

8359--B

2011-2012 Regular Sessions

I N A S S E M B L Y

June 14, 2011

Introduced by M. of A. WRIGHT, RABBITT, P. RIVERA, HEVESI, COLTON, GALEF, BENEDETTO, GUNTHER, M. MILLER, MARKEY, ORTIZ, MOYA, GABRYSZAK, MAISEL, STEVENSON, ROSENTHAL, SCARBOROUGH, NOLAN, V. LOPEZ, CASTRO, WEPRIN, TITONE, SIMOTAS, QUART, ENGLEBRIGHT, DenDEKKER, GOLDFEDER, BOYLAND, ABINANTI, N. RIVERA, CRESPO, LINARES, KAVANAGH, JEFFRIES, LAVINE, JAFFEE, BRINDISI, KELLNER, AUBRY, CAMARA, MAGNARELLI, GIBSON, BARRON, RAIA -- Multi-Sponsored by -- M. of A. ARROYO, BOYLE, BRAUNSTEIN, CALHOUN, CLARK, COOK, CROUCH, CURRAN, CUSICK, DINOWITZ, ESPI-NAL, FARRELL, GIGLIO, GLICK, GOODELL, GOTTFRIED, GRAF, HOOPER, JACOBS, KATZ, LATIMER, LENTOL, LOSQUADRO, LUPARDO, MAGEE, MALLIOTAKIS, McDO-NOUGH, McENENY, McKEVITT, MENG, J. MILLER, MILLMAN, MONTESANO, MURRAY, O'DONNELL, PAULIN, PEOPLES-STOKES, PERRY, PRETLOW, RA, RAMOS, REILLY, J. RIVERA, RODRIGUEZ, RUSSELL, RYAN, SALADINO, SCHIMEL, SIMANOWITZ, SWEENEY, TENNEY, THIELE, TITUS, WALTER, WEISENBERG -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law and the state finance law, in relation to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The labor law is amended by adding a new article 32 to read  
2 as follows:

3 ARTICLE 32

4 ELEVATORS AND OTHER CONVEYANCES; LICENSING

5 SECTION 925. LEGISLATIVE FINDINGS AND DECLARATION.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10727-10-2

- 1 926. APPLICATION.  
2 927. DEFINITIONS.  
3 928. LICENSING, PERMIT, REGISTRATION AND COMPLIANCE REQUIRE-  
4 MENTS.  
5 929. LICENSE AND PERMIT PROCEDURE.  
6 930. QUALIFICATIONS, TRAINING AND CONTINUING EDUCATION.  
7 931. POWERS OF THE COMMISSIONER.  
8 932. NEW YORK STATE ELEVATOR SAFETY AND STANDARDS BOARD.

9 S 925. LEGISLATIVE FINDINGS AND DECLARATION. THE LEGISLATURE HEREBY  
10 FINDS THAT THE USE OF UNSAFE AND DEFECTIVE ELEVATORS AND OTHER AUTOMATED  
11 PEOPLE MOVING CONVEYANCES MAY EXPOSE THE PUBLIC TO UNSAFE CONDITIONS AND  
12 INCREASE THE RISK OF INJURY. THE LEGISLATURE FINDS THAT IMPROPER DESIGN,  
13 CONSTRUCTION, MAINTENANCE AND REPAIR OF SUCH CONVEYANCES IS PREVENTABLE  
14 BY REQUIRING PROPER TRAINING OF PERSONS EMPLOYED TO PERFORM WORK ON  
15 ELEVATORS AND OTHER AUTOMATED PEOPLE MOVING CONVEYANCES AND BY REQUIRING  
16 THE LICENSING OF CONTRACTORS AND THE CERTIFICATION OF INDIVIDUALS  
17 INVOLVED IN ELEVATOR AND OTHER AUTOMATED PEOPLE MOVING CONVEYANCES  
18 PROJECTS.

19 NOTHING IN THIS ARTICLE IS INTENDED TO CREATE, EXPAND, DIMINISH,  
20 LIMIT, IMPAIR, OR SUPERSEDE ANY RIGHTS UNDER CURRENT LAW, RULE, OR REGU-  
21 LATION, OR RESULTING FROM A DETERMINATION OF A COURT OR THE NATIONAL  
22 LABOR RELATIONS BOARD WITH REGARD TO BUILDING TRADES AND THE WORK OF  
23 SUCH BUILDING TRADE. NOR IS IT INTENDED TO ABROGATE ANY RIGHTS OR DUTIES  
24 UNDER ANY CONTRACT WITH REGARD TO BUILDING TRADES AND THE WORK OF SUCH  
25 BUILDING TRADE.

26 S 926. APPLICATION. 1. THE DESIGN, CONSTRUCTION, ERECTION, INSTALLA-  
27 TION, INSPECTION, TESTING, MAINTENANCE, ALTERATION, SERVICE, AND REPAIR  
28 OF THE FOLLOWING EQUIPMENT ARE COVERED BY THIS ARTICLE:

29 (A) HOISTING AND LOWERING MECHANISMS EQUIPPED WITH A CAR OR PLATFORM  
30 WHICH MOVES BETWEEN TWO OR MORE LANDINGS. THIS EQUIPMENT INCLUDES, BUT  
31 IS NOT LIMITED TO ELEVATORS, PLATFORM LIFTS AND STAIRWAY CHAIR LIFTS;

32 (B) POWER DRIVEN STAIRWAYS AND WALKWAYS FOR CARRYING PERSONS BETWEEN  
33 LANDINGS. THIS EQUIPMENT INCLUDES, BUT IS NOT LIMITED TO, ESCALATORS  
34 AND MOVING WALKS;

35 (C) HOISTING AND LOWERING MECHANISMS EQUIPPED WITH A CAR, WHICH SERVES  
36 TWO OR MORE LANDINGS AND IS RESTRICTED TO THE CARRYING OF MATERIAL BY  
37 ITS LIMITED SIZE OR LIMITED ACCESS TO THE CAR. THIS EQUIPMENT INCLUDES,  
38 BUT IS NOT LIMITED TO, DUMBWAITERS, MATERIAL LIFTS, AND DUMBWAITERS WITH  
39 AUTOMATIC TRANSFER DEVICES AS DEFINED IN SECTION NINE HUNDRED  
40 TWENTY-SEVEN OF THIS ARTICLE; AND

41 (D) AUTOMATIC GUIDED TRANSIT VEHICLES ON GUIDEWAYS WITH AN EXCLUSIVE  
42 RIGHT OF WAY. THIS EQUIPMENTS INCLUDES, BUT IS NOT LIMITED TO, AUTO-  
43 MATED PEOPLE MOVERS.

44 2. THE FOLLOWING EQUIPMENT IS NOT COVERED BY THIS ARTICLE:

45 (A) MATERIAL HOISTS;

46 (B) MANLIFTS;

47 (C) MOBILE SCAFFOLDS, TOWERS, AND PLATFORMS;

48 (D) POWERED PLATFORMS AND EQUIPMENT FOR EXTERIOR AND INTERIOR MAINTENANCE;  
49

50 (E) CONVEYOR AND RELATED EQUIPMENT;

51 (F) CRANES, DERRICKS, HOISTS, HOOKS, JACKS AND SLINGS;

52 (G) INDUSTRIAL TRUCKS;

53 (H) PORTABLE EQUIPMENT, EXCEPT FOR PORTABLE ESCALATORS;

54 (I) TIERING AND PILING MACHINES USED TO MOVE MATERIALS TO AND FROM  
55 STORAGE LOCATED AND OPERATING ENTIRELY WITHIN ONE STORY;

1 (J) EQUIPMENT FOR FEEDING OR POSITIONING MATERIALS INCLUDING, BUT NOT  
2 LIMITED TO, MACHINE TOOLS AND PRINTING PRESSES;

3 (K) SKIP OR FURNACE HOISTS;

4 (L) WHARF RAMPS;

5 (M) RAILROAD CAR LIFTS OR DUMPERS;

6 (N) LINE JACKS, FALSE CARS, SHAFTERS, MOVING PLATFORMS AND SIMILAR  
7 EQUIPMENT USED FOR INSTALLING AN ELEVATOR BY A CONTRACTOR LICENSED IN  
8 THIS STATE.

9 3. THE LICENSING, PERMITTING AND CERTIFICATION PROVISIONS OF THIS  
10 ARTICLE SHALL NOT APPLY TO THE OWNERS OR LESSEES OF PRIVATE RESIDENCES  
11 WHO DESIGN, ERECT, CONSTRUCT, INSTALL, ALTER, REPAIR, SERVICE OR MAIN-  
12 TAIN CONVEYANCES THAT ARE LOCATED OR WILL BE LOCATED IN SUCH OWNER OR  
13 LESSEE'S PRIVATE RESIDENCE. HOWEVER, ANY PERSON HIRED TO DESIGN, ERECT,  
14 CONSTRUCT, INSTALL, ALTER, REPAIR, SERVICE, MAINTAIN, OR PERFORM ANY  
15 OTHER WORK RELATED TO SUCH CONVEYANCES MUST COMPLY WITH THE PROVISIONS  
16 OF THIS ARTICLE.

17 4. NO LICENSE SHALL BE REQUIRED FOR THE REMOVAL OR DISMANTLING OF  
18 CONVEYANCES.

19 5. THE PROVISIONS OF THIS ARTICLE AND THE RULES ADOPTED PURSUANT THER-  
20 ETO SHALL BE THE MINIMUM STANDARD REQUIRED AND SHALL SUPERSEDE ANY  
21 SPECIAL LAW OR LOCAL ORDINANCE INCONSISTENT THEREWITH, AND NO LOCAL  
22 ORDINANCE INCONSISTENT THEREWITH SHALL BE ADOPTED, BUT NOTHING HEREIN  
23 CONTAINED SHALL PREVENT THE ENACTMENT BY LOCAL LAW OR ORDINANCE OF ADDI-  
24 TIONAL REQUIREMENTS AND RESTRICTIONS.

25 S 927. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL  
26 HAVE THE FOLLOWING DEFINITIONS:

27 1. "AUTOMATED PEOPLE MOVER" MEANS A GUIDED TRANSIT MODE WITH FULLY  
28 AUTOMATED OPERATION, FEATURING VEHICLES THAT OPERATE ON GUIDEWAYS WITH  
29 EXCLUSIVE RIGHT-OF-WAY.

30 2. "BOARD" MEANS THE NEW YORK STATE ELEVATOR SAFETY AND STANDARDS  
31 BOARD ESTABLISHED BY SECTION NINE HUNDRED THIRTY-TWO OF THIS ARTICLE.

32 3. "CERTIFICATE OF OPERATION" MEANS A DOCUMENT ISSUED BY THE COMMIS-  
33 SIONER THAT INDICATES THAT THE ELEVATOR OR RELATED CONVEYANCE HAS HAD  
34 THE REQUIRED SAFETY INSPECTION AND TESTS AND THAT THE FEES REQUIRED BY  
35 THIS ARTICLE HAVE BEEN PAID.

36 4. "TEMPORARY CERTIFICATE OF OPERATION" MEANS A DOCUMENT ISSUED BY THE  
37 COMMISSIONER WHICH PERMITS THE TEMPORARY USE OF A NON-COMPLIANT ELEVATOR  
38 OR RELATED CONVEYANCE BY THE GENERAL PUBLIC FOR A LIMITED TIME, NOT TO  
39 EXCEED THIRTY DAYS, WHILE MINOR REPAIRS ARE BEING COMPLETED.

40 5. "CONVEYANCE" MEANS ANY ELEVATOR, DUMBWAITER, ESCALATOR, MOVING  
41 SIDEWALK, PLATFORM LIFTS, STAIRWAY CHAIRLIFTS AND AUTOMATED PEOPLE  
42 MOVERS.

43 6. "DORMANT ELEVATOR, DUMBWAITER, OR ESCALATOR" MEANS AN INSTALLATION  
44 PLACED OUT OF SERVICE UNDER THE FOLLOWING CIRCUMSTANCES: (A) WHEN AN  
45 INSTALLATION'S POWER HAS BEEN DISCONNECTED AND (I) WHEN AN ELECTRIC  
46 ELEVATOR, DUMBWAITER, OR MATERIAL LIFT WHOSE SUSPENSION ROPES HAVE BEEN  
47 REMOVED, WHOSE CAR AND COUNTERWEIGHT REST AT THE BOTTOM OF THE HOISTWAY,  
48 AND WHOSE HOISTWAY DOORS HAVE BEEN PERMANENTLY BARRICADED OR SEALED IN  
49 THE CLOSED POSITION ON THE HOISTWAY SIDE; OR (II) A HYDRAULIC ELEVATOR,  
50 DUMBWAITER, OR MATERIAL LIFT WHOSE CAR RESTS AT THE BOTTOM OF THE HOIST-  
51 WAY AND WHOSE DOORS ARE PERMANENTLY BARRICADED OR SEALED; OR (III) AN  
52 ESCALATOR OR MOVING WALK WHOSE ENTRANCES HAVE BEEN PERMANENTLY BARRICAD-  
53 ED; OR (B) AS DETERMINED BY STATE OR LOCAL LAW, CODE, RULE, OR REGU-  
54 LATIONS.

55 7. "ELEVATOR" MEANS A HOISTING AND LOWERING MECHANISM, EQUIPPED WITH A  
56 CAR, THAT MOVES WITHIN GUIDES AND SERVES TWO OR MORE LANDINGS.

1 8. "ELEVATOR CONTRACTOR" MEANS, A PUBLIC CORPORATION, OR INSTRUMENTAL-  
2 ITY OF A PUBLIC CORPORATION, SELF-EMPLOYED PERSON, COMPANY, UNINCORPO-  
3 RATED ASSOCIATION, FIRM, PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPO-  
4 RATION, OR ANY OTHER ENTITY, OR ANY OWNER OR OPERATOR OF ANY OF THE  
5 FOREGOING ENTITIES, WHO POSSESSES AN ELEVATOR CONTRACTOR'S LICENSE IN  
6 ACCORDANCE WITH THE PROVISIONS OF SECTIONS NINE HUNDRED TWENTY-EIGHT AND  
7 NINE HUNDRED TWENTY-NINE OF THIS ARTICLE AND IS ENGAGED IN THE BUSINESS  
8 OF DESIGNING, ERECTING, CONSTRUCTING, INSTALLING, ALTERING, REPAIRING,  
9 SERVICING OR MAINTAINING ELEVATORS OR OTHER AUTOMATED PEOPLE MOVING  
10 CONVEYANCES COVERED BY THIS ARTICLE.

11 9. "ELEVATOR HELPER/APPRENTICE/ASSISTANT MECHANIC" MEANS ANY PERSON  
12 WHO WORKS UNDER THE GENERAL DIRECTION OF A LICENSED ELEVATOR MECHANIC.

13 10. "ELEVATOR INSPECTOR" MEANS ANY PERSON WHO POSSESSES AN ELEVATOR  
14 INSPECTOR'S LICENSE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

15 11. "ELEVATOR MECHANIC" MEANS ANY PERSON WHO POSSESSES AN ELEVATOR  
16 MECHANIC'S LICENSE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

17 12. "ESCALATOR" MEANS POWER-DRIVEN, INCLINED, CONTINUOUS STAIRWAY USED  
18 FOR RAISING OR LOWERING PASSENGERS.

19 13. "EXISTING INSTALLATION" MEANS AN INSTALLATION THAT HAS BEEN  
20 COMPLETED OR IS UNDER CONSTRUCTION PRIOR TO THE EFFECTIVE DATE OF THIS  
21 ARTICLE.

22 14. "LICENSE" MEANS A LICENSE DULY ISSUED BY THE COMMISSIONER, AUTHOR-  
23 IZING THE DESIGN, ERECTION, CONSTRUCTION, INSTALLATION, ALTERATION,  
24 REPAIR, SERVICE, MAINTENANCE, OR INSPECTION OF ELEVATORS OR OTHER  
25 CONVEYANCES COVERED BY THIS ARTICLE.

26 15. "ELEVATOR CONTRACTOR'S LICENSE" MEANS A LICENSE WHICH ENTITLES THE  
27 HOLDER THEREOF TO ENGAGE IN THE BUSINESS OF DESIGNING, ERECTING,  
28 CONSTRUCTING, INSTALLING, ALTERING, REPAIRING, SERVICING OR MAINTAINING  
29 CONVEYANCES COVERED BY THIS ARTICLE.

30 16. "ELEVATOR INSPECTOR'S LICENSE" MEANS A LICENSE WHICH ENTITLES THE  
31 HOLDER THEREOF TO ENGAGE IN THE BUSINESS OF INSPECTING OR TESTING  
32 CONVEYANCES COVERED BY THIS ARTICLE.

33 17. "ELEVATOR MECHANIC'S LICENSE" MEANS A LICENSE WHICH ENTITLES THE  
34 HOLDER THEREOF TO INSTALL, CONSTRUCT, ALTER, SERVICE, REPAIR, TEST,  
35 MAINTAIN, AND PERFORM WORK ON CONVEYANCES OR OTHER AUTOMATED PEOPLE  
36 MOVERS COVERED BY THIS ARTICLE.

37 18. "MOVING WALK/SIDEWALK" MEANS A TYPE OF PASSENGER-CARRYING DEVICE  
38 ON WHICH PASSENGERS STAND OR WALK, AND IN WHICH THE PASSENGER-CARRYING  
39 SURFACE REMAINS PARALLEL TO ITS DIRECTION OF MOTION AND IS UNINTER-  
40 RUPTED.

41 19. "PERMIT" MEANS A DOCUMENT ISSUED BY THE COMMISSIONER PRIOR TO THE  
42 COMMENCEMENT OF WORK THAT PERMITS A CONVEYANCE TO BE ERECTED,  
43 CONSTRUCTED, INSTALLED, OR ALTERED UNDER PLANS APPROVED BY THE COMMIS-  
44 SIONER PURSUANT TO THIS ARTICLE.

45 20. "PERSON" MEANS ANY NATURAL PERSON.

46 21. "PRIVATE RESIDENCE" MEANS A SEPARATE DWELLING OR A SEPARATE APART-  
47 MENT IN A MULTIPLE DWELLING, WHICH IS OCCUPIED BY MEMBERS OF A SINGLE  
48 FAMILY UNIT.

49 22. "REPAIR" MEANS RECONDITIONING OR RENEWAL OF PARTS, COMPONENTS,  
50 AND/OR SUBSYSTEMS NECESSARY TO KEEP EQUIPMENT IN COMPLIANCE WITH APPLI-  
51 CABLE CODE REQUIREMENTS.

52 23. "ALTERATION" MEANS ANY CHANGE TO EQUIPMENT, INCLUDING ITS PARTS,  
53 COMPONENTS, AND/OR SUBSYSTEMS, OTHER THAN MAINTENANCE, REPAIR, OR  
54 REPLACEMENT.

55 24. "DESIGN" MEANS THE ACT OR PROCESS OF PLANNING THE REPAIR, ALTER-  
56 ATION OR CONSTRUCTION OF ANY CONVEYANCE.

1 25. "CONSTRUCTION" MEANS THE ACT OR PROCESS OF CONSTRUCTING ANY  
2 CONVEYANCE.

3 26. "INSPECTION" MEANS A CRITICAL EXAMINATION, OBSERVATION OR EVALU-  
4 ATION OF QUALITY AND CODE COMPLIANCE OF ANY CONVEYANCE.

5 27. "TESTING" MEANS A PROCESS OR TRIAL OF OPERATION OF ANY CONVEYANCE.

6 28. "MAINTENANCE" MEANS A PROCESS OF ROUTINE EXAMINATION, LUBRICATION,  
7 CLEANING, AND ADJUSTMENT OF PARTS, COMPONENTS, AND/OR SUBSYSTEMS FOR THE  
8 PURPOSE OF ENSURING PERFORMANCE IN ACCORDANCE WITH ANY APPLICABLE CODE  
9 REQUIREMENTS.

10 29. "SERVICE OR SERVICING" MEANS A SERVICE CALL OR OTHER UNSCHEDULED  
11 VISIT, NOT INCLUDING ROUTINE MAINTENANCE OR A REPAIR, FROM A LICENSED  
12 ELEVATOR MECHANIC TO TROUBLESHOOT, ADJUST OR REPAIR AN IMPROPERLY FUNC-  
13 TIONING OR AN OTHERWISE SHUT DOWN CONVEYANCE.

14 30. "TEMPORARILY DORMANT ELEVATOR, DUMBWAITER, OR ESCALATOR" MEANS AN  
15 INSTALLATION TEMPORARILY PLACED OUT OF SERVICE UNDER THE FOLLOWING  
16 CIRCUMSTANCES: (A) (I) WHEN SUCH INSTALLATION'S POWER SUPPLY HAS BEEN  
17 DISCONNECTED; AND (II) THE CAR IS PARKED AND ANY DOORS ARE CLOSED AND  
18 LATCHED; AND (III) A WIRE SEAL IS INSTALLED ON THE MAINLINE DISCONNECT  
19 SWITCH BY A LICENSED ELEVATOR INSPECTOR; OR (B) AS DETERMINED BY STATE  
20 OR LOCAL LAW, CODE, RULE, OR REGULATION.

21 31. "ERECT" MEANS TO VERTICALLY CONSTRUCT OR CONNECT ANY CONVEYANCE OR  
22 PART OR SYSTEM THEREOF.

23 32. "INSTALLATION" INSTALL MEANS TO PLACE OR FIX ANY CONVEYANCE OR  
24 PART OR SYSTEM THEREOF, IN POSITION FOR OPERATION.

25 TEMPORARILY DORMANT INSTALLATIONS SHALL NOT BE USED UNTIL SUCH INSTAL-  
26 LATION HAS BEEN RESTORED TO A SAFE RUNNING ORDER AND IS IN CONDITION  
27 SUITABLE FOR USE IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES, RULES  
28 AND REGULATIONS. SUCH TEMPORARILY DORMANT INSTALLATION SHALL BE SUBJECT  
29 TO CONTINUED INSPECTIONS FOR THE DURATION OF THE "TEMPORARILY DORMANT"  
30 STATUS BY A LICENSED ELEVATOR INSPECTOR. SUCH INSPECTOR SHALL FILE A  
31 REPORT WITH THE COMMISSIONER DESCRIBING THE CONDITIONS OF SUCH TEMPORAR-  
32 ILY DORMANT INSTALLATION. THE REPORT SHALL BE FILED ANNUALLY OR MORE OR  
33 LESS FREQUENT AS DETERMINED BY THE COMMISSIONER. "TEMPORARILY DORMANT"  
34 STATUS SHALL BE RENEWABLE ON AN ANNUAL BASIS, BUT SHALL NOT EXCEED A  
35 FIVE-YEAR PERIOD.

36 NO PERSON SHALL REMOVE THE WIRE SEAL AND PADLOCK FOR ANY PURPOSE WITH-  
37 OUT THE EXPRESS PERMISSION OF THE ELEVATOR INSPECTOR.

38 S 928. LICENSING, PERMIT, REGISTRATION AND COMPLIANCE REQUIREMENTS. 1.  
39 EXCEPT AS OTHERWISE PROVIDED FOR IN SUBDIVISIONS THREE AND FOUR OF  
40 SECTION NINE HUNDRED TWENTY-SIX OF THIS ARTICLE, IT SHALL BE A VIOLATION  
41 OF THIS ARTICLE FOR ANY ELEVATOR CONTRACTOR TO DESIGN, ERECT, CONSTRUCT,  
42 INSTALL, ALTER, REPLACE, SERVICE, OR MAINTAIN, ANY CONVEYANCE CONTAINED  
43 WITHIN BUILDINGS OR STRUCTURES IN THIS STATE UNLESS SUCH ELEVATOR  
44 CONTRACTOR HOLDS AN ELEVATOR CONTRACTOR'S LICENSE.

45 2. EXCEPT AS OTHERWISE PROVIDED FOR IN SUBDIVISIONS THREE AND FOUR OF  
46 SECTION NINE HUNDRED TWENTY-SIX OF THIS ARTICLE, IT SHALL BE A VIOLATION  
47 OF THIS ARTICLE FOR ANY PERSON TO WIRE ANY CONVEYANCE, FROM THE MAINLINE  
48 FEEDER TERMINALS ON THE CONTROLLER, IN THIS STATE UNLESS SUCH PERSON HAS  
49 AN ELEVATOR MECHANIC'S LICENSE AND IS WORKING UNDER THE DIRECT SUPER-  
50 VISION OF A LICENSED ELEVATOR CONTRACTOR PURSUANT TO THIS ARTICLE. NO  
51 OTHER LICENSE SHALL BE REQUIRED FOR THIS WORK, EXCLUDING THE INSTALLA-  
52 TION OF BRANCH CIRCUITS AND WIRING TERMINATIONS FOR MACHINE ROOM AND PIT  
53 LIGHTING, RECEPTACLES AND HVAC AS DESCRIBED IN THE NFPA NATIONAL ELEC-  
54 TRIC CODE 620.23 AND 620.24 AS WELL AS FIRE AND HEAT DETECTORS AND  
55 ALARMS, MAY BE PERFORMED BY A LICENSED ELECTRICAL CONTRACTOR. ADDI-  
56 TIONALLY, WITHIN NEW YORK CITY, THE INSTALLATION OF BRANCH CIRCUITS AND

1 WIRING TERMINATIONS FOR THE CAR FAN, LIGHTS AND RECEPTACLES, AS  
2 DESCRIBED IN THE NFPA NATIONAL ELECTRIC CODE 620.22, AND INTERCOMS AND  
3 VOICE COMMUNICATIONS AS WELL AS SIGNAL EQUIPMENT OR SYSTEMS, AS DEFINED  
4 IN NFPA ARTICLE 620.2, THAT IS NOT DIRECTLY ASSOCIATED WITH THE OPERA-  
5 TION OR SAFETY OF ANY CONVEYANCE, MAY BE PERFORMED BY A LICENSED ELEC-  
6 TRICAL CONTRACTOR.

7 3. EXCEPT AS OTHERWISE PROVIDED FOR IN SUBDIVISION THREE OF SECTION  
8 NINE HUNDRED TWENTY-SIX OF THIS ARTICLE, IT SHALL BE A VIOLATION OF THIS  
9 ARTICLE FOR ANY PERSON TO INSPECT OR TEST ANY CONVEYANCE WITHIN BUILD-  
10 INGS OR STRUCTURES UNLESS SUCH PERSON HOLDS AN ELEVATOR INSPECTOR'S  
11 LICENSE.

12 4. EXCEPT AS OTHERWISE PROVIDED FOR IN SUBDIVISIONS THREE AND FOUR OF  
13 SECTION NINE HUNDRED TWENTY-SIX OF THIS ARTICLE, IT SHALL BE A VIOLATION  
14 OF THIS ARTICLE FOR ANY ELEVATOR CONTRACTOR TO ERECT, CONSTRUCT,  
15 INSTALL, OR ALTER CONVEYANCES WITHIN BUILDINGS OR STRUCTURES WITHIN THIS  
16 STATE UNLESS A PERMIT THEREFOR HAS BEEN ISSUED BY THE COMMISSIONER  
17 BEFORE WORK IS COMMENCED. NO PERMIT SHALL BE ISSUED EXCEPT TO A PERSON  
18 HOLDING A VALID ELEVATOR CONTRACTOR'S LICENSE. A COPY OF SUCH PERMIT  
19 SHALL BE KEPT AT THE CONSTRUCTION SITE AT ALL TIMES WHILE THE WORK IS IN  
20 PROGRESS.

21 5. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION THREE OF SECTION NINE  
22 HUNDRED TWENTY-SIX OF THIS ARTICLE, ALL NEW CONVEYANCE INSTALLATIONS  
23 SHALL BE PERFORMED BY AN ELEVATOR CONTRACTOR LICENSED TO INSTALL SUCH  
24 CONVEYANCE. SUBSEQUENT TO INSTALLATION, THE ELEVATOR CONTRACTOR MUST  
25 CERTIFY COMPLIANCE TO THE COMMISSIONER WITH THE APPLICABLE SECTIONS OF  
26 THIS ARTICLE AS WELL AS ANY OTHER APPLICABLE LAW, RULE, REGULATION OR  
27 CODE. PRIOR TO SUCH CONVEYANCES BEING USED, THE PROPERTY OWNER OR  
28 LESSEE MUST OBTAIN A CERTIFICATE OF OPERATION FROM THE COMMISSIONER. A  
29 FEE, AS SET FORTH IN THIS ARTICLE, SHALL BE PAID FOR SUCH CERTIFICATE OF  
30 OPERATION, HOWEVER, NO SUCH FEE SHALL BE REQUIRED FOR CONVEYANCES IN  
31 PRIVATE RESIDENCES. IT IS THE RESPONSIBILITY OF THE LICENSED ELEVATOR  
32 CONTRACTOR TO COMPLETE AND SUBMIT REGISTRATIONS FOR NEW INSTALLATIONS.  
33 A CERTIFICATE OF OPERATION SHALL BE VALID FOR ONE YEAR, EXCEPT FOR  
34 CERTIFICATES ISSUED FOR PLATFORM AND STAIRWAY CHAIRLIFTS FOR PRIVATE  
35 RESIDENCES, WHICH SHALL BE VALID FOR A PERIOD OF THREE YEARS. CERTIF-  
36 ICATES OF OPERATION MUST BE CLEARLY AND CONSPICUOUSLY DISPLAYED ON, IN  
37 OR AROUND EACH CONVEYANCE AND BE ACCESSIBLE TO THE STATE OR LOCALITY  
38 INSPECTING OR ENFORCING ANY APPLICABLE LAW, RULE, REGULATION OR CODE.

39 6. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION THREE OF SECTION NINE  
40 HUNDRED TWENTY-SIX OF THIS ARTICLE, THE CERTIFICATE OF OPERATION FOR  
41 NEWLY INSTALLED PLATFORM LIFTS AND STAIRWAY CHAIRLIFTS FOR PRIVATE RESI-  
42 DENCES SHALL BE ISSUED ONLY SUBSEQUENT TO AN INSPECTION BY A LICENSED  
43 THIRD PARTY INSPECTION FIRM. THE CERTIFICATE OF OPERATION FEE FOR ALL  
44 NEW AND EXISTING PLATFORM AND STAIRWAY CHAIRLIFTS FOR PRIVATE RESIDENCES  
45 AND ANY RENEWAL CERTIFICATE FEES ARE HEREBY WAIVED. THE INSPECTION OF  
46 PRIVATE RESIDENCE PLATFORM AND STAIRWAY CHAIRLIFTS SHALL BE DONE AT THE  
47 REQUEST AND CONSENT OF THE PRIVATE RESIDENCE'S OWNER OR LESSEES.

48 7. IT SHALL BE THE RESPONSIBILITY OF LICENSEES TO ENSURE THAT THE  
49 INSTALLATION, SERVICE OR MAINTENANCE OF CONVEYANCES IS PERFORMED IN  
50 COMPLIANCE WITH EXISTING STATE AND LOCAL BUILDING AND MAINTENANCE CODES.

51 S 929. LICENSE AND PERMIT PROCEDURE. ALL APPLICATIONS FOR ELEVATOR  
52 CONTRACTOR'S, ELEVATOR MECHANIC'S, AND ELEVATOR INSPECTOR'S LICENSES AND  
53 REQUIRED PERMITS SHALL BE SUBMITTED TO THE DEPARTMENT IN WRITING ON  
54 FORMS FURNISHED BY THE COMMISSIONER AND SHALL CONTAIN THE INFORMATION  
55 SET FORTH IN THIS SECTION AS WELL AS ANY ADDITIONAL INFORMATION THAT THE

1 COMMISSIONER MAY REQUIRE. THE COMMISSIONER SHALL ALSO SET FEES FOR  
2 LICENSING AND PERMITTING UNDER THIS SECTION.

3 1. APPLICATIONS FOR LICENSES. EVERY APPLICATION FOR A LICENSE UNDER  
4 THIS ARTICLE SHALL INCLUDE THE FOLLOWING:

5 (A) THE NAME, RESIDENCE ADDRESS AND BUSINESS ADDRESS OF THE APPLICANT;

6 (B) THE NUMBER OF YEARS THE APPLICANT HAS ENGAGED IN THE BUSINESS OR  
7 PRACTICE OF DESIGNING, CONSTRUCTING, ERECTING, INSTALLING, INSPECTING,  
8 TESTING, REPAIRING, ALTERING, MAINTAINING, OR SERVICING CONVEYANCES  
9 COVERED BY THIS ARTICLE;

10 (C) THE APPROXIMATE NUMBER OF PERSONS, IF ANY, TO BE EMPLOYED BY THE  
11 APPLICANT FOR AN ELEVATOR CONTRACTOR'S LICENSE;

12 (D) EVIDENCE THAT THE APPLICANT IS OR WILL BE COVERED BY GENERAL  
13 LIABILITY, PERSONAL INJURY AND PROPERTY DAMAGE INSURANCE; AND

14 (E) ANY OTHER INFORMATION WHICH THE COMMISSIONER MAY REQUIRE.

15 UPON APPROVAL OF AN APPLICATION FOR A LICENSE THE COMMISSIONER SHALL  
16 ISSUE SUCH LICENSE WHICH SHALL BE VALID FOR TWO YEARS. THE FEES FOR SUCH  
17 LICENSE AND RENEWAL THEREOF SHALL BE SET BY THE COMMISSIONER. ANY DENIAL  
18 FOR SUCH APPLICATION SHALL SET FORTH THE REASONS THEREFOR.

19 2. APPLICATION FOR PERMITS. EVERY APPLICATION FOR A PERMIT UNDER THIS  
20 ARTICLE SHALL INCLUDE THE FOLLOWING:

21 (A) COPIES OF THE SPECIFICATIONS AND ACCURATELY SCALED AND FULLY  
22 DIMENSIONED PLANS SHOWING THE LOCATION OF THE INSTALLATION IN RELATION  
23 TO THE PLANS AND ELEVATION OF THE BUILDING;

24 (B) THE LOCATION OF THE MACHINERY ROOM AND THE EQUIPMENT TO BE  
25 INSTALLED, RELOCATED OR ALTERED;

26 (C) ALL STRUCTURAL SUPPORTING MEMBERS THEREOF, INCLUDING FOUNDATIONS;

27 (D) A LIST OF ALL MATERIALS TO BE EMPLOYED AND ALL LOADS TO BE  
28 SUPPORTED AND CONVEYED;

29 (E) ANY OTHER INFORMATION THAT THE COMMISSIONER MAY REQUIRE TO ENSURE  
30 THAT SUCH PLANS AND SPECIFICATIONS ARE SUFFICIENTLY COMPLETE AND ILLUS-  
31 TRATE ALL DETAILS OF CONSTRUCTION AND DESIGN; AND

32 (F) ANY REQUIRED PERMITTING FEES, WHICH ARE SUBJECT TO RETURN UPON  
33 DENIAL OF A PERMIT APPLICATION.

34 UPON APPROVAL OF AN APPLICATION FOR A PERMIT THE COMMISSIONER SHALL  
35 ISSUE SUCH PERMIT. SUCH PERMIT SHALL STATE THE TIME BY WHICH THE WORK  
36 SHALL COMMENCE AND ALSO WHEN SUCH PERMIT EXPIRES. IF AFTER THE WORK HAS  
37 BEEN STARTED, WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF SIXTY DAYS,  
38 OR SUCH SHORTER PERIOD OF TIME AS THE COMMISSIONER MAY SPECIFY AT THE  
39 TIME THE PERMIT IS ISSUED, THE PERMIT SHALL EXPIRE. UPON EXPIRATION OF  
40 A PERMIT FOR WHICH WORK HAS NOT BEEN COMPLETED, THE COMMISSIONER MAY  
41 EXTEND SUCH PERMIT.

42 3. LICENSING AND PERMITTING EXEMPTIONS. WHENEVER AN EMERGENCY EXISTS  
43 IN THIS STATE DUE TO A DISASTER OR ACT OF GOD, WHICH IMPERILS THE  
44 HEALTH, SAFETY OR WELFARE OF AN INDIVIDUAL OR INDIVIDUALS AND PLACING  
45 SUCH INDIVIDUAL OR INDIVIDUALS IN IMMINENT DANGER OF INJURY OR DEATH AND  
46 THE NUMBER OF PERSONS IN THE STATE HOLDING LICENSES GRANTED BY THE BOARD  
47 IS INSUFFICIENT TO COPE WITH SUCH EMERGENCY, ANY PERSON CERTIFIED BY A  
48 LICENSED ELEVATOR CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCU-  
49 MENTED EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITH DIRECT AND  
50 IMMEDIATE SUPERVISION SHALL SEEK AN EMERGENCY ELEVATOR MECHANIC'S  
51 LICENSE FROM THE COMMISSIONER WITHIN FIVE BUSINESS DAYS AFTER COMMENCING  
52 WORK REQUIRING A LICENSE. THE COMMISSIONER SHALL ISSUE EMERGENCY ELEVA-  
53 TOR MECHANIC'S LICENSES TO ADDRESS THE EMERGENCY THAT EXISTS. THE  
54 LICENSED ELEVATOR CONTRACTOR SHALL FURNISH PROOF OF COMPETENCY AS THE  
55 COMMISSIONER MAY REQUIRE. EACH SUCH LICENSE SHALL RECITE THAT IT IS  
56 VALID FOR A PERIOD OF FIFTEEN DAYS FROM THE DATE THEREOF AND FOR SUCH

1 PARTICULAR ELEVATORS OR GEOGRAPHICAL AREAS AS THE COMMISSIONER MAY  
2 DESIGNATE TO ADDRESS THE EMERGENCY SITUATION AND OTHERWISE SHALL ENTITLE  
3 THE LICENSEE TO THE RIGHTS AND PRIVILEGES OF AN ELEVATOR MECHANIC'S  
4 LICENSE ISSUED IN THIS ARTICLE. THE COMMISSIONER SHALL RENEW AN EMER-  
5 GENCY ELEVATOR MECHANIC'S LICENSE DURING THE EXISTENCE OF AN EMERGENCY  
6 AS NEEDED. NO FEE SHALL BE CHARGED FOR ANY EMERGENCY ELEVATOR MECHANIC'S  
7 LICENSE OR RENEWAL THEREOF.

8 S 930. QUALIFICATIONS, TRAINING AND CONTINUING EDUCATION. 1. NO  
9 LICENSE SHALL BE GRANTED TO ANY PERSON WHO HAS NOT PAID THE REQUIRED  
10 APPLICATION FEE AND DEMONSTRATED HIS OR HER QUALIFICATIONS AND ABILI-  
11 TIES. APPLICANTS FOR A MECHANIC'S LICENSE MUST DEMONSTRATE ONE OF THE  
12 FOLLOWING QUALIFICATIONS: (A) AN ACCEPTABLE COMBINATION OF DOCUMENTED  
13 EXPERIENCE AND EDUCATION CREDITS CONSISTING OF (I) NOT LESS THAN FOUR  
14 YEARS WORK EXPERIENCE IN THE CONSTRUCTION, MAINTENANCE AND SERVICE  
15 REPAIR OF ELEVATORS, AS VERIFIED BY CURRENT AND PREVIOUS EMPLOYERS AND  
16 (II) SATISFACTORY COMPLETION OF A WRITTEN EXAMINATION, ADMINISTERED BY  
17 THE COMMISSIONER, ON THE MOST RECENT NATIONAL, STATE, AND LOCAL CONVEY-  
18 ANCES CODES AND STANDARDS; OR

19 (B) ACCEPTABLE PROOF THAT HE OR SHE HAS WORKED ON ELEVATOR  
20 CONSTRUCTION, MAINTENANCE OR REPAIR WITH DIRECT AND IMMEDIATE SUPER-  
21 VISION IN THIS STATE FOR A PERIOD OF NOT LESS THAN FOUR YEARS IMMEDIATE-  
22 LY PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, PROVIDED THAT SUCH  
23 APPLICANT SHALL FILE SUCH APPLICATION WITHIN ONE YEAR OF THE EFFECTIVE  
24 DATE OF THIS ARTICLE; OR

25 (C) A CERTIFICATE OF SUCCESSFUL COMPLETION AND SUCCESSFULLY PASSING  
26 THE MECHANIC EXAMINATION OF A NATIONALLY RECOGNIZED TRAINING PROGRAM FOR  
27 THE ELEVATOR INDUSTRY INCLUDING, BUT NOT LIMITED TO, THE NATIONAL ELEVA-  
28 TOR INDUSTRY EDUCATIONAL PROGRAM OR ITS EQUIVALENT; OR

29 (D) CERTIFICATE OF SUCCESSFUL COMPLETION OF THE JOINT APPRENTICE AND  
30 TRAINING COMMITTEE OF THE ELEVATOR INDUSTRY OF LOCAL 3, IBEW, EE DIVI-  
31 SION TRAINING PROGRAM OR AN APPRENTICESHIP PROGRAM FOR ELEVATOR MECHAN-  
32 ICS, HAVING STANDARDS SUBSTANTIALLY EQUAL TO THOSE OF THIS CHAPTER, AND  
33 REGISTERED WITH THE BUREAU OF APPRENTICESHIP AND TRAINING, U.S. DEPART-  
34 MENT OF LABOR OR A STATE APPRENTICESHIP COUNCIL.

35 2. APPLICANTS FOR AN ELEVATOR CONTRACTOR'S LICENSE MUST DEMONSTRATE TO  
36 THE COMMISSIONER THAT SUCH ELEVATOR CONTRACTOR EMPLOYS LICENSED ELEVATOR  
37 MECHANICS WHO PERFORM THE WORK DESCRIBED IN SECTION NINE HUNDRED TWEN-  
38 TY-SIX OF THIS ARTICLE AND HAVE PROOF OF COMPLIANCE WITH THE INSURANCE  
39 REQUIREMENTS SET FORTH IN PARAGRAPH D OF SUBDIVISION ONE OF SECTION NINE  
40 HUNDRED TWENTY-NINE OF THIS ARTICLE.

41 3. ANY APPLICANTS FOR AN ELEVATOR INSPECTOR'S LICENSE MUST DEMONSTRATE  
42 TO THE SATISFACTION OF THE COMMISSIONER THAT SUCH APPLICANT MEETS OR  
43 EXCEEDS APPLICABLE NATIONAL STANDARDS. PRIVATE ELEVATOR INSPECTORS SHALL  
44 MAINTAIN THE SAME INSURANCE REQUIREMENTS AS AN ELEVATOR CONTRACTOR.

45 4. (A) THE RENEWAL OF ALL LICENSES GRANTED UNDER THE PROVISIONS OF  
46 THIS SUBDIVISION SHALL BE CONDITIONED UPON THE SUBMISSION OF A CERTIF-  
47 ICATE OF COMPLETION OF A COURSE DESIGNED TO ENSURE THE CONTINUING EDUCA-  
48 TION OF LICENSEES ON NEW AND EXISTING NATIONAL, STATE, AND LOCAL CONVEY-  
49 ANCES CODES AND STANDARDS. SUCH COURSE SHALL CONSIST OF NOT LESS THAN  
50 EIGHT HOURS OF INSTRUCTION THAT SHALL BE ATTENDED ANNUALLY AND COMPLETED  
51 PRECEDING ANY SUCH LICENSE RENEWAL. THE COMMISSIONER SHALL ESTABLISH  
52 REQUIREMENTS FOR CONTINUING EDUCATION AND TRAINING PROGRAMS, AND SHALL  
53 APPROVE SUCH PROGRAMS, AS WELL AS MAINTAIN A LIST OF APPROVED PROGRAMS  
54 WHICH SHALL BE MADE AVAILABLE TO LICENSE APPLICANTS, PERMIT APPLICANTS,  
55 RENEWAL APPLICANTS AND OTHER INTERESTED PARTIES UPON REQUEST. THE  
56 COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS SETTING FORTH THE



1 CRITERIA FOR APPROVAL OF SUCH PROGRAMS, THE PROCEDURES TO BE FOLLOWED IN  
2 APPLYING FOR SUCH APPROVAL, AND OTHER RULES AND REGULATIONS AS THE  
3 COMMISSIONER DEEMS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSES OF  
4 THIS SECTION.

5 (B) THE COMMISSIONER SHALL ASSESS A FEE FOR EACH TRAINING PROGRAM  
6 COMPLETION CERTIFICATE AND FOR EACH REFRESHER TRAINING PROGRAM  
7 COMPLETION CERTIFICATE, PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE  
8 COST OF SUCH CERTIFICATES BE ASSESSED BY THE SPONSOR OF SUCH TRAINING  
9 PROGRAM AGAINST THE PARTICIPANTS.

10 5. THE RENEWAL OF ALL LICENSES GRANTED UNDER THE PROVISIONS OF THIS  
11 SECTION SHALL BE CONDITIONED UPON THE SUBMISSION OF A CERTIFICATE OF  
12 COMPLETION OF A COURSE DESIGNED TO ENSURE THE CONTINUING EDUCATION OF  
13 LICENSEES ON NEW AND EXISTING REGULATIONS OF THE DEPARTMENT. SUCH COURSE  
14 SHALL CONSIST OF NOT LESS THAN EIGHT HOURS OF INSTRUCTION THAT SHALL BE  
15 ATTENDED AND COMPLETED ANNUALLY PRIOR TO ANY SUCH LICENSE RENEWAL.

16 THE COURSES SHALL BE TAUGHT BY INSTRUCTORS THROUGH CONTINUING EDUCA-  
17 TION PROVIDERS THAT MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, ASSOCI-  
18 ATION SEMINARS, AND LABOR TRAINING PROGRAMS. THE COMMISSIONER SHALL  
19 APPROVE THE CONTINUING EDUCATION PROVIDERS. ALL INSTRUCTORS SHALL BE  
20 EXEMPT FROM THE REQUIREMENTS OF THE PRECEDING PARAGRAPH WITH REGARD TO  
21 THEIR APPLICATION FOR LICENSE RENEWAL PROVIDED THAT SUCH APPLICANT WAS  
22 QUALIFIED AS AN INSTRUCTOR AT ANY TIME DURING THE ONE YEAR IMMEDIATELY  
23 PRECEDING THE SCHEDULED DATE FOR SUCH RENEWAL.

24 APPROVED TRAINING PROVIDERS SHALL KEEP UNIFORM RECORDS, FOR A PERIOD  
25 OF SIX YEARS, OF ATTENDANCE OF LICENSEES FOLLOWING A FORMAT APPROVED BY  
26 THE COMMISSIONER AND SUCH RECORDS SHALL BE AVAILABLE FOR INSPECTION BY  
27 THE COMMISSIONER AT HIS OR HER REQUEST. APPROVED TRAINING PROVIDERS  
28 SHALL BE RESPONSIBLE FOR THE SECURITY OF ALL ATTENDANCE RECORDS AND  
29 CERTIFICATES OF COMPLETION; PROVIDED, HOWEVER, THAT FALSIFYING OR KNOW-  
30 INGLY ALLOWING ANOTHER TO FALSIFY SUCH ATTENDANCE RECORDS OR CERTIF-  
31 ICATES OF COMPLETION SHALL CONSTITUTE GROUNDS FOR SUSPENSION OR REVOCATION  
32 OF THE APPROVAL REQUIRED UNDER THIS SECTION.

33 S 931. POWERS OF THE COMMISSIONER. 1. THE COMMISSIONER SHALL HAVE THE  
34 AUTHORITY TO INSPECT, OR CAUSE TO BE INSPECTED, ONGOING OR COMPLETED  
35 CONVEYANCES PROJECTS AND TO CONDUCT AN INVESTIGATION THEREOF UPON THE  
36 COMMISSIONER'S OWN INITIATION OR UPON RECEIPT OF A COMPLAINT BY ANY  
37 PERSON OR ENTITY. HOWEVER, NOTHING IN THIS SUBDIVISION SHALL PERMIT THE  
38 COMMISSIONER TO ENTER A PRIVATE RESIDENCE.

39 2. IF, UPON RECEIPT OF A COMPLAINT ALLEGING A VIOLATION OF THIS ARTI-  
40 CLE, THE COMMISSIONER REASONABLE BELIEVES THAT SUCH VIOLATION EXISTS, HE  
41 OR SHE SHALL INVESTIGATE AS SOON AS PRACTICABLE TO DETERMINE IF SUCH  
42 VIOLATION EXISTS. IF THE COMMISSIONER DETERMINES THAT NO VIOLATION OR  
43 DANGER EXISTS, THE COMMISSIONER SHALL INFORM THE COMPLAINING PERSON OR  
44 ENTITY.

45 3. IF, UPON INVESTIGATION, THE COMMISSIONER DETERMINES THAT THE  
46 ALLEGED VIOLATION EXISTS, THE COMMISSIONER MAY DELIVER TO SUCH OWNER OR  
47 ELEVATOR CONTRACTOR OR HIS OR HER AGENT OR REPRESENTATIVE A WRITTEN  
48 ORDER TO CURE SUCH VIOLATION AND MAY ORDER THAT THEIR PERMIT TO WORK ON  
49 SUCH INSTALLATION, REPAIR OR MAINTENANCE PROJECT SHALL BE SUSPENDED  
50 UNTIL SUCH VIOLATION IS CURED. SUCH ORDER SHALL SPECIFICALLY ENUMERATE  
51 THE VIOLATIONS WHICH CONSTITUTE THE BASIS OF THE ORDER TO CURE OR ORDER  
52 OF SUSPENSION AND SHALL SPECIFY THE CORRECTIVE ACTION TO BE TAKEN. THE  
53 COMMISSIONER MAY ALLOW THE PERMIT TO TOLL DURING THE TIME OF SUCH ORDER.

54 4. UPON RECEIPT OF A WRITTEN NOTICE FROM THE ELEVATOR CONTRACTOR, OR  
55 HIS OR HER AGENT OR REPRESENTATIVE, THAT SUCH VIOLATION HAS BEEN  
56 CORRECTED, THE COMMISSIONER SHALL, WITHIN TEN DAYS, ISSUE A DETERMI-

1 NATION AS TO WHETHER SUCH ORDER TO CURE HAS BEEN SATISFIED AND SUCH  
2 ORDER OF SUSPENSION, IF ANY, SHALL BE LIFTED. IF THE COMMISSIONER DETER-  
3 MINES THAT THE ORDER TO CURE HAS NOT BEEN SATISFIED HE OR SHE MAY  
4 CONTINUE SUCH ORDER FOR A REASONABLE PERIOD OF TIME UPON THE CONSENT OF  
5 THE CONTRACTOR, OR HIS OR HER AGENT OR REPRESENTATIVE. IF THE COMMIS-  
6 SIONER DOES NOT CONTINUE THE ORDER, OR IF THE CONTRACTOR, OR HIS OR HER  
7 AGENT OR REPRESENTATIVE DOES NOT CONSENT TO SUCH CONTINUATION, THE  
8 CONTRACTOR SHALL HAVE THE RIGHT TO A HEARING TO DETERMINE IF SUCH ORDER  
9 SHALL BE LIFTED. ANY ENTITY OR CONTRACTOR WHO MAY BE ADVERSELY AFFECTED  
10 BY A NOTICE, SUSPENSION, OR DETERMINATION ISSUED UNDER THIS SECTION MAY  
11 COMMENCE A PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL  
12 PRACTICE LAW AND RULES.

13 5. THE COMMISSIONER MAY, AFTER A NOTICE AND HEARING, SUSPEND OR REVOKE  
14 A LICENSE ISSUED UNDER THIS ARTICLE BASED ON ANY OF THE FOLLOWING  
15 VIOLATIONS:

- 16 (A) ANY FALSE STATEMENT AS TO A MATERIAL MATTER IN THE APPLICATION;
- 17 (B) FRAUD, OR MISREPRESENTATION, IN SECURING A LICENSE;
- 18 (C) FAILURE TO NOTIFY THE COMMISSIONER AND THE OWNER OR LESSEE OF A  
19 CONVEYANCE OF ANY CONDITION NOT IN COMPLIANCE WITH THIS ARTICLE;
- 20 (D) A VIOLATION OF SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE;  
21 OR
- 22 (E) A FINDING BY THE COMMISSIONER THAT A CONTRACTOR HAS VIOLATED THIS  
23 ARTICLE OR ANY RULE OR REGULATION PROMULGATED THEREUNDER TWICE WITHIN A  
24 PERIOD OF THREE YEARS, OR THAT A CONTRACTOR HAS VIOLATED A PROVISION OF  
25 THIS ARTICLE AND SUCH VIOLATION RESULTED IN A SERIOUS THREAT TO THE  
26 HEALTH OR SAFETY OF AN INDIVIDUAL OR INDIVIDUALS. THE COMMISSIONER MAY,  
27 IN ADDITION TO ORDERING THAT SUCH CONTRACTOR'S LICENSE BE REVOKED, BAR  
28 SUCH INDIVIDUAL FROM BEING ELIGIBLE TO REAPPLY FOR SUCH LICENSE FOR A  
29 PERIOD NOT TO EXCEED TWO YEARS.

30 6. THE COMMISSIONER MAY, AFTER NOTICE AND HEARING, REVOKE A PERMIT  
31 ISSUED UNDER THIS ARTICLE BASED ON ANY OF THE FOLLOWING VIOLATIONS:

- 32 (A) ANY FALSE STATEMENTS OR MISREPRESENTATION AS TO A MATERIAL FACT IN  
33 THE APPLICATION, PLANS, OR SPECIFICATIONS ON WHICH THE PERMIT WAS BASED;
- 34 (B) ANY APPLICATION WHICH BY OMISSION OR MISTAKE FAILS TO COMPLY WITH  
35 THE REQUIREMENTS OF THIS ARTICLE;
- 36 (C) ANY FAILURE TO PERFORM WORK IN ACCORDANCE WITH THE PROVISIONS OF  
37 THE APPLICATION, PLANS OR SPECIFICATIONS OR WITH THE REQUIREMENTS OF  
38 THIS ARTICLE OR CONDITIONS OF THE PERMIT;
- 39 (D) A FAILURE BY THE OWNER OR ELEVATOR CONTRACTOR TO WHOM THE PERMIT  
40 WAS ISSUED TO COMPLY WITH AN ORDER ISSUED PURSUANT TO SUBDIVISION FOUR  
41 OF THIS SECTION; OR
- 42 (E) A FINDING BY THE COMMISSIONER THAT AN INDIVIDUAL OR CONTRACTOR WHO  
43 HAS BEEN ISSUED A PERMIT HAS VIOLATED ANY PROVISION UNDER SECTION NINE  
44 HUNDRED TWENTY-EIGHT OF THIS ARTICLE.

45 7. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, IF THE  
46 COMMISSIONER FINDS, AFTER NOTICE AND HEARING, THAT AN INDIVIDUAL HAS  
47 VIOLATED ANY PROVISION OF THIS ARTICLE, HE OR SHE MAY IMPOSE A CIVIL  
48 PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH SUCH VIOLATION. UPON  
49 A SECOND OR SUBSEQUENT VIOLATION WITHIN THREE YEARS OF THE DETERMINATION  
50 OF A PRIOR VIOLATION, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY NOT TO  
51 EXCEED TWO THOUSAND DOLLARS.

52 (B) THE PENALTY PROVIDED FOR IN PARAGRAPH (A) OF THIS SUBDIVISION MAY  
53 BE INCREASED TO AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS IF THE  
54 VIOLATION RESULTED IN A SERIOUS THREAT TO THE HEALTH OR SAFETY OF AN  
55 INDIVIDUAL OR INDIVIDUALS.

1 8. ANY ENTITY OR CONTRACTOR WHO MAY BE ADVERSELY AFFECTED BY AN ORDER  
2 ISSUED UNDER THIS SECTION MAY COMMENCE A PROCEEDING PURSUANT TO ARTICLE  
3 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

4 9. THE COMMISSIONER MAY BRING AN ACTION IN A COURT OF COMPETENT JURIS-  
5 DICTION TO ENJOIN ANY CONDUCT THAT VIOLATES THE PROVISIONS OF THIS ARTI-  
6 CLE.

7 10. THE COMMISSIONER MAY PROMULGATE RULES AND REGULATIONS NECESSARY TO  
8 CARRY OUT AND EFFECTUATE THE PROVISIONS OF THIS ARTICLE.

9 S 932. NEW YORK STATE ELEVATOR SAFETY AND STANDARDS BOARD. 1. AN  
10 ELEVATOR SAFETY AND STANDARDS BOARD IS HEREBY CREATED, TO CONSIST OF  
11 NINE MEMBERS. THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND  
12 THE SPEAKER OF THE ASSEMBLY SHALL EACH APPOINT THREE MEMBERS. THE GOVER-  
13 NOR'S APPOINTEES SHALL BE COMPRISED OF A REPRESENTATIVE OF A MAJOR  
14 ELEVATOR MANUFACTURING COMPANY, A MEMBER OF THE GENERAL PUBLIC AND A  
15 BUILDING OWNER, MANAGER OR REPRESENTATIVE; THE TEMPORARY PRESIDENT OF  
16 THE SENATE'S APPOINTEES SHALL BE COMPRISED OF AN ELEVATOR SERVICING  
17 COMPANY, AN ELEVATOR ARCHITECTURAL DESIGNER OR CONSULTANT, AND AN ELEVA-  
18 TOR INSPECTOR; THE SPEAKER OF THE ASSEMBLY'S APPOINTEES SHALL BE  
19 COMPRISED OF AN ELEVATOR CONTRACTOR EMPLOYEE LABOR UNION, AN ELEVATOR  
20 MECHANIC, AND A FIRE MARSHAL. THE COMMISSIONERS OF HEALTH, LABOR, EDUCA-  
21 TION, AND ECONOMIC DEVELOPMENT OR THEIR DESIGNEES SHALL BE EX-OFFICIO  
22 MEMBERS. THE BOARD SHALL MEET ON AN AS NEEDED BASIS TO ADVISE THE  
23 COMMISSIONER ON THE IMPLEMENTATION OF THIS ARTICLE. THE BOARD SHALL  
24 ELECT A CHAIRPERSON TO SERVE FOR THE TERM OF THEIR APPOINTMENT TO THE  
25 BOARD. THE BOARD SHALL PREPARE AN ANNUAL REPORT FOR THE GOVERNOR AND  
26 THE LEGISLATURE, COPIES OF WHICH SHALL BE SENT TO THE COMMISSIONERS OF  
27 HEALTH, EDUCATION, ECONOMIC DEVELOPMENT, AND LABOR.

28 2. THE FIRST MEMBER APPOINTED BY THE GOVERNOR, THE TEMPORARY PRESIDENT  
29 OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY SHALL HAVE A TERM OF ONE  
30 YEAR; THE SECOND MEMBER APPOINTED BY EACH SHALL HAVE A TERM OF TWO YEARS  
31 AND THE REMAINING MEMBERS SHALL HAVE A TERM OF THREE YEARS. EACH OF SUCH  
32 APPOINTED MEMBERS SHALL HOLD OFFICE FOR THE TERM FOR WHICH SUCH MEMBER  
33 WAS APPOINTED AND UNTIL HIS OR HER SUCCESSOR SHALL HAVE BEEN APPOINTED  
34 OR UNTIL HE OR SHE SHALL RESIGN. THE TERM OF OFFICE OF ALL SUCCESSOR  
35 MEMBERS SHALL BE THREE YEARS. THE MEMBERS SHALL SERVE WITHOUT SALARY OR  
36 COMPENSATION, BUT SHALL BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN  
37 THE PERFORMANCE OF THEIR DUTIES.

38 3. THE BOARD MAY CONSULT WITH ENGINEERING AUTHORITIES AND ORGANIZA-  
39 TIONS CONCERNED WITH STANDARD SAFETY CODES, RULES AND REGULATIONS  
40 GOVERNING THE OPERATION, MAINTENANCE, SERVICING, CONSTRUCTION, ALTER-  
41 ATION, INSTALLATION, AND INSPECTION OF CONVEYANCES AND THE ADEQUATE,  
42 REASONABLE, AND NECESSARY QUALIFICATIONS OF ELEVATOR MECHANICS, CONTRAC-  
43 TORS, AND INSPECTORS.

44 4. THE DUTIES OF THE BOARD ARE AS FOLLOWS:

45 (A) ASSIST THE COMMISSIONER AND THE DEPARTMENT IN ESTABLISHING THE  
46 STATE REGULATIONS FOR EQUIPMENT COVERED BY THIS ARTICLE;

47 (B) DEVELOP RECOMMENDATIONS FOR AN ENFORCEMENT PROGRAM WHICH WILL  
48 ENSURE COMPLIANCE WITH THE REGULATIONS AND REQUIREMENTS PROMULGATED BY  
49 THE COMMISSIONER PURSUANT TO THIS ARTICLE;

50 (C) ASSIST THE COMMISSIONER IN GRANTING EXCEPTIONS AND VARIANCES FROM  
51 THE LITERAL REQUIREMENTS OF THE APPLICABLE CODE AND STANDARDS, REGU-  
52 LATIONS, AND LOCAL LEGISLATION, IN CASES WHERE SUCH VARIANCES WOULD NOT  
53 JEOPARDIZE THE PUBLIC SAFETY AND WELFARE;

54 (D) ASSIST THE COMMISSIONER IN SETTING FEE SCHEDULES FOR LICENSES,  
55 PERMITS, AND INSPECTIONS. THE FEES SHALL REFLECT THE ACTUAL COSTS AND  
56 EXPENSES TO CONDUCT THE DUTIES AS DESCRIBED IN THIS ARTICLE; AND

1 (E) ASSIST THE COMMISSIONER IN ANY AND ALL THINGS NECESSARY OR CONVEN-  
2 IENT TO THE COMMISSIONER'S DUTY TO CARRY OUT THE PURPOSES OF THIS ARTI-  
3 CLE.

4 S 2. The state finance law is amended by adding a new section 97-1111  
5 to read as follows:

6 S 97-LLLL. ELEVATOR AND RELATED CONVEYANCES SAFETY PROGRAM ACCOUNT.

7 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER  
8 THE ELEVATOR AND RELATED CONVEYANCES SAFETY PROGRAM ACCOUNT.

9 2. SUCH FUND SHALL CONSIST OF MONEYS COLLECTED PURSUANT TO THE  
10 PROVISIONS OF ARTICLE THIRTY-TWO OF THE LABOR LAW.

11 3. MONEYS OF THE FUND SHALL BE AVAILABLE TO THE COMMISSIONER OF LABOR  
12 FOR PURPOSES OF OFFSETTING THE COSTS INCURRED BY THE COMMISSIONER OF  
13 LABOR FOR THE ADMINISTRATION OF ARTICLE THIRTY-TWO OF THE LABOR LAW,  
14 INCLUDING THE ADMINISTRATION OF ELEVATOR AND RELATED CONVEYANCES SAFETY  
15 PROGRAMS, THE ADMINISTRATION OF LICENSES AND PERMITS, AND THE ADMINIS-  
16 TRATION OF CERTIFICATES OF OPERATION AS SET FORTH IN SUCH ARTICLE THIR-  
17 TY-TWO.

18 4. THE MONEYS SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT  
19 OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER  
20 OR HIS OR HER DESIGNEE.

21 5. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL OR SPECIAL LAW, NO  
22 MONEYS SHALL BE AVAILABLE FROM THE FUND UNTIL A CERTIFICATE OF ALLO-  
23 CATION AND A SCHEDULE OF AMOUNTS TO BE AVAILABLE THEREFOR SHALL HAVE  
24 BEEN ISSUED BY THE DIRECTOR OF THE BUDGET, AND A COPY OF SUCH CERTIF-  
25 ICATE FILED WITH THE COMPTROLLER. SUCH CERTIFICATE MAY BE AMENDED FROM  
26 TIME TO TIME BY THE DIRECTOR OF THE BUDGET AND A COPY OF EACH SUCH  
27 AMENDMENT SHALL BE FILED WITH THE COMPTROLLER.

28 S 3. This act shall take effect on the one hundred eightieth day after  
29 it shall have become a law, provided, however, that effective immediate-  
30 ly, the addition, amendment and/or repeal of any rules or regulations  
31 necessary for the implementation of this act on its effective date, and  
32 the appointment of the board, are authorized and directed to be estab-  
33 lished, made and completed on or before such effective date.