2 12-806.

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

5 (1) the Safety Code; and

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

7 (d) (1) A test on an elevator unit performed in connection with an inspection
8 required by this subtitle, the Safety Code, or a regulation adopted by the Commissioner
9 shall be performed by a licensed elevator mechanic.

10 (2) A third-party qualified elevator inspector required to witness a test
11 performed on an elevator unit in accordance with this subtitle, the Safety Code, or a
12 regulation adopted by the Commissioner shall be physically present during the entire test
13 to witness that the test was performed correctly and to verify the proper recording of the
14 test result.

15 (3) A State inspector shall oversee all third-party qualified elevator
16 inspectors and retains authority over final acceptance of new construction, modernization,
17 and service upgrade turnovers of elevators.

18 (4) Subject to subsection (g) of this section, a test requiring the presence of
19 a third-party qualified elevator inspector shall be conducted in accordance with the
20 following:

21 (i) beginning October 1, 2018, a 5-year test on an elevator of a
22 privately owned building that requires an inspector to witness the test shall be performed
23 by a licensed elevator mechanic in the physical presence of a third-party qualified elevator
24 inspector;

25 (ii) beginning October 1, 2019, a test on an elevator of a publicly
26 owned building that requires an inspector to witness the test shall be performed by a
27 licensed elevator mechanic in the physical presence of a third-party qualified elevator
28 inspector; [and]

29 (iii) beginning October 1, [2020] **2021**, an annual test on an elevator,
30 **EXCEPT FOR A DIRECT-ACTING HYDRAULIC ELEVATOR**, of a privately owned building
31 that requires an inspector to witness the test shall be performed by a licensed elevator
32 mechanic in the physical presence of a third-party qualified elevator inspector; **AND**

33 **(IV) BEGINNING OCTOBER 1, 2022, AN ANNUAL TEST ON A**
34 **DIRECT-ACTING HYDRAULIC ELEVATOR OF A PRIVATELY OWNED BUILDING THAT**

1 **REQUIRES AN ELEVATOR INSPECTOR TO WITNESS THE TEST SHALL BE PERFORMED**
2 **BY A LICENSED ELEVATOR MECHANIC IN THE PHYSICAL PRESENCE OF A**
3 **THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021,
5 and on or before January 1, 2022, the Secretary of Labor shall report to the Senate Finance
6 Committee and the House Economic Matters Committee, in accordance with § 2-1257 of
7 the State Government Article, on the status of how elevator inspections are being conducted
8 in accordance with this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.