

1 residences for persons with physical challenges, including
2 residential elevators, ~~and~~ limited use/limited application
3 elevators, vertical platforms, inclined platform lifts and stairway
4 chairlifts.

5 (2) "Certificate of acceptance" means a certificate issued by
6 the Division of Labor certifying that a newly installed elevator
7 has been inspected and was found to be installed in compliance with
8 the safety standards set forth in the American Society of
9 Mechanical Engineers Safety Code for Elevators and Escalators
10 (ASME) A17.1-3, "Safety Code for Elevators" and ASME A18.1, "Safety
11 Code for Platform Lifts and Stairway Chairlifts."

12 (3) "Certificate of competency" means a certificate issued by
13 the Division of Labor certifying that an individual is qualified to
14 inspect elevators.

15 (4) "Certificate of operation" means a certificate issued by
16 the Division of Labor certifying that an elevator has been
17 inspected and is safe for operation.

18 (5) "Commissioner" means the Commissioner of the Division of
19 Labor.

20 (6) "Division" means the Division of Labor.

21 (7) "Division inspector" means an employee or contractor of
22 the division who has been examined and issued a certificate of
23 competency and who only inspects elevators in state owned
24 buildings.

25 (8) "Elevator" means all the machinery, construction,

1 apparatus and equipment used in raising and lowering a car, cage or
2 platform vertically between permanent rails or guides and includes
3 all elevators, power dumbwaiters, escalators, gravity elevators and
4 other lifting or lowering apparatus permanently installed between
5 rails or guides, but does not include hand operated dumbwaiters,
6 platform lifts for loading docks, manlifts of the platform type
7 with a platform area not exceeding nine hundred square inches,
8 construction hoists or other similar temporary lifting or lowering
9 apparatus.

10 (9) "Elevator apprentice" means a person who meets the
11 requirements set forth in legislative rule promulgated pursuant to
12 this article.

13 (10) "Elevator mechanic" means a person who possesses an
14 elevator mechanic's license in accordance with the provisions of
15 this article and who is engaged in the business of erecting,
16 constructing, installing, altering, servicing, repairing or
17 maintaining elevators or related conveyances covered by this
18 article.

19 (11) "Freight elevator" means an elevator used for carrying
20 freight and on which only the operator, by the permission of the
21 employer, is allowed to ride.

22 (12) "Inspector" means both a division inspector and a private
23 inspector.

24 (13) "License" means a license issued to an elevator mechanic
25 pursuant to this article.

1 (14) " Private residence elevator" means a passenger elevator
2 of which use is limited by size, capacity, rise and speed, and
3 access is limited by its location, by the requirement of a key for
4 its operation or by other restriction.

5 (15) "Passenger elevator" means an elevator that is designed
6 to carry persons to its contract capacity.

7 (16) "Limited Use/Limited Application elevator" means a power
8 elevator in which the use and application is limited by size,
9 capacity, speed, and rise.

10 (17) "Private inspector" means a person who has been examined
11 and issued a certificate of competency to inspect elevators within
12 this state.

13 **§21-3C-10a. License requirements for elevator mechanics,**
14 **accessibility technicians, limited technicians; contractor's**
15 **license requirements; supervision of elevator apprentice's**
16 **requirements.**

17 (a) A person may not engage or offer to engage in the business
18 of erecting, constructing, installing, altering, servicing,
19 repairing or maintaining elevators or related conveyances covered
20 by this article in this state, unless he or she has a license
21 issued by the commissioner ~~of Labor~~ in accordance with this
22 article.

23 (b) A person licensed under this article must:

24 (1) Have in his or her possession a copy of the license issued

1 pursuant to this article on any job on which he or she is
2 performing elevator mechanic work; and

3 (2) Be, or be employed by, a contractor licensed pursuant to
4 the provisions of article eleven, chapter twenty-one of this code
5 unless the work is performed by a historic resort hotel's regular
6 employees, for which the employees are paid regular wages and not
7 a contract price, on property owned or leased by the historic
8 resort hotel which is not intended for speculative sale or lease;

9 (c) (1) To obtain an elevator mechanic's license a person ~~must~~
10 shall:

11 ~~(1) Complete a four-year apprenticeship program, registered by~~
12 ~~the United States Department of Labor, qualifying for a commercial~~
13 ~~license;~~

14 (A) Hold an active elevator mechanic license issued by a
15 jurisdiction that has a licensing program that is at least
16 equivalent to the elevator mechanic licensing program established
17 under this article;

18 (B) (i) Successfully complete one of the following formal four
19 year educational programs that is registered with the Bureau of
20 Apprenticeship and Training of the United States Department of
21 Labor, including all required examinations and work experience:

22 (I) The National Elevator Industry Educational Program; or

23 (II) The Certified Elevator Technician (CET) Educational

1 Certification Program; or

2 (ii) If an applicant successfully completed a program as
3 described in subparagraphs (I) and (II) prior to the program being
4 registered with the Bureau of Apprenticeship and Training of the
5 United States Department of Labor, the division may grant a license
6 to an applicant after the applicant successfully proves to the
7 division that he or she has successfully completed all the test and
8 work experience requirements;

9 (C) (i) Provide an acceptable combination of documented
10 experience and educational credits of not less than three years of
11 recent and active experience in the elevator industry in
12 construction, maintenance, or service/repair or any combination
13 thereof, as verified by current and previous employers licensed to
14 do business in this state, on a sworn affidavit; and

15 (ii) Obtain a score of 70% or better on a written competency
16 examination approved or provided by the division.

17 (2) A licensed elevator mechanic may work on all elevators
18 covered by this article.

19 (d) (1) To obtain an accessibility technician's license a
20 person shall:

21 (A) Provide a certificate of completion of an accessibility
22 training program for the elevator industry such as the Certified
23 Accessibility Training (CAT) program by the National Association of

1 Elevator Contractors, or equivalent nationally recognized training
2 program; or

3 (B) (i) Have at least eighteen months experience in the
4 construction, maintenance, service and repair, or any combination
5 thereof, as verified by current and previous employers, licensed to
6 do business in this state, on a sworn affidavit, of accessibility
7 lifts;

8 (ii) At least one year of documented vocational training
9 and/or an associate degree in a related field; and

10 (iii) Obtain a score of 70% or better on a written competency
11 examination approved or provided by the division.

12 ~~(2) Complete a two-year apprenticeship program, registered by~~
13 ~~the United States Department of Labor, qualifying for an~~
14 ~~accessibility license.~~

15 (2) A person holding an accessibility license may only perform
16 work on accessibility equipment.~~;~~ ~~or~~

17 (e) (1) An applicant for a limited use/limited application
18 (LULA) elevator endorsement must satisfy all of the following:

19 (A) Hold a current accessibility technician license;

20 (B) Provide certificate of LULA manufacturer's training; and

21 (C) Provide at least one year of documented work experience,
22 on a sworn affidavit, in the construction, maintenance, service and
23 repair of LULA elevators and comparable equipment, while under the

1 supervision of a licensed accessibility technician; or

2 (2) Any person having at least eighteen months of
3 accessibility technician's experience, as of July 1, 2012, in
4 construction, maintenance, service and repair, or any combination
5 thereof, as verified by current and previous employers, licensed to
6 do business in this state, on a sworn affidavit, shall receive an
7 accessibility technician's license to continue to work on this type
8 of equipment: *Provided*, That an additional one year of documented
9 work as an accessibility technician with certification of
10 manufacturer's factory training, is required before a LULA
11 endorsement may be obtained.

12 (3) Any person carrying an accessibility license as of July 1,
13 2012, shall receive the required endorsement to continue to work on
14 this type of equipment, and will be qualified to supervise future
15 applicants as described in this section.

16 (f) To obtain a limited technician's license a person must:

17 ~~(3)~~(1) (A) Complete a certified apprenticeship program,
18 registered by the United States Department of Labor established at
19 a historic resort hotel, qualifying for a limited technician
20 license; or

21 (B) Provide an acceptable combination of documented
22 experience, and educational credits: not less than three years of
23 recent and active experience in the elevator industry, in
24 maintenance, or service/repair or any combination thereof, as

1 verified by current and previous employers authorized to do
2 business in this state, on a sworn affidavit; and obtain a score of
3 70% or better on a written competency examination approved or
4 provided by the division.

5 (2) A person holding a limited technician license may only
6 perform work at a historic resort hotel.

7 ~~(d)~~ (3) For the purposes of section, "historic resort hotel" has
8 the same meaning ascribed to it in section two, article twenty-
9 five, chapter twenty-nine of this code.

10 ~~(e)~~ (g) An elevator apprentice who is enrolled in a four-year
11 apprenticeship program approved by the commissioner, and who is in
12 good standing in the program, may work under the supervision of a
13 licensed elevator mechanic, as follows:

14 ~~(f)~~ (1) An apprentice who has not successfully completed the
15 equivalent of at least one year of the program may work only under
16 the direct supervision of a licensed elevator mechanic who is
17 present on the premises and available to the apprentice at all
18 times;

19 (2) An apprentice who has successfully completed the
20 equivalent of at least one year of the program may:

21 (A) Work under the direct supervision of a licensed elevator
22 mechanic as set forth in subdivision (1) of this subsection; and

23 (B) Perform the tasks set forth in this paragraph, only if

1 delegated by and performed under the general supervision of a
2 licensed elevator mechanic, who must, at a minimum, meet the
3 apprentice on the job at the beginning of each day to delegate the
4 specific tasks, and who remains responsible for the delegated
5 tasks:

6 (i) Oiling, cleaning, greasing and painting;

7 (ii) Replacing of combplate teeth;

8 (iii) ~~Reclamping~~ Relamping and fixture maintenance;

9 (iv) Inspection, cleaning and lubricating of hoistway doors,
10 car tops, bottoms and pits; and

11 (v) Observing operation of equipment.

12 **§21-3C-11. Disposition of fees; legislative rules.**

13 (a) The division shall propose rules for legislative approval
14 in accordance with the provisions of article three, chapter twenty-
15 nine-a of this code, for the implementation and enforcement of the
16 provisions of this article, which shall provide:

17 (1) Standards, qualifications and procedures for submitting
18 applications, taking examinations, and issuing and renewing
19 licenses, certificates of competency and certificates of operation
20 of the three licensure classifications set forth in section ten-a
21 of this article;

22 (2) For the renewal of a license, even if the licensee is
23 unemployed or not working in the industry: Provided, That, to

1 engage or offer to engage in the business of erecting,
2 constructing, installing, altering, servicing, repairing, or
3 maintaining an elevator or related conveyance covered by this
4 article the licensee shall be a contractor, or be employed by a
5 contractor licensed pursuant to the provisions of section ten-a,
6 article eleven, chapter twenty-one of the code;

7 ~~(2)~~ (3) Qualifications and supervision requirements for
8 elevator apprentices; and

9 ~~(3)~~ (4) Provisions for the granting of licenses without
10 examination, to applicants who present satisfactory evidence of
11 having the expertise required to perform work as defined in this
12 article and who apply for licensure on or before July 1, 2010:
13 Provided, That if a license issued under the authority of this
14 subsection subsequently lapses, the applicant may, at the
15 discretion of the commissioner, be subject to all licensure
16 requirements, including the examination.

17 (b) Issuance and renewal of licenses fees.

18 (1) Upon approval of an application, the division may issue a
19 license, which shall be renewable biennially. The fee for the
20 license and for renewal shall be set by the commissioner.

21 (2) The commission shall renew a person's license, even if
22 unemployed or not working in the industry: Provided, however, That
23 to engage or offer to engage in the business of erecting,
24 constructing, installing, altering, servicing, repairing, or

1 maintaining elevator or related conveyance covered by this article
2 in this state must be, or be employed by a contractor licensed
3 pursuant to the provisions of article eleven, chapter twenty-one of
4 the code.

5 (3) Whenever an emergency exists in the state due to disaster,
6 act of God or work stoppage and the number of persons in the state
7 holding licenses granted by the division is insufficient to cope
8 with the emergency, elevator contractors shall respond as necessary
9 to assure the safety of the public. Any person certified by a
10 licensed elevator contractor to have an acceptable combination of
11 documented experience and education to perform elevator work
12 without direct and immediate supervision shall seek an emergency
13 elevator mechanic license from the commissioner within five
14 business days after commencing work requiring a license. The
15 commissioner shall issue emergency elevator mechanic licenses. The
16 elevator contractor shall furnish proof of competency as the
17 commissioner may require. Each license shall state that it is valid
18 for a period of forty-five days from the date thereof and for such
19 particular elevators or geographical areas as the commissioner may
20 designate and otherwise shall entitle the licensee to the rights
21 and privileges of an elevator mechanic license issued in this
22 chapter. The commissioner shall renew an emergency elevator
23 mechanic license during the existence of an emergency. No fee shall
24 be charged for any emergency elevator mechanic license or renewal

1 thereof.

2 (3) An elevator contractor shall notify the commissioner when
3 there are no licensed personnel available to perform elevator work.
4 The elevator contractor may request that the Commissioner of Labor
5 issue temporary elevator mechanic licenses to persons certified by
6 the licensed elevator contractor to have an acceptable combination
7 of documented experience and education to perform elevator work
8 without direct and immediate supervision. Any person certified by
9 an elevator contractor to have an acceptable combination of
10 documented experience and education to perform elevator work
11 without direct and immediate supervision shall immediately seek a
12 temporary elevator mechanic license from the commissioner and shall
13 pay such fee, as the commissioner shall determine. Each license
14 shall state that it is valid for the term specified pursuant to
15 this section and while employed by the licensed elevator contractor
16 that certified the individual as qualified. A temporary license may
17 be renewed as long as the shortage of license holders continues.

18 (4) Excluding subdivisions two and three, subsection (b) of
19 this section, the renewal of all licenses granted under the
20 provisions of this section shall be conditioned upon the submission
21 of a certificate of completion of a course designed to ensure the
22 continuing education of licensees on new and existing provisions of
23 the regulations of the division. The course shall consist of not
24 less than eight hours of instruction that shall be attended and

1 completed within one year immediately preceding any such license
2 renewal.

3 (5) The continuing education courses shall be taught by
4 instructors through continuing education providers that may
5 include, but shall not be limited to, association seminars, and
6 labor training programs. The commissioner shall approve the
7 continuing education providers. All instructors shall be approved
8 by the commissioner and exempt from the requirements of the
9 preceding paragraph with regard to their application for license
10 renewal provided that such applicant was qualified as an instructor
11 at any time during the one year immediately preceding the scheduled
12 date for such renewal.

13 (6) A licensee who is unable to complete the continuing
14 education course required under this section prior to the
15 expiration of their license due to a temporary disability may apply
16 for a waiver from the commissioner. This will be on a form provided
17 by the commissioner which shall be signed under the pains and
18 penalties of perjury and accompanied by a certified statement from
19 a competent physician attesting to such temporary disability. Upon
20 the termination of such temporary disability, such licensee shall
21 submit to said board a certified statement from the same physician,
22 if practicable, attesting to the termination of such temporary
23 disability. At which time a waiver sticker, valid for 90 days,
24 shall be Issued to such licensee and affixed to his license.

1 (7) Approved training providers shall keep uniform records,
2 for a period of ten years, of attendance of licensees following a
3 format approved by the commissioner and such records shall be
4 available for inspection by the commissioner at his or her request.
5 Approved training providers shall be responsible for the security
6 of all attendance records and certificates of completion: *Provided,*
7 That falsifying or knowingly allowing another to falsify such
8 attendance records or certificates of completion shall constitute
9 grounds for suspension or revocation of the approval required under
10 this section.

11 (8) A license shall be issued to an individual holding a valid
12 license from a state having standards substantially equivalent to
13 those of this article, upon application and without examination as
14 outlined in section ten-a of this article;

15 ~~(8)~~ (9) Procedures for investigating complaints and revoking
16 or suspending licenses, certificates of competency and certificates
17 of operation, including appeal procedures;

18 ~~(9)~~ (10) Fees for testing, issuance and renewal of licenses,
19 certificates of competency and certificates of operation, and other
20 costs necessary to administer the provisions of this article;

21 ~~(10)~~ (11) Enforcement procedures; and

22 ~~(11)~~ (12) Any other rules necessary to effectuate the purposes
23 of this article.

1 ~~(b)~~ (c) The rules proposed for promulgation pursuant to
2 section eleven shall establish the amount of any fee authorized
3 pursuant to the provisions of this article: *Provided*, That in no
4 event may the fees established for the issuance of certificates of
5 operation exceed \$50.

6 ~~(c)~~ (d) All fees collected pursuant to the provisions of this
7 article shall be deposited in an appropriated special revenue
8 account hereby created in the State Treasury known as the "Elevator
9 Safety Fund" and expended for the implementation and enforcement of
10 this article: *Provided*, That amounts collected which are found from
11 time to time to exceed funds needed for the purposes set forth in
12 this article may be transferred to other accounts or funds and
13 redesignated for other purposes by appropriation of the
14 Legislature.

15 ~~(d)~~ (e) The division may enter into agreements with counties
16 and municipalities whereby such counties and municipalities be
17 permitted to retain the inspection fees collected to support the
18 enforcement activities at the local level.

19 ~~(e)~~ (f) The commissioner and his or her deputy commissioner or
20 any compliance officer of the division as authorized by the
21 commissioner may consult with engineering authorities and
22 organizations concerned with standard safety codes, rules and
23 regulations governing the operation, maintenance, servicing,
24 construction, alteration, installation and the qualifications which

1 are adequate, reasonable and necessary for the elevator mechanic
2 and inspector.