

5233

2013-2014 Regular Sessions

I N A S S E M B L Y

February 21, 2013

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Labor

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.

6 926. APPLICATION.

7 927. DEFINITIONS.

8 928. LICENSING, PERMIT, REGISTRATION AND COMPLIANCE REQUIRE-  
9 MENTS.

10 929. LICENSE AND PERMIT PROCEDURE.

11 930. QUALIFICATIONS, TRAINING AND CONTINUING EDUCATION.

12 931. POWERS OF THE COMMISSIONER.

13 932. NEW YORK STATE ELEVATOR SAFETY AND STANDARDS BOARD.

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

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

LBD00730-01-3

1 NOTHING IN THIS ARTICLE IS INTENDED TO CREATE, EXPAND, DIMINISH,  
2 LIMIT, IMPAIR, OR SUPERSEDE ANY RIGHTS UNDER CURRENT LAW, RULE, OR REGU-  
3 LATION, OR RESULTING FROM A DETERMINATION OF A COURT OR THE NATIONAL  
4 LABOR RELATIONS BOARD WITH REGARD TO BUILDING TRADES AND THE WORK OF  
5 SUCH BUILDING TRADE. NOR IS IT INTENDED TO ABROGATE ANY RIGHTS OR DUTIES  
6 UNDER ANY CONTRACT WITH REGARD TO BUILDING TRADES AND THE WORK OF SUCH  
7 BUILDING TRADE.

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

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

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

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

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

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

27 (A) MATERIAL HOISTS;

28 (B) MANLIFTS;

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

30 (D) POWERED PLATFORMS AND EQUIPMENT FOR EXTERIOR AND INTERIOR MAINTENANCE;  
31

32 (E) CONVEYOR AND RELATED EQUIPMENT;

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

34 (G) INDUSTRIAL TRUCKS;

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

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

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

40 (K) SKIP OR FURNACE HOISTS;

41 (L) WHARF RAMPS;

42 (M) RAILROAD CAR LIFTS OR DUMPERS;

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

46 3. THE LICENSING, PERMITTING AND CERTIFICATION PROVISIONS OF THIS  
47 ARTICLE SHALL NOT APPLY TO THE OWNERS OR LESSEES OF PRIVATE RESIDENCES  
48 WHO DESIGN, ERECT, CONSTRUCT, INSTALL, ALTER, REPAIR, SERVICE OR MAIN-  
49 TAIN CONVEYANCES THAT ARE LOCATED OR WILL BE LOCATED IN SUCH OWNER OR  
50 LESSEE'S PRIVATE RESIDENCE. HOWEVER, ANY PERSON HIRED TO DESIGN, ERECT,  
51 CONSTRUCT, INSTALL, ALTER, REPAIR, SERVICE, MAINTAIN, OR PERFORM ANY  
52 OTHER WORK RELATED TO SUCH CONVEYANCES MUST COMPLY WITH THE PROVISIONS  
53 OF THIS ARTICLE.

54 4. NO LICENSE SHALL BE REQUIRED FOR THE REMOVAL OR DISMANTLING OF  
55 CONVEYANCES.

1 5. THE PROVISIONS OF THIS ARTICLE AND THE RULES ADOPTED PURSUANT THER-  
2 ETO SHALL BE THE MINIMUM STANDARD REQUIRED AND SHALL SUPERSEDE ANY  
3 SPECIAL LAW OR LOCAL ORDINANCE INCONSISTENT THEREWITH, AND NO LOCAL  
4 ORDINANCE INCONSISTENT THEREWITH SHALL BE ADOPTED, BUT NOTHING HEREIN  
5 CONTAINED SHALL PREVENT THE ENACTMENT BY LOCAL LAW OR ORDINANCE OF ADDI-  
6 TIONAL REQUIREMENTS AND RESTRICTIONS.

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

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

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

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

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

22 5. "CONVEYANCE" MEANS ANY ELEVATOR, DUMBWAITER, ESCALATOR, MOVING  
23 SIDEWALK, PLATFORM LIFTS, STAIRWAY CHAIRLIFTS AND AUTOMATED PEOPLE  
24 MOVERS.

25 6. "DORMANT ELEVATOR, DUMBWAITER, OR ESCALATOR" MEANS AN INSTALLATION  
26 PLACED OUT OF SERVICE UNDER THE FOLLOWING CIRCUMSTANCES: (A) WHEN AN  
27 INSTALLATION'S POWER HAS BEEN DISCONNECTED AND (I) WHEN AN ELECTRIC  
28 ELEVATOR, DUMBWAITER, OR MATERIAL LIFT WHOSE SUSPENSION ROPES HAVE BEEN  
29 REMOVED, WHOSE CAR AND COUNTERWEIGHT REST AT THE BOTTOM OF THE HOISTWAY,  
30 AND WHOSE HOISTWAY DOORS HAVE BEEN PERMANENTLY BARRICADED OR SEALED IN  
31 THE CLOSED POSITION ON THE HOISTWAY SIDE; OR (II) A HYDRAULIC ELEVATOR,  
32 DUMBWAITER, OR MATERIAL LIFT WHOSE CAR RESTS AT THE BOTTOM OF THE HOIST-  
33 WAY AND WHOSE DOORS ARE PERMANENTLY BARRICADED OR SEALED; OR (III) AN  
34 ESCALATOR OR MOVING WALK WHOSE ENTRANCES HAVE BEEN PERMANENTLY BARRICAD-  
35 ED; OR (B) AS DETERMINED BY STATE OR LOCAL LAW, CODE, RULE, OR REGU-  
36 LATIONS.

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

39 8. "ELEVATOR CONTRACTOR" MEANS, A PUBLIC CORPORATION, OR INSTRUMENTAL-  
40 ITY OF A PUBLIC CORPORATION, SELF-EMPLOYED PERSON, COMPANY, UNINCORPO-  
41 RATED ASSOCIATION, FIRM, PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPO-  
42 RATION, OR ANY OTHER ENTITY, OR ANY OWNER OR OPERATOR OF ANY OF THE  
43 FOREGOING ENTITIES, WHO POSSESSES AN ELEVATOR CONTRACTOR'S LICENSE IN  
44 ACCORDANCE WITH THE PROVISIONS OF SECTIONS NINE HUNDRED TWENTY-EIGHT AND  
45 NINE HUNDRED TWENTY-NINE OF THIS ARTICLE AND IS ENGAGED IN THE BUSINESS  
46 OF DESIGNING, ERECTING, CONSTRUCTING, INSTALLING, ALTERING, REPAIRING,  
47 SERVICING OR MAINTAINING ELEVATORS OR OTHER AUTOMATED PEOPLE MOVING  
48 CONVEYANCES COVERED BY THIS ARTICLE.

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

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

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

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

1 13. "EXISTING INSTALLATION" MEANS AN INSTALLATION THAT HAS BEEN  
2 COMPLETED OR IS UNDER CONSTRUCTION PRIOR TO THE EFFECTIVE DATE OF THIS  
3 ARTICLE.

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

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

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

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

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

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

27 20. "PERSON" MEANS ANY NATURAL PERSON.

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

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

34 23. "ALTERATION" MEANS ANY CHANGE TO EQUIPMENT, INCLUDING ITS PARTS,  
35 COMPONENTS, AND/OR SUBSYSTEMS, OTHER THAN MAINTENANCE, REPAIR, OR  
36 REPLACEMENT.

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

39 25. "CONSTRUCTION" MEANS THE ACT OR PROCESS OF CONSTRUCTING ANY  
40 CONVEYANCE.

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

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

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

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

52 30. "TEMPORARILY DORMANT ELEVATOR, DUMBWAITER, OR ESCALATOR" MEANS AN  
53 INSTALLATION TEMPORARILY PLACED OUT OF SERVICE UNDER THE FOLLOWING  
54 CIRCUMSTANCES: (A) (I) WHEN SUCH INSTALLATION'S POWER SUPPLY HAS BEEN  
55 DISCONNECTED; AND (II) THE CAR IS PARKED AND ANY DOORS ARE CLOSED AND  
56 LATCHED; AND (III) A WIRE SEAL IS INSTALLED ON THE MAINLINE DISCONNECT

1 SWITCH BY A LICENSED ELEVATOR INSPECTOR; OR (B) AS DETERMINED BY STATE  
2 OR LOCAL LAW, CODE, RULE, OR REGULATION.

3 31. "ERECT" MEANS TO VERTICALLY CONSTRUCT OR CONNECT ANY CONVEYANCE OR  
4 PART OR SYSTEM THEREOF.

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

7 TEMPORARILY DORMANT INSTALLATIONS SHALL NOT BE USED UNTIL SUCH INSTAL-  
8 LATION HAS BEEN RESTORED TO A SAFE RUNNING ORDER AND IS IN CONDITION  
9 SUITABLE FOR USE IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES, RULES  
10 AND REGULATIONS. SUCH TEMPORARILY DORMANT INSTALLATION SHALL BE SUBJECT  
11 TO CONTINUED INSPECTIONS FOR THE DURATION OF THE "TEMPORARILY DORMANT"  
12 STATUS BY A LICENSED ELEVATOR INSPECTOR. SUCH INSPECTOR SHALL FILE A  
13 REPORT WITH THE COMMISSIONER DESCRIBING THE CONDITIONS OF SUCH TEMPORAR-  
14 ILY DORMANT INSTALLATION. THE REPORT SHALL BE FILED ANNUALLY OR MORE OR  
15 LESS FREQUENT AS DETERMINED BY THE COMMISSIONER. "TEMPORARILY DORMANT"  
16 STATUS SHALL BE RENEWABLE ON AN ANNUAL BASIS, BUT SHALL NOT EXCEED A  
17 FIVE-YEAR PERIOD.

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

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

27 2. EXCEPT AS OTHERWISE PROVIDED FOR IN SUBDIVISIONS THREE AND FOUR OF  
28 SECTION NINE HUNDRED TWENTY-SIX OF THIS ARTICLE, IT SHALL BE A VIOLATION  
29 OF THIS ARTICLE FOR ANY PERSON TO WIRE ANY CONVEYANCE, FROM THE MAINLINE  
30 FEEDER TERMINALS ON THE CONTROLLER, IN THIS STATE UNLESS SUCH PERSON HAS  
31 AN ELEVATOR MECHANIC'S LICENSE AND IS WORKING UNDER THE DIRECT SUPER-  
32 VISION OF A LICENSED ELEVATOR CONTRACTOR PURSUANT TO THIS ARTICLE. NO  
33 OTHER LICENSE SHALL BE REQUIRED FOR THIS WORK, EXCLUDING THE INSTALLA-  
34 TION OF BRANCH CIRCUITS AND WIRING TERMINATIONS FOR MACHINE ROOM AND PIT  
35 LIGHTING, RECEPTACLES AND HVAC AS DESCRIBED IN THE NFPA NATIONAL ELEC-  
36 TRIC CODE 620.23 AND 620.24 AS WELL AS FIRE AND HEAT DETECTORS AND  
37 ALARMS, MAY BE PERFORMED BY A LICENSED ELECTRICAL CONTRACTOR. ADDI-  
38 TIONALLY, WITHIN NEW YORK CITY, THE INSTALLATION OF BRANCH CIRCUITS AND  
39 WIRING TERMINATIONS FOR THE CAR FAN, LIGHTS AND RECEPTACLES, AS  
40 DESCRIBED IN THE NFPA NATIONAL ELECTRIC CODE 620.22, AND INTERCOMS AND  
41 VOICE COMMUNICATIONS AS WELL AS SIGNAL EQUIPMENT OR SYSTEMS, AS DEFINED  
42 IN NFPA ARTICLE 620.2, THAT IS NOT DIRECTLY ASSOCIATED WITH THE OPERA-  
43 TION OR SAFETY OF ANY CONVEYANCE, MAY BE PERFORMED BY A LICENSED ELEC-  
44 TRICAL CONTRACTOR.

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

50 4. EXCEPT AS OTHERWISE PROVIDED FOR IN SUBDIVISIONS THREE AND FOUR OF  
51 SECTION NINE HUNDRED TWENTY-SIX OF THIS ARTICLE, IT SHALL BE A VIOLATION  
52 OF THIS ARTICLE FOR ANY ELEVATOR CONTRACTOR TO ERECT, CONSTRUCT,  
53 INSTALL, OR ALTER CONVEYANCES WITHIN BUILDINGS OR STRUCTURES WITHIN THIS  
54 STATE UNLESS A PERMIT THEREFOR HAS BEEN ISSUED BY THE COMMISSIONER  
55 BEFORE WORK IS COMMENCED. NO PERMIT SHALL BE ISSUED EXCEPT TO A PERSON  
56 HOLDING A VALID ELEVATOR CONTRACTOR'S LICENSE. A COPY OF SUCH PERMIT

1 SHALL BE KEPT AT THE CONSTRUCTION SITE AT ALL TIMES WHILE THE WORK IS IN  
2 PROGRESS.

3 5. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION THREE OF SECTION NINE  
4 HUNDRED TWENTY-SIX OF THIS ARTICLE, ALL NEW CONVEYANCE INSTALLATIONS  
5 SHALL BE PERFORMED BY AN ELEVATOR CONTRACTOR LICENSED TO INSTALL SUCH  
6 CONVEYANCE. SUBSEQUENT TO INSTALLATION, THE ELEVATOR CONTRACTOR MUST  
7 CERTIFY COMPLIANCE TO THE COMMISSIONER WITH THE APPLICABLE SECTIONS OF  
8 THIS ARTICLE AS WELL AS ANY OTHER APPLICABLE LAW, RULE, REGULATION OR  
9 CODE. PRIOR TO SUCH CONVEYANCES BEING USED, THE PROPERTY OWNER OR  
10 LESSEE MUST OBTAIN A CERTIFICATE OF OPERATION FROM THE COMMISSIONER. A  
11 FEE, AS SET FORTH IN THIS ARTICLE, SHALL BE PAID FOR SUCH CERTIFICATE OF  
12 OPERATION, HOWEVER, NO SUCH FEE SHALL BE REQUIRED FOR CONVEYANCES IN  
13 PRIVATE RESIDENCES. IT IS THE RESPONSIBILITY OF THE LICENSED ELEVATOR  
14 CONTRACTOR TO COMPLETE AND SUBMIT REGISTRATIONS FOR NEW INSTALLATIONS.  
15 A CERTIFICATE OF OPERATION SHALL BE VALID FOR ONE YEAR, EXCEPT FOR  
16 CERTIFICATES ISSUED FOR PLATFORM AND STAIRWAY CHAIRLIFTS FOR PRIVATE  
17 RESIDENCES, WHICH SHALL BE VALID FOR A PERIOD OF THREE YEARS. CERTIF-  
18 ICATES OF OPERATION MUST BE CLEARLY AND CONSPICUOUSLY DISPLAYED ON, IN  
19 OR AROUND EACH CONVEYANCE AND BE ACCESSIBLE TO THE STATE OR LOCALITY  
20 INSPECTING OR ENFORCING ANY APPLICABLE LAW, RULE, REGULATION OR CODE.

21 6. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION THREE OF SECTION NINE  
22 HUNDRED TWENTY-SIX OF THIS ARTICLE, THE CERTIFICATE OF OPERATION FOR  
23 NEWLY INSTALLED PLATFORM LIFTS AND STAIRWAY CHAIRLIFTS FOR PRIVATE RESI-  
24 DENCES SHALL BE ISSUED ONLY SUBSEQUENT TO AN INSPECTION BY A LICENSED  
25 THIRD PARTY INSPECTION FIRM. THE CERTIFICATE OF OPERATION FEE FOR ALL  
26 NEW AND EXISTING PLATFORM AND STAIRWAY CHAIRLIFTS FOR PRIVATE RESIDENCES  
27 AND ANY RENEWAL CERTIFICATE FEES ARE HEREBY WAIVED. THE INSPECTION OF  
28 PRIVATE RESIDENCE PLATFORM AND STAIRWAY CHAIRLIFTS SHALL BE DONE AT THE  
29 REQUEST AND CONSENT OF THE PRIVATE RESIDENCE'S OWNER OR LESSEES.

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

33 S 929. LICENSE AND PERMIT PROCEDURE. ALL APPLICATIONS FOR ELEVATOR  
34 CONTRACTOR'S, ELEVATOR MECHANIC'S, AND ELEVATOR INSPECTOR'S LICENSES AND  
35 REQUIRED PERMITS SHALL BE SUBMITTED TO THE DEPARTMENT IN WRITING ON  
36 FORMS FURNISHED BY THE COMMISSIONER AND SHALL CONTAIN THE INFORMATION  
37 SET FORTH IN THIS SECTION AS WELL AS ANY ADDITIONAL INFORMATION THAT THE  
38 COMMISSIONER MAY REQUIRE. THE COMMISSIONER SHALL ALSO SET FEES FOR  
39 LICENSING AND PERMITTING UNDER THIS SECTION.

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

42 (A) THE NAME, RESIDENCE ADDRESS AND BUSINESS ADDRESS OF THE APPLICANT;  
43 (B) THE NUMBER OF YEARS THE APPLICANT HAS ENGAGED IN THE BUSINESS OR  
44 PRACTICE OF DESIGNING, CONSTRUCTING, ERECTING, INSTALLING, INSPECTING,  
45 TESTING, REPAIRING, ALTERING, MAINTAINING, OR SERVICING CONVEYANCES  
46 COVERED BY THIS ARTICLE;

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

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

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

52 UPON APPROVAL OF AN APPLICATION FOR A LICENSE THE COMMISSIONER SHALL  
53 ISSUE SUCH LICENSE WHICH SHALL BE VALID FOR TWO YEARS. THE FEES FOR SUCH  
54 LICENSE AND RENEWAL THEREOF SHALL BE SET BY THE COMMISSIONER. ANY DENIAL  
55 FOR SUCH APPLICATION SHALL SET FORTH THE REASONS THEREFOR.

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

3 (A) COPIES OF THE SPECIFICATIONS AND ACCURATELY SCALED AND FULLY  
4 DIMENSIONED PLANS SHOWING THE LOCATION OF THE INSTALLATION IN RELATION  
5 TO THE PLANS AND ELEVATION OF THE BUILDING;

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

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

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

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

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

16 UPON APPROVAL OF AN APPLICATION FOR A PERMIT THE COMMISSIONER SHALL  
17 ISSUE SUCH PERMIT. SUCH PERMIT SHALL STATE THE TIME BY WHICH THE WORK  
18 SHALL COMMENCE AND ALSO WHEN SUCH PERMIT EXPIRES. IF AFTER THE WORK HAS  
19 BEEN STARTED, WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF SIXTY DAYS,  
20 OR SUCH SHORTER PERIOD OF TIME AS THE COMMISSIONER MAY SPECIFY AT THE  
21 TIME THE PERMIT IS ISSUED, THE PERMIT SHALL EXPIRE. UPON EXPIRATION OF  
22 A PERMIT FOR WHICH WORK HAS NOT BEEN COMPLETED, THE COMMISSIONER MAY  
23 EXTEND SUCH PERMIT.

24 3. LICENSING AND PERMITTING EXEMPTIONS. WHENEVER AN EMERGENCY EXISTS  
25 IN THIS STATE DUE TO A DISASTER OR ACT OF GOD, WHICH IMPERILS THE  
26 HEALTH, SAFETY OR WELFARE OF AN INDIVIDUAL OR INDIVIDUALS AND PLACING  
27 SUCH INDIVIDUAL OR INDIVIDUALS IN IMMINENT DANGER OF INJURY OR DEATH AND  
28 THE NUMBER OF PERSONS IN THE STATE HOLDING LICENSES GRANTED BY THE BOARD  
29 IS INSUFFICIENT TO COPE WITH SUCH EMERGENCY, ANY PERSON CERTIFIED BY A  
30 LICENSED ELEVATOR CONTRACTOR TO HAVE AN ACCEPTABLE COMBINATION OF DOCU-  
31 MENTED EXPERIENCE AND EDUCATION TO PERFORM ELEVATOR WORK WITH DIRECT AND  
32 IMMEDIATE SUPERVISION SHALL SEEK AN EMERGENCY ELEVATOR MECHANIC'S  
33 LICENSE FROM THE COMMISSIONER WITHIN FIVE BUSINESS DAYS AFTER COMMENCING  
34 WORK REQUIRING A LICENSE. THE COMMISSIONER SHALL ISSUE EMERGENCY ELEVA-  
35 TOR MECHANIC'S LICENSES TO ADDRESS THE EMERGENCY THAT EXISTS. THE  
36 LICENSED ELEVATOR CONTRACTOR SHALL FURNISH PROOF OF COMPETENCY AS THE  
37 COMMISSIONER MAY REQUIRE. EACH SUCH LICENSE SHALL RECITE THAT IT IS  
38 VALID FOR A PERIOD OF FIFTEEN DAYS FROM THE DATE THEREOF AND FOR SUCH  
39 PARTICULAR ELEVATORS OR GEOGRAPHICAL AREAS AS THE COMMISSIONER MAY  
40 DESIGNATE TO ADDRESS THE EMERGENCY SITUATION AND OTHERWISE SHALL ENTITLE  
41 THE LICENSEE TO THE RIGHTS AND PRIVILEGES OF AN ELEVATOR MECHANIC'S  
42 LICENSE ISSUED IN THIS ARTICLE. THE COMMISSIONER SHALL RENEW AN EMER-  
43 GENCY ELEVATOR MECHANIC'S LICENSE DURING THE EXISTENCE OF AN EMERGENCY  
44 AS NEEDED. NO FEE SHALL BE CHARGED FOR ANY EMERGENCY ELEVATOR MECHANIC'S  
45 LICENSE OR RENEWAL THEREOF.

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

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

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

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

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

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

27 4. (A) THE RENEWAL OF ALL LICENSES GRANTED UNDER THE PROVISIONS OF  
28 THIS SUBDIVISION SHALL BE CONDITIONED UPON THE SUBMISSION OF A CERTIF-  
29 ICATE OF COMPLETION OF A COURSE DESIGNED TO ENSURE THE CONTINUING EDUCA-  
30 TION OF LICENSEES ON NEW AND EXISTING NATIONAL, STATE, AND LOCAL CONVEY-  
31 ANCES CODES AND STANDARDS. SUCH COURSE SHALL CONSIST OF NOT LESS THAN  
32 EIGHT HOURS OF INSTRUCTION THAT SHALL BE ATTENDED ANNUALLY AND COMPLETED  
33 PRECEDING ANY SUCH LICENSE RENEWAL. THE COMMISSIONER SHALL ESTABLISH  
34 REQUIREMENTS FOR CONTINUING EDUCATION AND TRAINING PROGRAMS, AND SHALL  
35 APPROVE SUCH PROGRAMS, AS WELL AS MAINTAIN A LIST OF APPROVED PROGRAMS  
36 WHICH SHALL BE MADE AVAILABLE TO LICENSE APPLICANTS, PERMIT APPLICANTS,  
37 RENEWAL APPLICANTS AND OTHER INTERESTED PARTIES UPON REQUEST. THE  
38 COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS SETTING FORTH THE  
39 CRITERIA FOR APPROVAL OF SUCH PROGRAMS, THE PROCEDURES TO BE FOLLOWED IN  
40 APPLYING FOR SUCH APPROVAL, AND OTHER RULES AND REGULATIONS AS THE  
41 COMMISSIONER DEEMS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSES OF  
42 THIS SECTION.

43 (B) THE COMMISSIONER SHALL ASSESS A FEE FOR EACH TRAINING PROGRAM  
44 COMPLETION CERTIFICATE AND FOR EACH REFRESHER TRAINING PROGRAM  
45 COMPLETION CERTIFICATE, PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE  
46 COST OF SUCH CERTIFICATES BE ASSESSED BY THE SPONSOR OF SUCH TRAINING  
47 PROGRAM AGAINST THE PARTICIPANTS.

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

54 THE COURSES SHALL BE TAUGHT BY INSTRUCTORS THROUGH CONTINUING EDUCA-  
55 TION PROVIDERS THAT MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, ASSOCI-  
56 ATION SEMINARS, AND LABOR TRAINING PROGRAMS. THE COMMISSIONER SHALL



1 APPROVE THE CONTINUING EDUCATION PROVIDERS. ALL INSTRUCTORS SHALL BE  
2 EXEMPT FROM THE REQUIREMENTS OF THE PRECEDING PARAGRAPH WITH REGARD TO  
3 THEIR APPLICATION FOR LICENSE RENEWAL PROVIDED THAT SUCH APPLICANT WAS  
4 QUALIFIED AS AN INSTRUCTOR AT ANY TIME DURING THE ONE YEAR IMMEDIATELY  
5 PRECEDING THE SCHEDULED DATE FOR SUCH RENEWAL.

6 APPROVED TRAINING PROVIDERS SHALL KEEP UNIFORM RECORDS, FOR A PERIOD  
7 OF SIX YEARS, OF ATTENDANCE OF LICENSEES FOLLOWING A FORMAT APPROVED BY  
8 THE COMMISSIONER AND SUCH RECORDS SHALL BE AVAILABLE FOR INSPECTION BY  
9 THE COMMISSIONER AT HIS OR HER REQUEST. APPROVED TRAINING PROVIDERS  
10 SHALL BE RESPONSIBLE FOR THE SECURITY OF ALL ATTENDANCE RECORDS AND  
11 CERTIFICATES OF COMPLETION; PROVIDED, HOWEVER, THAT FALSIFYING OR KNOW-  
12 INGLY ALLOWING ANOTHER TO FALSIFY SUCH ATTENDANCE RECORDS OR CERTIF-  
13 ICATES OF COMPLETION SHALL CONSTITUTE GROUNDS FOR SUSPENSION OR REVOCATION  
14 OF THE APPROVAL REQUIRED UNDER THIS SECTION.

15 S 931. POWERS OF THE COMMISSIONER. 1. THE COMMISSIONER SHALL HAVE THE  
16 AUTHORITY TO INSPECT, OR CAUSE TO BE INSPECTED, ONGOING OR COMPLETED  
17 CONVEYANCES PROJECTS AND TO CONDUCT AN INVESTIGATION THEREOF UPON THE  
18 COMMISSIONER'S OWN INITIATION OR UPON RECEIPT OF A COMPLAINT BY ANY  
19 PERSON OR ENTITY. HOWEVER, NOTHING IN THIS SUBDIVISION SHALL PERMIT THE  
20 COMMISSIONER TO ENTER A PRIVATE RESIDENCE.

21 2. IF, UPON RECEIPT OF A COMPLAINT ALLEGING A VIOLATION OF THIS ARTI-  
22 CLE, THE COMMISSIONER REASONABLE BELIEVES THAT SUCH VIOLATION EXISTS, HE  
23 OR SHE SHALL INVESTIGATE AS SOON AS PRACTICABLE TO DETERMINE IF SUCH  
24 VIOLATION EXISTS. IF THE COMMISSIONER DETERMINES THAT NO VIOLATION OR  
25 DANGER EXISTS, THE COMMISSIONER SHALL INFORM THE COMPLAINING PERSON OR  
26 ENTITY.

27 3. IF, UPON INVESTIGATION, THE COMMISSIONER DETERMINES THAT THE  
28 ALLEGED VIOLATION EXISTS, THE COMMISSIONER MAY DELIVER TO SUCH OWNER OR  
29 ELEVATOR CONTRACTOR OR HIS OR HER AGENT OR REPRESENTATIVE A WRITTEN  
30 ORDER TO CURE SUCH VIOLATION AND MAY ORDER THAT THEIR PERMIT TO WORK ON  
31 SUCH INSTALLATION, REPAIR OR MAINTENANCE PROJECT SHALL BE SUSPENDED  
32 UNTIL SUCH VIOLATION IS CURED. SUCH ORDER SHALL SPECIFICALLY ENUMERATE  
33 THE VIOLATIONS WHICH CONSTITUTE THE BASIS OF THE ORDER TO CURE OR ORDER  
34 OF SUSPENSION AND SHALL SPECIFY THE CORRECTIVE ACTION TO BE TAKEN. THE  
35 COMMISSIONER MAY ALLOW THE PERMIT TO TOLL DURING THE TIME OF SUCH ORDER.

36 4. UPON RECEIPT OF A WRITTEN NOTICE FROM THE ELEVATOR CONTRACTOR, OR  
37 HIS OR HER AGENT OR REPRESENTATIVE, THAT SUCH VIOLATION HAS BEEN  
38 CORRECTED, THE COMMISSIONER SHALL, WITHIN TEN DAYS, ISSUE A DETERMI-  
39 NATION AS TO WHETHER SUCH ORDER TO CURE HAS BEEN SATISFIED AND SUCH  
40 ORDER OF SUSPENSION, IF ANY, SHALL BE LIFTED. IF THE COMMISSIONER DETER-  
41 MINES THAT THE ORDER TO CURE HAS NOT BEEN SATISFIED HE OR SHE MAY  
42 CONTINUE SUCH ORDER FOR A REASONABLE PERIOD OF TIME UPON THE CONSENT OF  
43 THE CONTRACTOR, OR HIS OR HER AGENT OR REPRESENTATIVE. IF THE COMMIS-  
44 SIONER DOES NOT CONTINUE THE ORDER, OR IF THE CONTRACTOR, OR HIS OR HER  
45 AGENT OR REPRESENTATIVE DOES NOT CONSENT TO SUCH CONTINUATION, THE  
46 CONTRACTOR SHALL HAVE THE RIGHT TO A HEARING TO DETERMINE IF SUCH ORDER  
47 SHALL BE LIFTED. ANY ENTITY OR CONTRACTOR WHO MAY BE ADVERSELY AFFECTED  
48 BY A NOTICE, SUSPENSION, OR DETERMINATION ISSUED UNDER THIS SECTION MAY  
49 COMMENCE A PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL  
50 PRACTICE LAW AND RULES.

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

- 54 (A) ANY FALSE STATEMENT AS TO A MATERIAL MATTER IN THE APPLICATION;  
55 (B) FRAUD, OR MISREPRESENTATION, IN SECURING A LICENSE;

1 (C) FAILURE TO NOTIFY THE COMMISSIONER AND THE OWNER OR LESSEE OF A  
2 CONVEYANCE OF ANY CONDITION NOT IN COMPLIANCE WITH THIS ARTICLE;

3 (D) A VIOLATION OF SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE;  
4 OR

5 (E) A FINDING BY THE COMMISSIONER THAT A CONTRACTOR HAS VIOLATED THIS  
6 ARTICLE OR ANY RULE OR REGULATION PROMULGATED THEREUNDER TWICE WITHIN A  
7 PERIOD OF THREE YEARS, OR THAT A CONTRACTOR HAS VIOLATED A PROVISION OF  
8 THIS ARTICLE AND SUCH VIOLATION RESULTED IN A SERIOUS THREAT TO THE  
9 HEALTH OR SAFETY OF AN INDIVIDUAL OR INDIVIDUALS. THE COMMISSIONER MAY,  
10 IN ADDITION TO ORDERING THAT SUCH CONTRACTOR'S LICENSE BE REVOKED, BAR  
11 SUCH INDIVIDUAL FROM BEING ELIGIBLE TO REAPPLY FOR SUCH LICENSE FOR A  
12 PERIOD NOT TO EXCEED TWO YEARS.

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

15 (A) ANY FALSE STATEMENTS OR MISREPRESENTATION AS TO A MATERIAL FACT IN  
16 THE APPLICATION, PLANS, OR SPECIFICATIONS ON WHICH THE PERMIT WAS BASED;

17 (B) ANY APPLICATION WHICH BY OMISSION OR MISTAKE FAILS TO COMPLY WITH  
18 THE REQUIREMENTS OF THIS ARTICLE;

19 (C) ANY FAILURE TO PERFORM WORK IN ACCORDANCE WITH THE PROVISIONS OF  
20 THE APPLICATION, PLANS OR SPECIFICATIONS OR WITH THE REQUIREMENTS OF  
21 THIS ARTICLE OR CONDITIONS OF THE PERMIT;

22 (D) A FAILURE BY THE OWNER OR ELEVATOR CONTRACTOR TO WHOM THE PERMIT  
23 WAS ISSUED TO COMPLY WITH AN ORDER ISSUED PURSUANT TO SUBDIVISION FOUR  
24 OF THIS SECTION; OR

25 (E) A FINDING BY THE COMMISSIONER THAT AN INDIVIDUAL OR CONTRACTOR WHO  
26 HAS BEEN ISSUED A PERMIT HAS VIOLATED ANY PROVISION UNDER SECTION NINE  
27 HUNDRED TWENTY-EIGHT OF THIS ARTICLE.

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

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

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

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

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

47 S 932. NEW YORK STATE ELEVATOR SAFETY AND STANDARDS BOARD. 1. AN  
48 ELEVATOR SAFETY AND STANDARDS BOARD IS HEREBY CREATED, TO CONSIST OF  
49 NINE MEMBERS. THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND  
50 THE SPEAKER OF THE ASSEMBLY SHALL EACH APPOINT THREE MEMBERS. THE GOVER-  
51 NOR'S APPOINTEES SHALL BE COMPRISED OF A REPRESENTATIVE OF A MAJOR  
52 ELEVATOR MANUFACTURING COMPANY, A MEMBER OF THE GENERAL PUBLIC AND A  
53 BUILDING OWNER, MANAGER OR REPRESENTATIVE; THE TEMPORARY PRESIDENT OF  
54 THE SENATE'S APPOINTEES SHALL BE COMPRISED OF AN ELEVATOR SERVICING  
55 COMPANY, AN ELEVATOR ARCHITECTURAL DESIGNER OR CONSULTANT, AND AN ELEVA-  
56 TOR INSPECTOR; THE SPEAKER OF THE ASSEMBLY'S APPOINTEES SHALL BE

1 COMPRISED OF AN ELEVATOR CONTRACTOR EMPLOYEE LABOR UNION, AN ELEVATOR  
 2 MECHANIC, AND A FIRE MARSHAL. THE COMMISSIONERS OF HEALTH, LABOR, EDUCA-  
 3 TION, AND ECONOMIC DEVELOPMENT OR THEIR DESIGNEES SHALL BE EX-OFFICIO  
 4 MEMBERS. THE BOARD SHALL MEET ON AN AS NEEDED BASIS TO ADVISE THE  
 5 COMMISSIONER ON THE IMPLEMENTATION OF THIS ARTICLE. THE BOARD SHALL  
 6 ELECT A CHAIRPERSON TO SERVE FOR THE TERM OF THEIR APPOINTMENT TO THE  
 7 BOARD. THE BOARD SHALL PREPARE AN ANNUAL REPORT FOR THE GOVERNOR AND  
 8 THE LEGISLATURE, COPIES OF WHICH SHALL BE SENT TO THE COMMISSIONERS OF  
 9 HEALTH, EDUCATION, ECONOMIC DEVELOPMENT, AND LABOR.

10 2. THE FIRST MEMBER APPOINTED BY THE GOVERNOR, THE TEMPORARY PRESIDENT  
 11 OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY SHALL HAVE A TERM OF ONE  
 12 YEAR; THE SECOND MEMBER APPOINTED BY EACH SHALL HAVE A TERM OF TWO YEARS  
 13 AND THE REMAINING MEMBERS SHALL HAVE A TERM OF THREE YEARS. EACH OF SUCH  
 14 APPOINTED MEMBERS SHALL HOLD OFFICE FOR THE TERM FOR WHICH SUCH MEMBER  
 15 WAS APPOINTED AND UNTIL HIS OR HER SUCCESSOR SHALL HAVE BEEN APPOINTED  
 16 OR UNTIL HE OR SHE SHALL RESIGN. THE TERM OF OFFICE OF ALL SUCCESSOR  
 17 MEMBERS SHALL BE THREE YEARS. THE MEMBERS SHALL SERVE WITHOUT SALARY OR  
 18 COMPENSATION, BUT SHALL BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN  
 19 THE PERFORMANCE OF THEIR DUTIES.

20 3. THE BOARD MAY CONSULT WITH ENGINEERING AUTHORITIES AND ORGANIZA-  
 21 TIONS CONCERNED WITH STANDARD SAFETY CODES, RULES AND REGULATIONS  
 22 GOVERNING THE OPERATION, MAINTENANCE, SERVICING, CONSTRUCTION, ALTER-  
 23 ATION, INSTALLATION, AND INSPECTION OF CONVEYANCES AND THE ADEQUATE,  
 24 REASONABLE, AND NECESSARY QUALIFICATIONS OF ELEVATOR MECHANICS, CONTRAC-  
 25 TORS, AND INSPECTORS.

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

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

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

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

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

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

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

44 S 97-1111. ELEVATOR AND RELATED CONVEYANCES SAFETY PROGRAM ACCOUNT.

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

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

49 3. MONEYS OF THE FUND SHALL BE AVAILABLE TO THE COMMISSIONER OF LABOR  
 50 FOR PURPOSES OF OFFSETTING THE COSTS INCURRED BY THE COMMISSIONER OF  
 51 LABOR FOR THE ADMINISTRATION OF ARTICLE THIRTY-TWO OF THE LABOR LAW,  
 52 INCLUDING THE ADMINISTRATION OF ELEVATOR AND RELATED CONVEYANCES SAFETY  
 53 PROGRAMS, THE ADMINISTRATION OF LICENSES AND PERMITS, AND THE ADMINIS-  
 54 TRATION OF CERTIFICATES OF OPERATION AS SET FORTH IN SUCH ARTICLE THIR-  
 55 TY-TWO.

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

4 5. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL OR SPECIAL LAW, NO  
5 MONEYS SHALL BE AVAILABLE FROM THE FUND UNTIL A CERTIFICATE OF ALLO-  
6 CATION AND A SCHEDULE OF AMOUNTS TO BE AVAILABLE THEREFOR SHALL HAVE  
7 BEEN ISSUED BY THE DIRECTOR OF THE BUDGET, AND A COPY OF SUCH CERTIF-  
8 ICATE FILED WITH THE COMPTROLLER. SUCH CERTIFICATE MAY BE AMENDED FROM  
9 TIME TO TIME BY THE DIRECTOR OF THE BUDGET AND A COPY OF EACH SUCH  
10 AMENDMENT SHALL BE FILED WITH THE COMPTROLLER.

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