S T A T E O F N E W Y O R K

8126

I N S E N A T E

June 13, 2016

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators

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

Section 1. Section 954 of the labor law, as added by a chapter of the laws of 2016 amending the labor law and the state finance law relating to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated moving people devices, as proposed in legislative bills numbers S.1945-B and A.1787-C, is amended by adding a new subdivision 4 to read as follows:

4. RESTRICTED LICENSE. A RESTRICTED CLASS OF LIFT MECHANIC LICENSE SHALL BE KNOWN AS "ACCESSIBILITY TECHNICIAN". SUCH CLASS OF LICENSE SHALL BE RESTRICTED TO PERFORMING WORK INVOLVING PLATFORM LIFTS AND STAIRWAY CHAIRLIFTS INCLUDING THOSE INSTALLED IN PRIVATE RESIDENCES WHICH ARE COVERED BY THE PROVISIONS OF ASME A18.1-2005. AN APPLICANT FOR SUCH RESTRICTED LICENSE SHALL COMPLETE AN APPLICATION APPROVED BY THE BOARD AND SHALL HAVE AT LEAST THREE YEARS VERIFIED WORK EXPERIENCE IN CONSTRUCTING, MAINTAINING AND REPAIRING THOSE LIFTS COVERED BY ASME A18.1-2005 AND SHALL PROVIDE TO THE COMMISSIONER A CERTIFICATE OF COMPLETION OF AN ACCESSIBILITY TRAINING PROGRAM FOR LIFTS UNDER THE SCOPE OF A18.1-2005 SUCH AS THE CERTIFIED ACCESSIBILITY TRAINING (CAT), OR AN EQUIVALENT PROGRAM AS DEEMED BY THE DEPARTMENT.

S 2. Section 955 of the labor law, as added by a chapter of the laws of 2016 amending the labor law and the state finance law relating to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated moving people devices, as proposed in legislative bills numbers S.1945-B and A.1787-C, is amended to read as follows:

S 955. Qualifications, training and continuing education. 1. No license shall be granted to any person who has not paid the required

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

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application fee and demonstrated his or her qualifications and abilities. Applicants for a mechanic's license must demonstrate one of the following qualifications: (a) an acceptable combination of documented experience and education credits consisting of (i) not less than four years work experience in the construction, maintenance and service repair of elevators, as verified by current and previous employers and (ii) satisfactory completion of a written examination, administered OR ACCEPTED by the commissioner, on the most recent national, state, and local conveyances codes and standards; or

(b) acceptable proof that he or she has worked on elevator construction, maintenance or repair with direct and immediate supervision in this state for a period of not less than four years immediately prior to the effective date of this article, provided that such applicant shall file such application within one year of [the effective date of this article] RELEASE AND ACCESS TO THE LICENSING APPLICATION AS DEFINED IN THIS ARTICLE; or

(c) a certificate of successful completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry including, but not limited to, the national elevator industry educational program or its equivalent; or

(d) certificate of successful completion of the joint apprentice and training committee of the elevator industry of local 3, IBEW, EE division training program or an apprenticeship program for elevator mechanics, having standards substantially equal to those of this chapter, and registered with the bureau of apprenticeship and training, U.S. department of labor or a state apprenticeship council; OR

(e) INDUSTRY EDUCATIONAL PROGRAM, THE NATIONAL ASSOCIATION OF ELEVATOR CONTRACTORS (NAEC) CERTIFIED ELEVATOR TECHNICIAN (CET), OR THEIR EQUIVALENT.

(F) The commissioner shall upon application and without examination, issue a license to any person over the age of eighteen years who has been duly licensed by any other state of the United States to engage in the business of construction, operation, inspection, maintenance, alteration and repair of elevators as verified by current and previous employers, upon compliance with standards and requirements not lower, in the judgement of the commissioner than those of this state, provided, however, that such state extends the same reciprocity to the licensees of this state. Such application shall be accompanied by the required license fee.

2. Applicants for an elevator contractor's license must demonstrate to the commissioner that such elevator contractor employs licensed elevator mechanics who perform the work described in section nine hundred fifty-one of this article and have proof of compliance with the insurance requirements set forth in paragraph (d) of subdivision one of section nine hundred fifty-four of this article.

3. Any applicants for an elevator inspector's license must demonstrate to the satisfaction of the commissioner that such applicant meets or exceeds applicable [national] standards SUCH AS QUALIFIED ELEVATOR INSPECTOR (QEI) OR ITS EQUIVALENT. Private elevator inspectors shall maintain the same insurance requirements as an elevator contractor.

4. (a) The renewal of all licenses granted under the provisions of this subdivision shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing national, state, and local conveyances codes and standards, TECHNOLOGY, TECHNICAL EDUCATION AND WORKPLACE SAFETY. Such course shall consist of not less than eight CONTACT hours

[of instruction that shall be attended] (.8 CEU) annually and completed preceding any such license renewal. The commissioner shall establish requirements for continuing education and training programs, and shall approve such programs, as well as maintain a list of approved programs which shall be made available to license applicants, permit applicants, renewal applicants and other interested parties upon request. The commissioner shall promulgate rules and regulations setting forth the criteria for approval of such programs, the procedures to be followed in applying for such approval, and other rules and regulations as the commissioner deems necessary and proper to effectuate the purposes of this section.

(b) The commissioner shall assess a fee for each training program completion certificate and for each refresher training program completion certificate[, provided, however, that in no event shall the cost of such certificates be assessed by the sponsor of such training program against the participants].

5. The renewal of all licenses granted under the provisions of this section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing regulations of the department. Such course shall consist of not less than eight CONTACT hours (.8 CEU) of instruction that shall be attended and completed annually prior to any such license renewal.

The courses shall be taught [by instructors] through continuing education providers that may include, but shall not be limited to, association seminars, and labor training programs OR PROGRAMS THAT DELIVER APPROVED APPRENTICESHIP AND ARE REGISTERED WITH THE DEPARTMENT OR THE NEW YORK STATE APPRENTICESHIP TRAINING COUNCIL. The commissioner shall approve the continuing education providers. All instructors shall be exempt from the requirements of the preceding paragraph with regard to their application for license renewal provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

Approved training providers shall keep uniform records, for a period of six years, of attendance of licensees following a format approved by the commissioner and such records shall be available for inspection by the commissioner at his or her request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion; provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.

S 3. Subdivision 1 of section 957 of the labor law, as added by a chapter of the laws the 2016 amending the labor law and the state finance law relating to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated moving people devices, as proposed in legislative bills numbers S.1945-B and A.1787-C, is amended to read as follows:

1. An elevator safety and standards board is hereby created, to consist of nine members. The governor, the temporary president of the senate, and the speaker of the assembly shall each appoint three members. The governor's appointees shall be comprised of a representative of a major elevator manufacturing company, [a member of the general public] AN ELEVATOR INSPECTOR and a building owner, manager or representative; the temporary president of the senate's appointees shall

be comprised of an elevator servicing company, an elevator architectural designer or consultant, and an [elevator inspector] INDIVIDUAL OF AN ELEVATOR INDUSTRY ASSOCIATION; the speaker of the assembly's appointees shall be comprised of an elevator contractor employee labor union, an elevator mechanic, and a fire marshal. The commissioners of health, labor, education, and economic development or their designees shall be ex-officio members. The board shall meet on an as needed basis to advise the commissioner on the implementation of this article. The board shall elect a chairperson to serve for the term of their appointment to the board. The board shall prepare an annual report for the governor and the legislature, copies of which shall be sent to the commissioners of health, education, economic development, and labor.

S 4. This act shall take effect on the same date and the same manner as a chapter of the laws of 2016 amending the labor law and the state finance law relating to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated moving people devices, as proposed in legislative bills numbers S.1945-B and A.1787-C, takes effect.