STATE OF NEW YORK

9018

IN SENATE

June 13, 2018

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the administrative code of the city of New York, in relation to the licensing of approved elevator agency directors, inspectors, and technicians performing elevator work in the city of New York; and to repeal the definition of private elevator inspection agency in section 28-401.3 of the administrative code of the city of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The undesignated paragraph subtitled "private elevator inspection agency" of section 28-401.3 of the administrative code of the city of New York is REPEALED and three new undesignated paragraphs are added following the undesignated paragraph subtitled "direct employ" to read as follows:

ELEVATOR AGENCY. An approved agency authorized by the commissioner to perform elevator work and to inspect and test elevators, escalators and other conveying equipment regulated by this code.

ELEVATOR AGENCY HELPER. An individual having required qualifications to perform elevator work, as defined in this chapter, under the direct and continuing supervision of an elevator agency director, and in the presence of a licensed elevator agency technician.

ELEVATOR WORK. Alteration, assembly, installation, maintenance, repair, replacement and modernization work, as defined by ASME A17.1 as modified by appendix K of the New York city building code, performed on conveyances regulated by this code or other applicable laws or rules. Elevator work does not include material hoists, platform lifts, stair chair lifts, or personnel hoists.

§ 2. Articles 421 and 422 of chapter 4 of title 28 of the administrative code of the city of New York, as added by section 91 of part A of local law number 141 of the city of New York for the year 2013, are amended to read as follows:

ARTICLE 421

[~~PRIVATE~~] ELEVATOR [~~INSPECTION~~] AGENCY DIRECTOR LICENSE

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

LBD16304-01-8

§ 28-421.1 [~~Private elevator inspection~~] **Elevator** agency director license required. [~~Only private elevator inspection agencies may~~] **It shall be unlawful to perform elevator work as defined by this chapter or** perform and/or witness inspections and tests or enter into contracts pursuant to article 304 of chapter 3 of this code **unless licensed pursuant to this article**. Each [~~such~~] **elevator** agency shall designate one director in responsible charge who shall be licensed pursuant to this article. The designated director in responsible charge shall be in the direct employ of the agency and shall supervise all the operations of the agency. **All elevator work shall be performed by individuals who are under the direct and continuing supervision of the elevator agency director as defined in section 28-401.3 of this chapter.** All **elevator** work performed by such agency pursuant to article 304 of chapter 3 of this code shall be performed by or [~~under the direct and continuing supervision of the designated director in responsible charge~~] **in the presence of a licensed elevator agency director or technician**.

§ 28-421.1.1 Additional directors. In addition to the designated director in responsible charge, the agency may have other individuals in its employ who may be issued [~~private~~] elevator [~~inspection~~] agency director licenses pursuant to this article. [~~Notwithstanding any other provision of this chapter, such individuals may only perform inspections or other work pursuant to article 304 of chapter 3 of this code under the direct and continuing supervision of the designated director in responsible charge.~~]

§ 28-421.2 Qualifications. All applicants for [~~a private~~] **an** elevator [~~inspection~~] agency director license shall submit satisfactory proof establishing that the applicant **has satisfactorily completed, within two years prior to the date of application, a course that is at least thirty hours in length and approved by the United States department of labor and the occupational safety and health administration in general industry training; and also satisfies one of the following**:

1. Has at least ten years of practical experience in the supervision of the assembly, installation, maintenance, repair, design or inspection of elevators within the fifteen years prior to application; or

2. Is an engineer or architect and has at least five years experience in the supervision of the assembly, installation, maintenance, repair, **review and approval of** design **documents** or inspection of elevators within the seven years prior to application.

§ 28-421.3 [~~Director restriction~~] **Restriction**. Each [~~private~~] elevator [~~inspection~~] agency director shall **supervise and** perform **elevator** work **or inspections and tests** pursuant to article 304 of chapter 3 of this code for only one [~~private~~] elevator [~~inspection~~] agency, and shall not inspect and/or test elevators or **perform elevator work on** related devices as an inspector [~~or~~]**,** director **or elevator agency helper** for any other [~~private~~] elevator [~~inspection~~] agency.

§ 28-421.4 Place of business. Every licensed [~~private~~] elevator [~~inspection~~] agency shall have a place of business within the city **in conformance with department rules and regulations**.

ARTICLE 422
[~~PRIVATE~~] ELEVATOR [~~INSPECTION~~] AGENCY INSPECTOR LICENSE

§ 28-422.1 [~~Private elevator inspection agency~~] **Elevator agency** inspector license required. [~~Individuals who~~] **It shall be unlawful to** witness and/or perform inspections and tests on behalf of [~~a private~~] **an** elevator [~~inspection~~] agency pursuant to article 304 of chapter 3 of this code [~~shall be~~] **unless** licensed pursuant to this article. Licensed inspectors shall perform such work under the direct and continuing

supervision of a designated director in responsible charge licensed pursuant to article 421 of this chapter.

§ 28-422.2 Qualifications. [~~Applicants~~] All applicants for [~~a private~~] an elevator agency inspector license shall submit satisfactory proof establishing that the applicant has satisfactorily completed, within two years prior to the date of application, a course that is at least ten hours in length and approved by the United States department of labor and the occupational safety and health administration in general industry standards; and also satisfies the following:

1. Has at least seven years of practical experience in the [~~assembly, installation, repair, design, or~~] inspection of elevators, or as an elevator mechanic within the ten years prior to application.

§ 28-422.3 [~~Inspector restriction~~] Restriction. Each [~~private~~] elevator [~~inspection~~] agency inspector shall perform work pursuant to article 304 of chapter 3 of this code for only one [~~private~~] elevator [~~inspection~~] agency, and shall not witness and/or perform inspections and/or test elevators or related devices as an inspector, technician or director for any other [~~private~~] elevator [~~inspection~~] agency.

§ 3. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding two new articles 425 and 426 to read as follows:

ARTICLE 425
ELEVATOR AGENCY TECHNICIAN LICENSE

§ 28-425.1 Elevator agency technician license required. It shall be unlawful to perform elevator work as defined in this chapter, unless that work is performed by or in the presence of an elevator agency technician and under the direct and continuing supervision of a designated director of an elevator agency licensed pursuant to article 421 of this chapter.

§ 28-425.2 Qualifications. All applicants for an elevator agency technician's license shall submit satisfactory proof establishing that the applicant has satisfactorily completed, within two years prior to the date of application, a course that is at least ten hours in length and approved by the United States department of labor and the occupational safety and health administration in general industry training; and also satisfies one of the following:

1. Has satisfactorily completed a department sponsored exam and has at least five years of practical experience in the alteration, assembly, installation, maintenance, repair, design, or inspection of elevators within the ten years prior to application; or

2. Successful completion of a training program of at least four years for elevator maintenance, installation or repair, registered with the bureau of apprenticeship and training, United States department of labor or a New York state apprenticeship council, including but not limited to the national elevator industry elevator educational program.

ARTICLE 426
ELEVATOR AGENCY HELPER

§ 28-426.1 Qualifications. The agency may, by rule, establish qualifications for elevator agency helpers.

§ 4. Section 28-304.6.1 of the administrative code of the city of New York, as amended by section 61 of part A of local law number 141 for the year 2013, is amended to read as follows:

§ 28-304.6.1 Inspection and testing entities. The required periodic inspections in Table N1 shall be made by the department. The other tests and inspections in Table N1 shall be performed on behalf of the owner by

an approved agency in accordance with this code and department rules. Where indicated in Table N1, tests and inspections shall be witnessed by an approved agency not affiliated with the agency performing the test**, and not affiliated with the agency performing the elevator work**. Not affiliated, as used in this section, shall mean the approved agency owners, directors and inspectors shall be independent of all relative approved agencies, maintenance firms or other entities providing any associated services to the device owner. Such other tests and inspections shall comply with the timeframes established as follows:

1. Category 1 inspections and tests shall be performed between January 1st and December 31st of each year at a minimal time interval of six months from the date of the previous Category 1 testing. Category 1 tests are required on new installations the calendar year following final acceptance test.

2. Category 3 inspections and tests for water hydraulics shall be performed every three years on or before the anniversary month of the last Category 3 testing.

3. Category 5 inspections and tests shall be performed every five years on or before the month of the final acceptance test for new elevators or the anniversary month of the last Category 5 testing.

§ 5. This act shall take effect three years after it shall have become a law. Effective immediately, any rules and regulations necessary for the timely implementation of this act on its effective date shall be promulgated on or before such date.