



1 **§21-3C-1. Definitions.**

2 (1) "Accessibility equipment" means lifting devices designated  
3 to remove access barriers in public buildings and private  
4 residences for persons with physical challenges, including  
5 residential elevators, limited use/limited application elevators,  
6 vertical platforms, inclined platform lifts and stairway  
7 chairlifts.

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

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

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

21 (5) "Commissioner" means the Commissioner of the Division of  
22 Labor.

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

24 (7) "Division inspector" means an employee or contractor of  
25 the division who has been examined and issued a certificate of

1 competency and who only inspects elevators in state owned  
2 buildings.

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

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

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

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

25       (12) "Inspector" means both a division inspector and a private

1 inspector.

2 (13) "License" means a license issued to an elevator mechanic,  
3 accessibility technician or limited technician pursuant to this  
4 article.

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

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

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

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

17 **§21-3C-10a. License requirements for elevator mechanics,**  
18 **accessibility technicians, limited technicians; contractors**  
19 **license requirements; supervision of elevator apprentices**  
20 **requirements.**

21 (a) A person may not engage or offer to engage in the business  
22 of erecting, constructing, installing, altering, servicing,  
23 repairing or maintaining elevators or related conveyances covered  
24 by this article in this state, unless he or she has a license

1 issued by the commissioner in accordance with this article.

2 (b) A person licensed under this article shall:

3 (1) Have in his or her possession a copy of the license issued  
4 pursuant to this article on any job on which he or she is  
5 performing elevator mechanic work; and

6 (2) Be, or be employed by, a contractor licensed pursuant to  
7 the provisions of article eleven, chapter twenty-one of this code  
8 unless the work is performed by a historic resort hotel's regular  
9 employees, for which the employees are paid regular wages and not  
10 a contract price, on property owned or leased by the historic  
11 resort hotel which is not intended for speculative sale or lease;  
12

13 (c) *Elevator mechanic license.* --

14 (1) To obtain an elevator mechanic's license, a person shall:

15 (A) Successfully complete educational programs that are  
16 registered with the Bureau of Apprenticeship and Training of the  
17 United States Department of Labor, including all required  
18 examinations and work experience: *Provided*, That if an applicant  
19 successfully completes such educational program prior to being  
20 registered with the Bureau of Apprenticeship and Training of the  
21 United States Department of Labor, the division may grant a license  
22 to the applicant after he or she demonstrates to the commissioner  
23 that he or she has successfully completed all the test and work  
24 experience requirements; or

25 (B) (i) Provide to the commissioner an acceptable combination

1 of documented experience and educational credits of not less than  
2 four years of recent and active experience in the elevator industry  
3 in construction, maintenance, or service/repair or any combination  
4 thereof, as verified by current and previous employers listed to do  
5 business in this state, on a sworn affidavit; and

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

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

10 (d) *Accessibility technician license.* --

11 (1) To obtain an accessibility technician's license a person  
12 shall:

13 (A) Provide to the commissioner a certificate of completion of  
14 an accessibility training program for the elevator industry such as  
15 the Certified Accessibility Training (CAT) program by the National  
16 Association of Elevator Contractors, or an equivalent nationally  
17 recognized training program; or

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

23 (ii) Have at least one year of documented vocational training  
24 and/or an associate degree in a related field; and

25 (iii) Obtain a score of 70% or better on a written competency

1 examination approved or provided by the commissioner.

2 (2) A person holding an accessibility technician license may  
3 only perform work on accessibility equipment.

4 (3) A person holding an accessibility technician license may  
5 obtain a limited use/limited application (LULA) elevator  
6 endorsement. To obtain the LULA elevator endorsement, such person  
7 shall:

8 (A) (i) Hold a current accessibility technician license;

9 (ii) Provide the commissioner with a certificate of LULA  
10 manufacturer's training; and

11 (iii) Provide at least one year of documented work experience  
12 to the commissioner, on a sworn affidavit, in the construction,  
13 maintenance, service and repair of LULA elevators and comparable  
14 equipment, which was completed under the supervision of a licensed  
15 accessibility technician; or

16 (B) As of July 1, 2012, have at least eighteen months of  
17 accessibility technician's experience in construction, maintenance,  
18 service and repair, or any combination thereof, as verified by  
19 current and previous employers, licensed to do business in this  
20 state, on a sworn affidavit: *Provided*, That an additional one year  
21 of documented work as an accessibility technician with  
22 certification of manufacturer's factory training, is required  
23 before a LULA endorsement may be obtained.

24 (4) Any person carrying an accessibility license as of July 1,  
25 2012, shall receive the required endorsement to continue to work on

1 this type of equipment, and will be qualified to supervise future  
2 applicants as described in this section.

3 (e) *Limited technician license.* --

4 (1) To obtain a limited technician's license an applicant  
5 shall:

6 (A) Complete a certified apprenticeship program, registered by  
7 the United States Department of Labor established at a historic  
8 resort hotel, qualifying for a limited technician license; or

9 (B) 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 maintenance, or service/repair or any combination thereof, as  
13 verified by current and previous employers authorized to do  
14 business in this state, on a sworn affidavit; and obtain a score of  
15 70% or better on a written competency examination approved or  
16 provided by the division.

17 (2) A person holding a limited technician license may only  
18 perform work at a historic resort hotel: *Provided;* That for  
19 purposes of this section, "historic resort hotel" has the same  
20 meaning ascribed to it in section two, article twenty-five, chapter  
21 twenty-nine of this code.

22 (f) *Elevator apprentice.* --

23 (1) An elevator apprentice who is enrolled in an  
24 apprenticeship program approved by the commissioner, and who is in  
25 good standing in the program, may work under the supervision of a



1 licensed elevator mechanic, as follows:

2 (A) An apprentice who has not successfully completed the  
3 equivalent of at least one year of the program may work only under  
4 the direct supervision of a licensed elevator mechanic who is  
5 present on the premises and available to the apprentice at all  
6 times.

7 (B) An apprentice who has successfully completed the  
8 equivalent of at least one year of the program may:

9 (i) Work under the direct supervision of a licensed elevator  
10 mechanic as set forth in subdivision (1) of this subsection; and

11 (ii) Perform the tasks set forth in this paragraph, only if  
12 delegated by and performed under the general supervision of a  
13 licensed elevator mechanic, who must, at a minimum, meet the  
14 apprentice on the job at the beginning of each day to delegate the  
15 specific tasks, and who remains responsible for the delegated  
16 tasks:

17 (I) Oiling, cleaning, greasing and painting;

18 (II) Replacing of combplate teeth;

19 (III) Relamping and fixture maintenance;

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

22 (IV) Observing operation of equipment.

23 **§21-3C-10b. Issuance and renewal of licenses.**

24 (a) Upon approval of a properly completed application for  
25 licensure, the commissioner may issue a person a license under the

1 provisions of this article.

2 (b) The licenses issued under the provisions of this article  
3 shall be renewed biennially upon application for renewal on a form  
4 prescribed by the commissioner and payment of a fee established by  
5 legislative rule.

6 (c) Upon a proper application for renewal, the commissioner  
7 shall renew a license, even if the license holder is unemployed or  
8 not working in the industry at the time of renewal: *Provided*, That  
9 before the license holder may engage or offer to engage in the  
10 business of erecting, constructing, installing, altering,  
11 servicing, repairing, or maintaining an elevator or related  
12 conveyance covered by this article, the license holder shall be a  
13 contractor, or be employed by a contractor licensed pursuant to the  
14 provisions of section ten-a, article eleven, chapter twenty-one of  
15 the code.

16 **§21-3C-11. Disposition of fees; legislative rules.**

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

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

1           (2) For the renewal of a license, even if the licensee is  
2 unemployed or not working in the industry: *Provided*, That to engage  
3 or offer to engage in the business of erecting, constructing,  
4 installing, altering, servicing, repairing, or maintaining an  
5 elevator or related conveyance covered by this article, the  
6 licensee shall be a contractor, or be employed by a contractor  
7 licensed pursuant to the provisions of section ten-a, article  
8 eleven, chapter twenty-one of the code;

9           (3) Qualifications and supervision requirements for elevator  
10 apprentices;

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

19           (5) Provisions for the granting of emergency licenses in the  
20 event of an emergency due to disaster, act of God or work stoppage  
21 when the number of persons in the state holding licenses issued  
22 pursuant to this article is insufficient to cope with the  
23 emergency;

24           (6) Provisions for the granting of temporary licenses in the  
25 event that there are no elevator mechanics available to engage in

1 the work of an elevator mechanic as defined by this article;

2 (7) Continuing education requirements;

3 (8) Procedures for investigating complaints and revoking or  
4 suspending licenses, certificates of competency and certificates of  
5 operation, including appeal procedures;

6 (9) Fees for testing, issuance and renewal of licenses,  
7 certificates of competency and certificates of operation, and other  
8 costs necessary to administer the provisions of this article;

9 (10) Enforcement procedures; and

10 (11) Any other rules necessary to effectuate the purposes of  
11 this article.

12 (b) The rules proposed for promulgation pursuant to subsection  
13 (a) of this section shall establish the amount of any fee  
14 authorized pursuant to the provisions of this article: *Provided,*  
15 That in no event may the fees established for the issuance of  
16 certificates of operation exceed \$50.

17 (c) All fees collected pursuant to the provisions of this  
18 article shall be deposited in an appropriated special revenue  
19 account hereby created in the State Treasury known as the "Elevator  
20 Safety Fund" and expended for the implementation and enforcement of  
21 this article: *Provided,* That amounts collected which are found  
22 from time to time to exceed funds needed for the purposes set forth  
23 in this article may be transferred to other accounts or funds and  
24 redesignated for other purposes by appropriation of the  
25 Legislature.

1           (d) The division may enter into agreements with counties and  
2 municipalities whereby such counties and municipalities be  
3 permitted to retain the inspection fees collected to support the  
4 enforcement activities at the local level.

5           (e) The commissioner and his or her deputy commissioner or any  
6 compliance officer of the division as authorized by the  
7 commissioner may consult with engineering authorities and  
8 organizations concerned with standard safety codes, rules and  
9 regulations governing the operation, maintenance, servicing,  
10 construction, alteration, installation and the qualifications which  
11 are adequate, reasonable and necessary for the elevator mechanic  
12 and inspector.