

MODEL ELEVATOR SAFETY LAW

Overview of Model Bill

This document provides model legislation for an Elevator Safety Law to ensure the safe and proper installation, maintenance, operation and inspection of elevators and related conveyances. The contents of this document are based on best practices research of relevant statutes and policy used in the elevator industry.

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***Editor's Notes:** While this model bill was developed generally for state government, it may be modified for use by local government bodies as well, such as counties or cities. The names of government departments, agencies, offices and officials may need to be changed to include appropriate titles for a particular jurisdiction.

Section 1. Title

Sections 1 through 14 of this chapter shall be known as the Elevator Safety Act.

Section 2. Findings; Purpose

- (a) The purpose of this chapter is to promote safety in the elevator industry by ensuring that elevators, escalators and other conveyances and devices used to move people and objects meet applicable industry safety standards and that contractors and other persons involved in the construction, alteration, service, repair, inspection and testing of such devices possess adequate qualifications to perform this work.
- (b) The use of unsafe and defective elevators, escalators and other conveyances and devices used to move people and objects poses a significant risk of serious and preventable injury to the general public as well as to persons employed in the elevator industry.
- (c) The prevention of these injuries and the protection of the public and persons employed in the elevator industry from unsafe conditions is in the best interest of the people of this state.
- (d) Threats to public and worker safety can be significantly reduced by requiring elevators, escalators and other devices used for moving people and objects to be installed, maintained, inspected, tested and operated in accordance with professional industry codes and standards and by ensuring that such work is performed by contractors, mechanics and inspectors possessing adequate skill, training and experience in the elevator industry.

Section 3. Definitions

- (a) “Alteration” means any change to equipment, elevators or other conveyances, including its parts, components, and/or subsystems *thereof*, other than maintenance, repair or replacement in accordance with ASME A17.1/CSA B44, including, but not limited to, the altering, rebuilding, upgrading or modernizing of elevators or other conveyances.
- (b) “Apprenticeship Training Program” means an apprenticeship training program that is registered with and approved by the U.S. Department of Labor or the state apprenticeship Department for providing education and skill training in the elevator industry, has graduated apprentices for at least three of the past five years, and requires a course of education and training in the elevator trade that consists of a minimum of 8,000 total hours of supervised on-the-job training and 144 hours of related technical education per year for four years from a provider of training and educational services in the elevator industry that has been approved by the Board.
- (c) “ASME” means the American Society of Mechanical Engineers.
- (d) “Board” means the Elevator Safety Board established under this chapter.
- (e) “Conveyance” means any elevator, escalator, stairway chairlift, platform lift, stage lift, orchestra lift, hoist, dumbwaiter, moving walk, automated people mover, automated-type parking structure, wind turbine elevators, or other device used for moving people, materials, equipment or other objects from one landing or location to another. Such devices

include, but are not limited to, those covered by ASME A17.1/CSA B44; ASME A18.1; ASME B20.1; Automated People Mover Standards; NFPA 88A; ANSI/ASSE 10.4; and ANSI/ASSE 10.5. The meaning of the terms for elevators, escalators and other conveyance devices referenced shall include the definitions provided in the referenced code sections, as applicable.

- (f) “Department” means *[insert name of department or agency responsible for the administration and enforcement of this chapter]*.
- (g) “Elevator Apprentice” means a person who is enrolled in an Apprenticeship Training Program for elevator mechanics, meets the requirements of this chapter and works under the supervision of a licensed Elevator Mechanic.
- (h) “Elevator Contractor” means any sole proprietor, partnership, corporation or other business entity that is engaged in the business of constructing, installing, altering, replacing, decommissioning, dismantling, demolishing, removing from service, repairing, servicing, inspecting or testing of elevators or other conveyances covered by this chapter.
- (i) “Elevator Inspector” means a person as defined in ASME QEI-1 Standard for the Qualification of Elevator Inspectors, who performs inspections and witnesses tests of elevators and other conveyances for compliance with requirements and specifications imposed by law and applicable industry codes and standards.
- (j) “Elevator Mechanic” means a person engaged in the work of constructing, installing, altering, replacing, decommissioning, dismantling, demolishing, removing from service, repairing, servicing or testing of elevators or other conveyances covered by this chapter.

Section 4. Scope; General Requirements

- (a) **Covered Work.** This chapter covers work in the elevator industry and trade, including, but not limited to, constructing, installing, altering, replacing, decommissioning, dismantling, demolishing, removing from service, repairing, servicing, inspecting or testing of elevators or other conveyances covered by this chapter.
- (b) **Elevator Equipment.** The operation of elevators and other conveyances subject to this chapter, and work on such conveyances, shall comply with the requirements of this chapter and applicable industry codes and standards as incorporated herein.
- (c) **Licensing Requirements.** Elevator Contractors, Elevator Mechanics and Elevator Inspectors performing work on elevators, escalators or other conveyances subject to this chapter shall be licensed or permitted in accordance with the requirements of this chapter.
- (d) **License Renewals.** An Elevator Contractor, Elevator Mechanic or Elevator Inspector License issued pursuant to this chapter shall be valid for a period of two years and may be renewed by submission of a renewal application to the Department, payment of a renewal fee and proof of compliance with the requirements of this chapter.

(e) **Licensing Administration.** The requirements of this chapter shall be administered by the Board and the Department.

(f) **Publication of Records.** The Department shall maintain the following records:

- (1) All persons, corporations or other business entities licensed pursuant to this chapter;
- (2) All construction permits issued pursuant to this chapter;
- (3) All conveyances registered pursuant to Section 6;
- (4) All Temporary or Emergency Elevator Mechanics authorized under Section 9; and,
- (5) All approved Elevator Apprentice Programs and names of persons currently enrolled.
- (6) All records required under this chapter shall be available on the Department's public website that shall be updated monthly.

(g) **Industry Codes.** Elevators and other conveyances subject to this chapter are further defined and regulated by applicable industry codes and standards, including: ASME A17.1/CSA B44; ASME A17.2; ASME A17.3; ASME A17.5; ASME A17.6; ASME A17.7; ASME A17.8; ASME A18.1; ASME B20.1; NFPA 88A; ANSI/ASSE-10.4; ANSI/ASSE 10.5; ASCE 21; and ASME QEI-1. The specific versions of industry codes and standards that shall apply to this chapter shall be determined by the Department, in consultation with the Elevator Safety Board, and incorporated into this chapter through administrative regulations.

(h) **Code Revisions.** The Department, in consultation with the Elevator Safety Board, shall propose a rule to adopt the most recent edition of the industry codes referenced under this chapter within 1 year of publication. Any proposed modifications, additions or deletions to provisions within the referenced industry codes must be justified before being included in the proposed rule.

Section 5. Elevator Safety Board

(a) **Creation of Board.** There is hereby created the Elevator Safety Board, herein referred to as the "Board," consisting of nine members.

(b) **Board Appointments.** The Governor shall appoint the members of the Board with one representative from each of the following categories:

- (1) The Department;
- (2) A Major Elevator Manufacturing Company;
- (3) An Elevator Servicing Company;
- (4) An Architectural Design or Elevator Consulting Firm;
- (5) An Elevator Inspector;
- (6) A Labor Organization specializing in the installation, maintenance and repair of elevators and other conveyances;
- (7) A Building Owner or Manager;
- (8) A Municipality in this State; and
- (9) The General Public.

- (c) **Terms.** The members constituting such Board shall serve for terms of three years, excluding the representative of the Department or their designee who shall serve continuously. The members shall serve without salary. The Board members shall receive from the state expenses necessarily incurred by them in the performance of their duties. In making appointments to the Board, whether due to the expiration of a member's term or due to the unexpected termination of a term, the Governor shall make appointments within 60 days of a Board seat becoming vacant.
- (d) **Chair of the Board.** The Governor shall appoint one member to serve as Chair; the Chair shall serve no more than two consecutive terms and will be the deciding vote in the event of a tie vote.
- (e) **Meetings.** The Board shall meet and organize within ten days after the appointment of its members and at such meeting shall elect one Secretary of the Board to serve during the term to be fixed by the rules and regulations to be adopted by the Board. The Board shall meet regularly once in each month at a time and place to be fixed by the Board and at such times as it is deemed necessary for the consideration of code regulations, appeals, variances and the transaction of such other business as properly may come before it. Special meetings shall be called as provided in the rules and regulations adopted by the Board. Any appointed Board Member absent from three consecutive meetings shall be dismissed.
- (f) **Powers of the Board.**
- (1) **Fee Schedules.** The Board shall establish fee schedules for licenses, permits, certificates, inspections and tests required under this chapter. The fees shall reflect the actual costs and expenses to operate this department and to conduct the duties as described in this chapter.
 - (2) **Implementing Regulations.** The Board, in conjunction with the Department and Attorney General, shall develop regulations and issue other guidance as required to ensure the proper administration and enforcement of this chapter. The Board shall be authorized to consult with engineering authorities and other appropriate organizations regarding the application of elevator industry codes and standards to this chapter, for proposed amendments to this chapter, and in the development of rules and regulations pursuant to this chapter.
 - (3) **Amendments to Regulations.** The Department, in consultation with the Board and Attorney General, shall promulgate amendments to regulations for this chapter as needed.
 - (4) **Industry Codes and Standards** In developing regulations, the Board shall implement applicable industry codes and standards, including Safety Code for Elevators and Escalators, ASME A17.1/CSA B44; Safety Code for Existing Elevators and Escalators, ASME A17.3; Safety Standard for Conveyors and Related Equipment, ASME B20.1; Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1; Standard for the Qualification of Elevator Inspectors, ASME QEI-1;

Automated People Mover Standards, ASCE 21; Standard for Parking Structures, NFPA 88A; Personnel Hoists and Employee Elevators on Construction and Demolition Sites, ANSI/ASSE A10.4; Safety Requirements for Material Hoists, ANSI/ASSE A10.5; and Accessible and Usable Buildings and Facilities, ICC A117.1; ASME A17.2; ASME A17.5; ASME A17.6; ASME A17.7 and ASME A17.8. For purposes of A17.7, the Board retains the authority to reject a technology under A17.7 even if it is accompanied by a third-party certification.

- (5) **Exceptions and Variances.** The Board shall have the authority to grant exceptions and variances from the literal requirements of applicable codes and standards, regulations, and/or local legislation in cases where such changes would not jeopardize the public safety and welfare or persons employed in the elevator industry.
- (6) **Hearings and Appeals.** The Board shall have the authority to hold hearings and hear appeals on matters relating to this chapter, including suspension or revocation of licenses, in accordance with regulations and procedures established by the Board in conjunction with the Department and the Attorney General.

Section 6. Elevator Equipment

(a) Registration of Covered Conveyances.

- (1) **Registration of Existing Conveyances.** Within six months from the effective date of this chapter, the owner of every existing elevator or other conveyance subject to this chapter shall register with the Department each such conveyance, unless it is a new conveyance.
- (2) **Registration of New Conveyances.** The owner of a new elevator or other conveyance shall register it with the Department within thirty days of passing acceptance testing and inspection.
- (3) **Registration Information.** When registering a conveyance, the owner shall give the type, rated load, number of landings and speed, name of manufacturer, its location, the purpose for which it is used and such additional information as the Department may require.
- (4) **Deregistration of Conveyances.** When a conveyance subject to this chapter is decommissioned or otherwise taken out of service, the owner responsible for the equipment shall notify the Department within six months to request the conveyance be removed from the state's registration list.

- (b) **Elevator Permits.** A permit, issued in accordance with the requirements of this section, shall be required for any work involving constructing, installing, altering, replacing, dismantling, demolishing or removing from service elevators or other conveyances covered by this chapter.

- (1) **Permit Fees.** The permit fee shall be set by the Department. Permit fees collected are non-refundable.

(2) Permit Requirements.

- (i)** Permits required under this section shall be obtained before the work is commenced and shall only be issued to an Elevator Contractor licensed pursuant to this chapter.
- (ii)** The Elevator Contractor obtaining the permit shall be responsible for the complete scope of work covered by the permit until the government Department having jurisdiction has issued the operating permit. A copy of such permit shall be kept at the site at all times while the work is in progress.
- (iii)** Any permit issued shall specifically require that any work subject to the permit shall be performed only by persons licensed under this chapter and shall be performed in accordance with all requirements of this chapter, including applicable industry codes and standards incorporated herein.
- (iv)** Each application for a permit shall be accompanied by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building; the location of the machinery space, machine room, control space, or control room and the equipment to be installed, relocated or altered; and all structural supporting members thereof, including foundations, and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design, including electrical drawings. In addition, each submittal shall include a copy of the written Maintenance Control Program as required by ASME A17.1/CSA B44.
- (v)** The applicable fees shall accompany each permit application.
- (vi)** The Department can issue temporary permits valid for no more than 90 days for elevators used during construction. Temporary permits are renewable, subject to an inspection and fee.

(3) Revocation of Permits. Permits may be revoked or suspended for the following reasons:

- (i)** Where there is the making of a false statement, omission or misrepresentation as to a material fact(s) in the application, plans or specifications on which the permit was based;
- (ii)** Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans or specifications, or with the code or conditions of the permit;
- (iii)** Where the Elevator Contractor to whom the permit was issued fails or refuses to comply with a stop work order from the Department; or
- (iv)** Where the Department determines revocation is necessary to ensure the proper enforcement of this chapter or to protect public or worker safety.

- (4) Expiration of Permits.** A permit shall be deemed expired in the event that:
- (i)** The work authorized by such permit is not commenced within six months after the date on which the permit is issued or within a shorter period as specified on the permit; or,
 - (ii)** The work is suspended or abandoned for a period of sixty days, or such shorter period of time as the Department may specify at the time the permit is issued, after the work has been started. For good cause, the Department may allow an extension of the foregoing period at its discretion.

(c) Certificate of Operation

- (1) Contractor Compliance Certification.** Subsequent to installation, the Elevator Contractor responsible for the work shall certify compliance with the applicable sections of this chapter and applicable industry codes and standards, as adopted by the Board.
- (2) Equipment Certificate of Operation.** Prior to any conveyance covered under this chapter being used for purposes other than under a temporary permit as specified herein, the owner of the elevator or other conveyance must obtain a Certificate of Operation from the Department.
- (3) Duration of Certificate.** Certificates of Operation shall be valid for one year and renewed annually. A fee, as determined by the Department, shall be paid for initial and subsequent Certificates of Operation.
- (4) Display of Certificate.** Certificates of Operation must be clearly displayed on or in each conveyance or in the machine room for the benefit of code enforcement staff.
- (5) Reporting.** In the event that an incident occurs involving an elevator or other conveyance subject to this chapter that results in death or bodily injury to any person requiring hospitalization or other treatment by a physician, the building owner/operator shall submit a report to the Department within 48 hours which includes the date, time and place of the incident on a form prescribed by the Department.

(d) Inspection and Testing of Conveyances.

- (1)** It shall be the responsibility of the owner of all elevators and other conveyances to ensure that all equipment subject to this chapter conforms to the following inspection and testing requirements:
 - (i)** New or altered conveyances shall be inspected and tested in accordance with ASME A17.1/CSA B-44 Section 8.10.
 - (ii)** Existing conveyances shall be inspected and tested in accordance with ASME A17.1/CSA B-44 Section 8.11.

- (2) Inspections and tests of conveyances required under this section shall be conducted to ensure the conveyances are operated and maintained in accordance with applicable code(s) requirements for such conveyances as adopted or determined by the Department.
- (3) It shall be the responsibility of the owner of all conveyances to ensure that the inspections and tests required pursuant to this section are performed in compliance with the applicable code(s) requirements for such conveyances as adopted or determined by the Department.
- (4) All work required for inspections and the associated tests of elevators and other conveyances shall be performed by a licensed Elevator Mechanic and shall be physically witnessed by a licensed Elevator Inspector when required by the code to ensure compliance with applicable code(s) requirements for such conveyances as adopted or determined by the Department.
- (5) All inspections of elevators and other conveyances shall be performed by a licensed Elevator Inspector to ensure compliance with applicable code(s) requirements for such conveyances as adopted or determined by the Department.
- (6) When any tests on elevators or other conveyances are performed pursuant to this section such tests are required to be witnessed by a licensed Elevator Inspector in accordance with this section or applicable industry codes or standards incorporated herein, this shall mean that the inspector shall be physically present during the tests to witness such tests to ensure they are administered and verify test results.
- (7) Subsequent to inspection, the licensed Elevator Inspector shall supply the property owner and the Department with a written inspection report verifying code compliance or describing any code violations found. It shall be the responsibility of the Department to verify compliance with the requirements of this chapter and applicable code(s) requirements, as adopted or required by the Department.

Section 7. Elevator Contractor License

- (a) **License Required.** A person, sole proprietor, partnership, corporation or other entity shall not perform, contract to perform or advertise to perform work covered by this chapter unless they possess an Elevator Contractor License issued pursuant to this section. A licensed Elevator Contractor shall employ at least one Elevator Mechanic licensed under this chapter.
- (b) **Application Requirements.** An Elevator Contractor License may be obtained by submitting an application with required documentation to the Department, paying an application fee as determined by the Department and meeting the requirements of this section.

(c) Content of Application. The form and content of the Elevator Contractor License application shall be determined by the Department, in consultation with the Board, but, at a minimum, shall require the applicant to provide the following information:

- (1) If a person or sole proprietor, the name, residence and business address of the applicant;
- (2) If a partnership, the name, residence and business address of each partner;
- (3) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of said corporation; if a corporation other than a domestic corporation, the name and address of an agent located locally who shall be authorized to accept service of process and/or official notices;
- (4) The number of years the applicant has engaged in the business of installing, inspecting and/or maintaining or servicing elevators and other equipment or devices subject to this chapter;
- (5) Satisfactory evidence that the applicant is or will be covered by general liability insurance, workers compensation insurance, personal injury insurance and property damage insurance as required by the Department, in consultation with the Board;
 - (i) Such evidence shall consist of a certificate of insurance issued by an insurance company authorized to do business in the state, which provides general liability coverage of at least one million dollars (\$1,000,000) for injury or death of any number of persons in any one occurrence, at least five hundred thousand dollars (\$500,000) for property damage in any one occurrence, and sufficient workers compensation insurance coverage to meet applicable state law requirements;
 - (ii) The applicant shall be required to maintain applicable insurance coverage as a condition of obtaining a license issued under this section; in the event of any material alteration or cancellation of any policy, at least ten days' notice thereof shall be given to the Department.
- (6) Upon written request of the Board or Department, the applicant may also be required to submit:
 - (i) A list of other states where the applicant is licensed to do business;
 - (ii) A list of all revocations and/or suspensions of contractor license in this or other jurisdictions;
 - (iii) A list of all other names under which the applicant has done business in this or other jurisdictions; and,
 - (iv) The applicant's OSHA safety record and other records as required by the AHJ for preceding five years under all business licenses.
- (7) Such other information as the Department, in consultation with the Board, may require.

Section 8. Elevator Mechanic License

- (a) **License Required.** No person shall perform work covered by this chapter unless he or she possesses an Elevator Mechanic License or is working as a Temporary or Emergency Elevator Mechanic authorized under Section 9 of this chapter and is employed by a licensed Elevator Contractor.
- (b) **Application Requirements.** A person may obtain an Elevator Mechanic License by submitting an application to the Department with required documentation, including a copy of government-issued photo identification, paying an application fee, as determined by the Department, and meeting the requirements of this section.
- (c) **Content of Application.** The form and content of the Elevator Mechanic License application shall be determined by the Department, but, at a minimum, shall require the applicant to provide documentation showing the applicant meets one of the following qualifications:
- (1) Successfully completed a nationally recognized apprenticeship or nationally recognized training program for Elevator Mechanics; performed at least 8,000 hours of acceptable work experience in construction, installation, maintenance, service or repair of elevators or other conveyances subject to this chapter, as verified by current and prior employers; and, has passed a nationally recognized Elevator Mechanic's examination, such as that administered by the National Elevator Industry Educational Program or its equivalent, as approved by the Board; or
 - (2) Possesses an Elevator Mechanic's License from another state that has standards substantially equal to those established in this chapter.
- (d) **Grandfathering Provision.** Within one year of the effective date of this chapter, an applicant may obtain an Elevator Mechanic License by paying the required fee and submitting an application with documentation demonstrating the applicant has worked as an elevator mechanic without supervision for at least 8,000 hours within 6 years prior to the application.
- (e) **Elevator Mechanic Identification Cards.**
- (1) Elevator Mechanic Licenses shall be issued by the Department in the form of a licensing card that provides the name, address, license number and photo identification of the license holder.
 - (2) Any person issued an Elevator Mechanic's License photo identification card shall maintain such card in his or her possession at all times when performing work subject to this chapter.
- (f) **Continuing Education Requirements.** Renewal of an Elevator Mechanic License shall be conditioned upon completion of a continuing education course, such as that administered by the National Elevator Industry Educational Program or its equivalent,

as approved by the Board, and submission of proof of same to the Department prior to each renewal.

- (1) Continuing education courses and instructors shall be approved by the Board; and
- (2) Continuing education shall consist of not less than eight hours of instruction that shall be completed within one year immediately preceding any such license renewal.

(h) Temporary Elevator Mechanic License. In the event an Elevator Contractor encounters a verifiable shortage of licensed mechanics, the Elevator Contractor may request that the Department issue a Temporary Elevator Mechanic License to an Elevator Apprentice who can provide documentation demonstrating that he/she is currently enrolled in an Elevator Apprenticeship Program and has a minimum of 2,000 hours of elevator industry experience. Each Temporary Elevator Mechanic license shall be valid for 45 days valid to the holder so long as he/she is employed by the licensed Elevator Contractor that requested the Temporary Elevator Mechanic license and shall be renewable so long as the shortage of license holders exists. Fees will be determined by the Board.

(i) Emergency Elevator Mechanic License. Whenever an emergency exists in the state due to a disaster, act of God, a threat to life and safety, or other extenuating circumstances and the number of persons in the state holding licenses is insufficient to cope with the emergency, an Elevator Contractor shall notify the Department of the persons who will be Emergency Elevator Mechanic licensees when those persons are not currently licensed to perform work subject to this chapter. Each such license shall be valid for a period of forty-five (45) days and renewable so long as the emergency persists. No fee shall be charged for an Emergency Elevator Mechanic license or renewals. The Elevator Contractor is required to certify that the persons to receive Emergency Elevator Mechanic licenses meet one of the following criteria:

- (1) Currently enrolled in an Apprenticeship Training Program for Elevator Mechanics as defined by this chapter;
- (2) Possesses a valid Elevator Mechanic License from another state that has qualification standards substantially equal to those of this chapter; or
- (3) Has 5 years full-time experience in the elevator trade within preceding 10 years.

(j) Notification for Use of Temporary or Emergency Elevator Mechanics. An Elevator Contractor employing Temporary or Emergency Elevator Mechanics pursuant to this section shall file a Notification for Using Temporary or Emergency Elevator Mechanic with the Department within 5 business days from the date the person commences work. The Notification will follow the process outlined by the Department but at a minimum include the grounds for using Temporary or Emergency Elevator Mechanics, provide the name and address of persons employed as Temporary or Emergency Elevator Mechanics, and certify that such persons meet the requirements of this section.

Section 9. Elevator Apprenticeship Programs.

- (a) **Submission of Records.** Each Elevator Apprenticeship Training Program approved by the Board under this chapter must submit a list of the names of all persons currently enrolled in the program and the name of each person's employer to the Department no less than every three (3) months.

Section 10. Elevator Inspector License

- (a) **License Required.** No person shall inspect any conveyance, equipment or other device covered by this chapter unless he or she possesses a duly authorized Elevator Inspector License issued in accordance with the requirements of this chapter.
- (b) **Application Requirements.** A person may obtain an Elevator Inspector License by submitting an application with required documentation to the Department, paying an application fee, as determined by the Department, and meeting the requirements of this section.
- (c) **Content of Application.** The form and content of the Elevator Inspector License application shall be determined by the Department but, at a minimum, the applicant shall:
- (1) Submit certification documents showing he or she has been approved as a certified elevator inspector or certified elevator inspector supervisor in accordance with the ASME QEI-1, Standard for the Qualifications for Elevator Inspectors; and
 - (2) Provide satisfactory evidence that the applicant is or will be covered by general liability insurance, workers compensation insurance, personal injury insurance and property damage insurance as required by the Department.
 - (i) Such evidence shall consist of a certified copy of an insurance policy issued by an insurance company authorized to do business in the state, which provides general liability coverage of at least one million dollars (\$1,000,000) for injury or death of any number of persons in any one occurrence, at least five hundred thousand dollars (\$500,000) for property damage in any one occurrence and sufficient workers compensation insurance coverage to meet applicable state law requirements;
 - (ii) The applicant shall be required to maintain applicable insurance coverage as a condition of a license issued under this section; in the event of any material alteration or cancellation of any policy, at least ten days' notice thereof shall be given to the Department.

Section 11. Administration; Enforcement

- (a) **Authority.** Pursuant to its administration of this chapter, the Department, in consultation with the Board and the Attorney General, shall develop a program of enforcement for the provisions of this chapter, including administrative regulations necessary for its implementation. This program shall establish procedures required for monitoring compliance with the requirements of this chapter, receiving and investigating complaints

for alleged violations of the law and other actions necessary for the administration of this chapter.

(b) Grounds for Action. This chapter shall be subject to enforcement actions by the Department for any conduct not in compliance with the requirements of this chapter, including, but not limited to the following violations:

- (1)** Making a false statement, omission or misrepresentation as to any material facts in a license application or in any other document required under this chapter;
- (2)** Engaging in fraud, bribery or any other unlawful act in securing or using a permit, certificate or license required under this chapter;
- (3)** Engaging in work on elevators or other conveyances without the required licenses or permits required by this chapter;
- (4)** Hiring a person that does not hold the proper licenses or permits required under this chapter to perform work on an elevator or other conveyances covered by this chapter;
- (5)** Operating elevators or other conveyances without a required permit or certificate or in any other manner that is not in compliance with the requirements of this chapter;
- (6)** Violating any regulation developed by the Department under this chapter.

(c) Stop Work Orders. In any case where the Department determines that work on elevators, escalators or other conveyances subject to this chapter is being performed by unlicensed contractors or workers, the Department shall issue or cause to be issued a stop work order requiring that all such work cease and require that such work shall not be resumed until a full investigation has been undertaken and verification has been made that all work subject to this chapter is being performed by licensed Elevator Contractors and licensed Elevator Mechanics.

- (1) Unlicensed Contractors.** In addition to any other penalties that are imposed under this section, any person, corporation or other business entity performing work subject to this chapter without the required Elevator Contractor License shall, after appropriate notice and hearing, be barred from applying for such license for three years;
- (2) Unlicensed Work.** In addition to any other penalties imposed under this section, the Department shall revoke the license of a licensed Elevator Contractor which employs or contracts with any person, corporation or other business entity, to perform work without required licenses or permits. The Department shall issue a stop work order in these circumstances, and after providing appropriate notice and hearing, shall revoke the Elevator Contractor's license for a period of up to three years.

(d) Complaints. Any person may make a complaint or request for an investigation into an alleged violation of this chapter by giving notice to the Department. Such notice shall be in writing and shall set forth with reasonable particularity the grounds for the alleged violation.

(e) **Investigation.** If, upon receipt of notification received pursuant to subsection 12(d), the Department determines reasonable grounds exist for finding a violation of this chapter, it shall commence an investigation as soon as practicable to determine if such violation has occurred. The Department may also conduct an investigation of possible violations of this chapter or any danger presented by a conveyance regulated by this chapter on its own initiation.

(f) **Acting in Bad Faith Prohibited.** Any person making a complaint under this chapter who is identified as acting in bad faith and/or providing a false statement will be subject to the enforcement sanctions pursuant to (h) under this section.

(g) **Retaliatory Action Prohibited.**

(1) **Retaliatory Acts.** No employer shall discharge, demote, suspend, threaten, harass or in any other manner discriminate against an employee in the terms and condition of employment because of lawful acts done by the employee in connection with enforcement or attempted enforcement of the requirements of this chapter.

(2) **Enforcement Actions.** A person who suffers retaliatory conduct as defined in this subsection may institute a civil action in a court of competent jurisdiction. If the court determines the person suffered retaliatory action as defined in this subsection, the person shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the same seniority status such employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. However, if the person who suffers retaliation is covered by a collective bargaining agreement, such a person shall be limited to the rights and remedies of that collective bargaining agreement, including grievance-arbitration procedures.

(h) **Enforcement Sanctions.** Pursuant to its authority under this section, the Department may, after providing the required notice and hearing to the persons or entities involved, take one or more of the following enforcement actions upon finding one or more violations of this chapter.

(1) Temporarily suspend a license or permit granted under this chapter;

(2) Permanently revoke a license or permit granted under this chapter;

(3) Impose an administrative fine not to exceed \$5,000 for each verified violation; and

(4) Take any other enforcement action described in regulations promulgated under this chapter as determined to be necessary.

Section 12. State Law, Code or Regulation. Whenever a provision in this chapter is found to be in conflict with any other provision of state law, this chapter shall prevail.

Section 13. Effective Date

This act shall be in full force and effect on and after _____, _____. Administrative regulations required for the implementation of this chapter shall be completed prior to this date.

Section 14. Severability

If any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

Acceptance and Agreement

The International Union of Elevator Constructors and the National Elevator Industry, Inc. hereby accept and agree to Revision 4 of the Model Elevator Law as the basis for our joint effort to advance elevator industry licensing requirements and other elements of a comprehensive elevator program throughout the United States.

Frank J. Christensen
General President
International Union of Elevator Constructors
Date: February 13, 2024

Amy J. Blankenbiller
Executive Director
National Elevator Industry, Inc.
Date: February 13, 2024