

1787

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I N A S S E M B L Y

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Introduced by M. of A. WRIGHT, MILLER, BENEDETTO, ORTIZ, MOYA, COLTON, GALEF, MARKEY, QUART, SIMANOWITZ, RAMOS, ROZIC, MOSLEY, SKOUFIS, GUNTHER, AUBRY -- Multi-Sponsored by -- M. of A. ARROYO, BRAUNSTEIN, BUCHWALD, CLARK, COOK, CROUCH, CURRAN, CUSICK, DenDEKKER, DINOWITZ, FARRELL, GIGLIO, GLICK, GOODELL, GRAF, HOOPER, LENTOL, MAGNARELLI, McDONALD, PERRY, RA, RODRIGUEZ, RYAN, SEPULVEDA, TENNEY -- 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.

14 933. EXEMPT PERSONS.

15 S 925. LEGISLATIVE FINDINGS AND DECLARATION. THE LEGISLATURE HEREBY  
16 FINDS THAT THE USE OF UNSAFE AND DEFECTIVE ELEVATORS AND OTHER AUTOMATED  
17 PEOPLE MOVING CONVEYANCES MAY EXPOSE THE PUBLIC TO UNSAFE CONDITIONS AND  
18 INCREASE THE RISK OF INJURY. THE LEGISLATURE FINDS THAT IMPROPER DESIGN,

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

LBD02916-01-5

1 CONSTRUCTION, MAINTENANCE AND REPAIR OF SUCH CONVEYANCES IS PREVENTABLE  
2 BY REQUIRING PROPER TRAINING OF PERSONS EMPLOYED TO PERFORM WORK ON  
3 ELEVATORS AND OTHER AUTOMATED PEOPLE MOVING CONVEYANCES AND BY REQUIRING  
4 THE LICENSING OF CONTRACTORS AND THE CERTIFICATION OF INDIVIDUALS  
5 INVOLVED IN ELEVATOR AND OTHER AUTOMATED PEOPLE MOVING CONVEYANCES  
6 PROJECTS.

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

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

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

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

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

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

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

33 (A) MATERIAL HOISTS;

34 (B) MANLIFTS;

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

36 (D) POWERED PLATFORMS AND EQUIPMENT FOR EXTERIOR AND INTERIOR MAINTENANCE;  
37

38 (E) CONVEYOR AND RELATED EQUIPMENT;

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

40 (G) INDUSTRIAL TRUCKS;

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

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

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

46 (K) SKIP OR FURNACE HOISTS;

47 (L) WHARF RAMPS;

48 (M) RAILROAD CAR LIFTS OR DUMPERS;

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

52 3. THE LICENSING, PERMITTING AND CERTIFICATION PROVISIONS OF THIS  
53 ARTICLE SHALL NOT APPLY TO THE OWNERS OR LESSEES OF PRIVATE RESIDENCES  
54 WHO DESIGN, ERECT, CONSTRUCT, INSTALL, ALTER, REPAIR, SERVICE OR MAIN-  
55 TAIN CONVEYANCES THAT ARE LOCATED OR WILL BE LOCATED IN SUCH OWNER OR  
56 LESSEE'S PRIVATE RESIDENCE. HOWEVER, ANY PERSON HIRED TO DESIGN, ERECT,

1 CONSTRUCT, INSTALL, ALTER, REPAIR, SERVICE, MAINTAIN, OR PERFORM ANY  
2 OTHER WORK RELATED TO SUCH CONVEYANCES MUST COMPLY WITH THE PROVISIONS  
3 OF THIS ARTICLE.

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

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

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

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

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

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

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

27 5. "CONVEYANCE" MEANS ANY ELEVATOR, DUMBWAITER, ESCALATOR, MOVING  
28 SIDEWALK, PLATFORM LIFTS, STAIRWAY CHAIRLIFTS AND AUTOMATED PEOPLE  
29 MOVERS.

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

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

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

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

- 1 10. "ELEVATOR INSPECTOR" MEANS ANY PERSON WHO POSSESSES AN ELEVATOR  
2 INSPECTOR'S LICENSE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.
- 3 11. "ELEVATOR MECHANIC" MEANS ANY PERSON WHO POSSESSES AN ELEVATOR  
4 MECHANIC'S LICENSE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.
- 5 12. "ESCALATOR" MEANS POWER-DRIVEN, INCLINED, CONTINUOUS STAIRWAY USED  
6 FOR RAISING OR LOWERING PASSENGERS.
- 7 13. "EXISTING INSTALLATION" MEANS AN INSTALLATION THAT HAS BEEN  
8 COMPLETED OR IS UNDER CONSTRUCTION PRIOR TO THE EFFECTIVE DATE OF THIS  
9 ARTICLE.
- 10 14. "LICENSE" MEANS A LICENSE DULY ISSUED BY THE COMMISSIONER, AUTHOR-  
11 IZING THE DESIGN, ERECTION, CONSTRUCTION, INSTALLATION, ALTERATION,  
12 REPAIR, SERVICE, MAINTENANCE, OR INSPECTION OF ELEVATORS OR OTHER  
13 CONVEYANCES COVERED BY THIS ARTICLE.
- 14 15. "ELEVATOR CONTRACTOR'S LICENSE" MEANS A LICENSE WHICH ENTITLES THE  
15 HOLDER THEREOF TO ENGAGE IN THE BUSINESS OF DESIGNING, ERECTING,  
16 CONSTRUCTING, INSTALLING, ALTERING, REPAIRING, SERVICING OR MAINTAINING  
17 CONVEYANCES COVERED BY THIS ARTICLE.
- 18 16. "ELEVATOR INSPECTOR'S LICENSE" MEANS A LICENSE WHICH ENTITLES THE  
19 HOLDER THEREOF TO ENGAGE IN THE BUSINESS OF INSPECTING OR TESTING  
20 CONVEYANCES COVERED BY THIS ARTICLE.
- 21 17. "ELEVATOR MECHANIC'S LICENSE" MEANS A LICENSE WHICH ENTITLES THE  
22 HOLDER THEREOF TO INSTALL, CONSTRUCT, ALTER, SERVICE, REPAIR, TEST,  
23 MAINTAIN, AND PERFORM WORK ON CONVEYANCES OR OTHER AUTOMATED PEOPLE  
24 MOVERS COVERED BY THIS ARTICLE.
- 25 18. "MOVING WALK/SIDEWALK" MEANS A TYPE OF PASSENGER-CARRYING DEVICE  
26 ON WHICH PASSENGERS STAND OR WALK, AND IN WHICH THE PASSENGER-CARRYING  
27 SURFACE REMAINS PARALLEL TO ITS DIRECTION OF MOTION AND IS UNINTER-  
28 RUPTED.
- 29 19. "PERMIT" MEANS A DOCUMENT ISSUED BY THE COMMISSIONER PRIOR TO THE  
30 COMMENCEMENT OF WORK THAT PERMITS A CONVEYANCE TO BE ERECTED,  
31 CONSTRUCTED, INSTALLED, OR ALTERED UNDER PLANS APPROVED BY THE COMMIS-  
32 SIONER PURSUANT TO THIS ARTICLE.
- 33 20. "PERSON" MEANS ANY NATURAL PERSON.
- 34 21. "PRIVATE RESIDENCE" MEANS A SEPARATE DWELLING OR A SEPARATE APART-  
35 MENT IN A MULTIPLE DWELLING, WHICH IS OCCUPIED BY MEMBERS OF A SINGLE  
36 FAMILY UNIT.
- 37 22. "REPAIR" MEANS RECONDITIONING OR RENEWAL OF PARTS, COMPONENTS,  
38 AND/OR SUBSYSTEMS NECESSARY TO KEEP EQUIPMENT IN COMPLIANCE WITH APPLI-  
39 CABLE CODE REQUIREMENTS.
- 40 23. "ALTERATION" MEANS ANY CHANGE TO EQUIPMENT, INCLUDING ITS PARTS,  
41 COMPONENTS, AND/OR SUBSYSTEMS, OTHER THAN MAINTENANCE, REPAIR, OR  
42 REPLACEMENT, BUT SHALL NOT INCLUDE THE PROFESSIONAL SERVICES OF ENGI-  
43 NEERING OR ARCHITECTURE AS DEFINED IN SECTIONS SEVENTY-TWO HUNDRED ONE  
44 AND SEVENTY-THREE HUNDRED ONE OF THE EDUCATION LAW.
- 45 24. "DESIGN" MEANS THE ACT OR PROCESS OF PLANNING THE REPAIR, ALTER-  
46 ATION OR CONSTRUCTION OF ANY CONVEYANCE, BUT SHALL NOT INCLUDE THE  
47 PROFESSIONAL SERVICES OF ENGINEERING OR ARCHITECTURE AS DEFINED IN  
48 SECTIONS SEVENTY-TWO HUNDRED ONE AND SEVENTY-THREE HUNDRED ONE OF THE  
49 EDUCATION LAW.
- 50 25. "CONSTRUCTION" MEANS THE ACT OR PROCESS OF CONSTRUCTING ANY  
51 CONVEYANCE.
- 52 26. "INSPECTION" MEANS A CRITICAL EXAMINATION, OBSERVATION OR EVALU-  
53 ATION OF QUALITY AND CODE COMPLIANCE OF ANY CONVEYANCE.
- 54 27. "TESTING" MEANS A PROCESS OR TRIAL OF OPERATION OF ANY CONVEYANCE.
- 55 28. "MAINTENANCE" MEANS A PROCESS OF ROUTINE EXAMINATION, LUBRICATION,  
56 CLEANING, AND ADJUSTMENT OF PARTS, COMPONENTS, AND/OR SUBSYSTEMS FOR THE

1 PURPOSE OF ENSURING PERFORMANCE IN ACCORDANCE WITH ANY APPLICABLE CODE  
2 REQUIREMENTS.

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

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

14 31. "ERECT" MEANS TO VERTICALLY CONSTRUCT OR CONNECT ANY CONVEYANCE OR  
15 PART OR SYSTEM THEREOF.

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

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

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

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

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

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

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

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

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

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

45 S 929. LICENSE AND PERMIT PROCEDURE. ALL APPLICATIONS FOR ELEVATOR  
46 CONTRACTOR'S, ELEVATOR MECHANIC'S, AND ELEVATOR INSPECTOR'S LICENSES AND  
47 REQUIRED PERMITS SHALL BE SUBMITTED TO THE DEPARTMENT IN WRITING ON  
48 FORMS FURNISHED BY THE COMMISSIONER AND SHALL CONTAIN THE INFORMATION  
49 SET FORTH IN THIS SECTION AS WELL AS ANY ADDITIONAL INFORMATION THAT THE  
50 COMMISSIONER MAY REQUIRE. THE COMMISSIONER SHALL ALSO SET FEES FOR  
51 LICENSING AND PERMITTING UNDER THIS SECTION.

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

54 (A) THE NAME, RESIDENCE ADDRESS AND BUSINESS ADDRESS OF THE APPLICANT;  
55 (B) THE NUMBER OF YEARS THE APPLICANT HAS ENGAGED IN THE BUSINESS OR  
56 PRACTICE OF DESIGNING, CONSTRUCTING, ERECTING, INSTALLING, INSPECTING,

1 TESTING, REPAIRING, ALTERING, MAINTAINING, OR SERVICING CONVEYANCES  
2 COVERED BY THIS ARTICLE;

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

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

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

8 UPON APPROVAL OF AN APPLICATION FOR A LICENSE THE COMMISSIONER SHALL  
9 ISSUE SUCH LICENSE WHICH SHALL BE VALID FOR TWO YEARS. THE FEES FOR SUCH  
10 LICENSE AND RENEWAL THEREOF SHALL BE SET BY THE COMMISSIONER. ANY DENIAL  
11 FOR SUCH APPLICATION SHALL SET FORTH THE REASONS THEREFOR.

12 2. APPLICATION FOR PERMITS. EVERY APPLICATION FOR A PERMIT UNDER THIS  
13 ARTICLE SHALL INCLUDE PLANS AND SPECIFICATIONS STAMPED AND SIGNED BY A  
14 PROFESSIONAL ENGINEER AND/OR AN ARCHITECT LICENSED PURSUANT TO ARTICLE  
15 ONE HUNDRED FORTY-FIVE AND/OR ARTICLE ONE HUNDRED FORTY-SEVEN OF THE  
16 EDUCATION LAW. EVERY APPLICATION FOR A PERMIT UNDER THIS ARTICLE SHALL  
17 INCLUDE THE FOLLOWING:

18 (A) COPIES OF THE SPECIFICATIONS AND ACCURATELY SCALED AND FULLY  
19 DIMENSIONED PLANS SHOWING THE LOCATION OF THE INSTALLATION IN RELATION  
20 TO THE PLANS AND ELEVATION OF THE BUILDING;

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

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

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

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

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

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

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

1 LICENSE ISSUED IN THIS ARTICLE. THE COMMISSIONER SHALL RENEW AN EMER-  
2 GENCY ELEVATOR MECHANIC'S LICENSE DURING THE EXISTENCE OF AN EMERGENCY  
3 AS NEEDED. NO FEE SHALL BE CHARGED FOR ANY EMERGENCY ELEVATOR MECHANIC'S  
4 LICENSE OR RENEWAL THEREOF.

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

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

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

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

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

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

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



1 COMMISSIONER DEEMS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSES OF  
2 THIS SECTION.

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

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

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

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

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

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

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

52 4. UPON RECEIPT OF A WRITTEN NOTICE FROM THE ELEVATOR CONTRACTOR, OR  
53 HIS OR HER AGENT OR REPRESENTATIVE, THAT SUCH VIOLATION HAS BEEN  
54 CORRECTED, THE COMMISSIONER SHALL, WITHIN TEN DAYS, ISSUE A DETERMI-  
55 NATION AS TO WHETHER SUCH ORDER TO CURE HAS BEEN SATISFIED AND SUCH  
56 ORDER OF SUSPENSION, IF ANY, SHALL BE LIFTED. IF THE COMMISSIONER DETER-

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

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

14 (A) ANY FALSE STATEMENT AS TO A MATERIAL MATTER IN THE APPLICATION;  
15 (B) FRAUD, OR MISREPRESENTATION, IN SECURING A LICENSE;  
16 (C) FAILURE TO NOTIFY THE COMMISSIONER AND THE OWNER OR LESSEE OF A  
17 CONVEYANCE OF ANY CONDITION NOT IN COMPLIANCE WITH THIS ARTICLE;  
18 (D) A VIOLATION OF SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE;  
19 OR

20 (E) A FINDING BY THE COMMISSIONER THAT A CONTRACTOR HAS VIOLATED THIS  
21 ARTICLE OR ANY RULE OR REGULATION PROMULGATED THEREUNDER TWICE WITHIN A  
22 PERIOD OF THREE YEARS, OR THAT A CONTRACTOR HAS VIOLATED A PROVISION OF  
23 THIS ARTICLE AND SUCH VIOLATION RESULTED IN A SERIOUS THREAT TO THE  
24 HEALTH OR SAFETY OF AN INDIVIDUAL OR INDIVIDUALS. THE COMMISSIONER MAY,  
25 IN ADDITION TO ORDERING THAT SUCH CONTRACTOR'S LICENSE BE REVOKED, BAR  
26 SUCH INDIVIDUAL FROM BEING ELIGIBLE TO REAPPLY FOR SUCH LICENSE FOR A  
27 PERIOD NOT TO EXCEED TWO YEARS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 S 933. EXEMPT PERSONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO APPLY TO  
2 THE PRACTICE, CONDUCT, ACTIVITIES, OR SERVICES BY A PERSON LICENSED TO  
3 PRACTICE ARCHITECTURE WITHIN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED  
4 FORTY-SEVEN OF THE EDUCATION LAW OR ENGINEERING WITHIN THIS STATE PURSU-  
5 ANT TO ARTICLE ONE HUNDRED FORTY-FIVE OF THE EDUCATION LAW.

6 S 2. The state finance law is amended by adding a new section 97-llll  
7 to read as follows:

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

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

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

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

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

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

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