

STATE OF NEW YORK

9063

IN ASSEMBLY

January 13, 2020

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

AN ACT to amend the labor 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; to amend the state finance law, in relation to availability of funds from the elevator and related conveyances safety program account; to amend the administrative code of the city of New York, in relation to the definition of elevator work and elevator agency technician license qualifications and exemptions; to amend part B of a chapter of the laws of 2019, amending the administrative code of the city of New York relating to the licensing of approved elevator agency directors, inspectors, and technicians performing elevator work in the city of New York as proposed in legislative bills numbers S. 4080-C and A. 4509-A, in relation to the effectiveness thereof; to amend part A of a chapter of the laws of 2019, 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 people moving devices, as proposed in legislative bills numbers S. 4080-C and A. 4509-A, in relation to the effectiveness thereof; and repealing certain provisions of the labor law and the administrative code of the city of New York relating thereto

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

1 Section 1. Article 33 of the labor law, as added by section 1 of part
2 A of a chapter of the laws of 2019, amending the labor law and the state
3 finance law relating to requiring the licensing of persons engaged in
4 the design, construction, inspection, maintenance, alteration, and
5 repair of elevators and other automated people moving devices, as
6 proposed in legislative bills numbers S. 4080-C and A. 4509-A, is
7 REPEALED and a new article 33 is added to read as follows:

ARTICLE 33

ELEVATORS AND OTHER CONVEYANCES; LICENSING

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

LBD05563-13-0

1 Section 950. Application.

2 951. Definitions.

3 952. Licensing and compliance requirements.

4 953. License procedure.

5 954. Qualifications, training, and continuing education.

6 955. Powers of the commissioner.

7 956. New York state elevator safety and standards advisory
8 board.

9 957. Exempt persons.

10 § 950. Application. 1. This article covers licensing of businesses and
11 occupations that engage in design, construction, installation,
12 inspection, testing, maintenance, alteration, service, and repair of the
13 following equipment:

14 (a) hoisting and lowering mechanisms equipped with a car or platform
15 which moves between two or more landings. This equipment includes, but
16 is not limited to elevators, platform lifts, and non-residential stair-
17 way chair lifts;

18 (b) power driven stairways and walkways for carrying persons between
19 landings. This equipment includes, but is not limited to, escalators and
20 moving walks;

21 (c) hoisting and lowering mechanisms equipped with a car, which serves
22 two or more landings and is restricted to the carrying of material by
23 its limited size or limited access to the car. This equipment includes,
24 but is not limited to, dumbwaiters, material lifts, and dumbwaiters with
25 automatic transfer devices as defined in section nine hundred fifty-one
26 of this article; and

27 (d) automatic guided transit vehicles on guideways with an exclusive
28 right-of-way. This equipment includes, but is not limited to, automated
29 people movers.

30 2. The following equipment is not covered by this article:

31 (a) personnel and material hoists;

32 (b) manlifts;

33 (c) mobile scaffolds, towers, and platforms;

34 (d) powered platforms and equipment for exterior and interior mainte-
35 nance;

36 (e) conveyor and related equipment;

37 (f) cranes, derricks, hoists, hooks, jacks, and slings;

38 (g) industrial trucks;

39 (h) portable equipment, except for portable escalators;

40 (i) tiering and piling machines used to move materials to and from
41 storage located and operating entirely within one story;

42 (j) equipment for feeding or positioning materials including, but not
43 limited to, machine tools and printing presses;

44 (k) skip or furnace hoists;

45 (l) wharf ramps;

46 (m) railroad car lifts or dumpers;

47 (n) stairway chairlifts for private residences; and

48 (o) line jacks, false cars, shafters, moving platforms, and similar
49 equipment used for installing an elevator by a contractor licensed in
50 this state.

51 3. The licensing provisions of this article shall not apply to the
52 owners or lessees of private residences who design, construct, install,
53 alter, repair, service, or maintain conveyances that are located or will
54 be located in such owner or lessee's private residence. However, any
55 person hired to design, construct, install, alter, repair, service,

1 maintain, or perform any other work related to such conveyances must
2 comply with the provisions of this article.

3 4. No license shall be required for the removal or dismantling of
4 conveyances.

5 5. No license shall be required for the outfitting, removal, refinish-
6 ing, or replacement of interior finishes, including wall panels, drop
7 ceilings, handrails and flooring, removal or replacement of interior
8 lighting, recladding of doors, transoms and front return panels, finish-
9 ing, or ornamental work on car operating panels.

10 6. The provisions of this article and the rules adopted pursuant ther-
11 eto shall be the minimum standard required and shall supersede any
12 special law or local ordinance inconsistent therewith, and no local
13 ordinance inconsistent therewith shall be adopted, but nothing herein
14 contained shall prevent the enactment by local law or ordinance of addi-
15 tional requirements and restrictions.

16 7. Any municipal corporation may waive licensing fees for any individ-
17 ual seeking an elevator license, or its equivalent, offered by such
18 municipal corporation if such individual holds an elevator mechanic's
19 license pursuant to this article; provided, however, that any elevator
20 mechanic's license, or its equivalent, offered by a municipal corpo-
21 ration shall not be inconsistent with the requirements of this article
22 and nothing herein shall prevent the enactment by local law or ordinance
23 of additional requirements.

24 § 951. Definitions. As used in this article, the following terms shall
25 have the following definitions:

26 1. "Automated people mover" means a guided transit mode with fully
27 automated operation, featuring vehicles that operate on guideways with
28 exclusive right-of-way.

29 2. "Accessibility lift" means elevators or conveyances that are
30 intended for transportation of persons with disabilities, such as plat-
31 form lifts and stairway chairlifts, including equipment covered by the
32 provisions of ASME (American Society of Mechanical Engineers) A18.1 2017
33 Safety Standard for Platform Lifts and Stairway Chairlifts.

34 3. "Accessibility lift technician" means a person who performs acces-
35 sibility lift work.

36 4. "Accessibility lift technician's license" means a restricted eleva-
37 tor mechanic's license that authorizes the holder to engage in accessi-
38 bility lift work.

39 5. "Accessibility lift work" means elevator and conveyance work that
40 is restricted to accessibility lifts.

41 6. "Business license" means a license that authorizes the holder to
42 engage in the business of elevator and conveyance work, or elevator and
43 conveyance inspections.

44 7. "Elevator and conveyance work" means performing activities that
45 include the design, construction, installation, testing, maintenance,
46 alteration, service, and repair of any elevator or conveyance.

47 8. "Elevator or conveyance" means any equipment identified in para-
48 graphs (a) through (d) of subdivision one of section nine hundred fifty
49 of this article, including any elevator, dumbwaiter, escalator, moving
50 sidewalk, platform lifts, non-residential stairway chairlifts and auto-
51 mated people movers. Elevator or conveyance shall not mean any equip-
52 ment identified in subdivision two of section nine hundred fifty of this
53 article.

54 9. "Elevator and conveyance inspections" means performing the
55 inspection or any related testing of any elevator or conveyance, but
56 does not include government regulatory inspections performed by an

1 authority having jurisdiction to enforce any applicable building codes
2 and any elevator codes.

3 10. "Elevator" means a hoisting and lowering mechanism, equipped with
4 a car, that moves within guides and serves two or more landings.

5 11. "Elevator or conveyance component" means any elevator or convey-
6 ance, or any parts, components, or subsystems thereof, or any combina-
7 tion thereof.

8 12. "Elevator contractor" means any business that engages in elevator
9 and conveyance work.

10 13. "Elevator helper/apprentice/assistant mechanic" means any person
11 who works under the general direction of a licensed elevator mechanic.

12 14. "Elevator inspector" means any person who performs elevator and
13 conveyance inspections, whether individually or through an elevator
14 inspection contractor or public employer.

15 15. "Elevator inspection contractor" means any business that performs
16 elevator and conveyance inspections.

17 16. "Elevator mechanic" means any person who performs elevator and
18 conveyance work.

19 17. "Escalator" means a power-driven, inclined, continuous stairway
20 used for raising or lowering passengers.

21 18. "Existing installation" means an installation that has been
22 completed or is under construction prior to the effective date of this
23 article.

24 19. "License" means a credential duly issued by the commissioner
25 authorizing the holder to engage a business or an occupation whose scope
26 includes accessibility lift work, or elevator and conveyance work, or
27 elevator and conveyance inspections.

28 20. "Elevator contractor's license" means a business license that
29 entitles the holder thereof to engage in the business of elevator and
30 conveyance work in this state.

31 21. "Elevator inspection contractor's license" means a business
32 license that entitles the holder thereof to engage in the business of
33 elevator and conveyance inspections in this state.

34 22. "Elevator mechanic's license" means an occupational license that
35 entitles the holder thereof to engage in elevator and conveyance work in
36 this state for a licensed elevator contractor.

37 23. "Elevator inspector's license" means an occupational license that
38 entitles the holder thereof to perform elevator and conveyance
39 inspections in this state for a licensed elevator inspection contractor.

40 24. "Elevator accessibility technician's license" means an occupa-
41 tional license that entitles the holder thereof to engage in elevator
42 and conveyance work in this state that is restricted to platform lifts
43 including those installed in private residences which are covered by the
44 provisions of ASME (American Society of Mechanical Engineers) codes and
45 standards A18.1 2017 Safety Standard for Platform Lifts and Stairway
46 Chairlifts and any successor standard for just platform lifts and stair-
47 way chairlifts. An applicant for such a restricted license shall
48 complete an application approved by the commissioner and shall have at
49 least three years verified work experience in constructing, maintaining,
50 and repairing such lifts and shall provide the commissioner a certif-
51 icate of completion of an accessibility training program for lifts under
52 the scope of A18.1 2017 such as the certified accessibility and private
53 residence lift technician (CAT) training provided by the National Asso-
54 ciation of Elevator Contractors (NAEC), or an equivalent program as
55 determined by the commissioner.

1 25. "Moving walk/sidewalk" means a type of passenger-carrying device
2 on which passengers stand or walk, and in which the passenger-carrying
3 surface remains parallel to its direction of motion and is uninter-
4 rupted.

5 26. "Occupational license" means a license that authorizes the holder
6 to engage in accessibility lift work, or elevator and conveyance work or
7 elevator and conveyance inspections.

8 27. "Person" means any natural person.

9 28. "Business" means any corporation, or instrumentality of a corpo-
10 ration, self-employed person, company, unincorporated association, firm,
11 partnership, limited liability company, corporation, or any other enti-
12 ty, or any owner or operator of any of the foregoing entities.

13 29. "Private residence" means a separate dwelling or a separate apart-
14 ment in a multiple dwelling, which is occupied by members of a single
15 family unit.

16 30. "Repair" means reconditioning or renewal of any elevator or
17 conveyance or component necessary to keep such equipment in compliance
18 with applicable code requirements.

19 31. "Alteration" means any change to any conveyance or component other
20 than maintenance, repair, or replacement, but shall not include the
21 professional services of engineering or architecture as defined in
22 sections seventy-two hundred one and seventy-three hundred one of the
23 education law.

24 32. "Design" means the act or process of planning the repair, alter-
25 ation, or construction of any conveyance, but shall not include the
26 professional services of engineering or architecture as defined in
27 sections seventy-two hundred one and seventy-three hundred one of the
28 education law.

29 33. "Construction" means the act or process of constructing any
30 conveyance, and includes vertically constructing or connecting any
31 conveyance or part or system thereof.

32 34. "Inspection" means a critical examination, observation, or evalu-
33 ation of quality and code compliance of any conveyance.

34 35. "Testing" means a process or trial of operation of any conveyance.

35 36. "Maintenance" means a process of routine examination, lubrication,
36 cleaning, and adjustment of any conveyance or components for the purpose
37 of ensuring performance in accordance with any applicable code require-
38 ments.

39 37. "Service or servicing" means a service call or other unscheduled
40 visit, not including routine maintenance or a repair, to troubleshoot,
41 adjust or repair an improperly functioning or an otherwise shut down
42 conveyance.

43 38. "Temporarily dormant elevator, dumbwaiter, or escalator" means an
44 installation temporarily placed out of service under the following
45 circumstances: (a) (i) when such installation's power supply has been
46 disconnected; and (ii) the car is parked and any doors are closed and
47 latched; and (iii) a wire seal is installed on the mainline disconnect
48 switch by an elevator inspector; or (b) as determined by state or local
49 law, code, rule, or regulation.

50 39. "Personnel and material hoists" means rack and pinion hoists,
51 alimaks, and machines of a similar nature used for the hoisting of
52 construction material, equipment and personnel, or the removal of
53 debris, all during the construction, renovation, and/or demolition phase
54 of any construction project whether an inside or outside hoist.

55 40. "Installation" means to place or fix any conveyance or component
56 in position for operation.

41. "Subsidiary" means an entity that is controlled directly, or indirectly through one or more intermediaries, by an elevator contractor or elevator inspection contractor or by such contractor's parent company.

42. "Successor" means an entity engaged in work substantially similar to that of the predecessor, where there is substantial continuity of operation with that of the predecessor.

43. "Board" means the New York state elevator safety and standards advisory board established by section nine hundred fifty-six of this article.

§ 952. Licensing and compliance requirements. 1. Except as otherwise provided for in subdivisions three, four, and five of section nine hundred fifty of this article, it shall be unlawful for any business or person:

(a) to engage in the business of elevator and conveyance work, or accessibility lift work, or hold themselves out as an elevator contractor, or both, unless such person or business has a valid elevator contractor's license; or

(b) to engage in the business of elevator and conveyance inspections, or hold themselves out as an elevator inspection contractor, or both unless such person or business has a valid elevator inspection contractor's license; or

(c) any combination of the above.

2. Except as otherwise provided for in subdivisions three, four, and five of section nine hundred fifty of this article, it shall be unlawful for any person:

(a) to engage in elevator and conveyance work, or to hold themselves out as an elevator mechanic, or both, unless such person has a valid elevator mechanic's license and works for a licensed elevator contractor or a public entity; or

(b) to engage in accessibility lift work, or to hold themselves out as accessibility lift technicians, or both, unless such person has a valid accessibility lift technician's license and works for a licensed elevator contractor or a public entity; or

(c) to engage in elevator and conveyance inspections, or to hold themselves out as an elevator inspector, or both, unless such person holds an elevator inspector's license and works for a licensed elevator inspection contractor or a public entity; or

(d) any combination of the above, provided, however, that the installation of branch circuits and wiring terminations for machine room and pit lighting, receptacles and HVAC as described in the NFPA National Electric Code 620.23 and 620.24 as well as fire and heat detectors and alarms, may be performed by a licensed electrical contractor.

3. It shall be the responsibility of licensees to ensure that any elevator and conveyance work or elevator and conveyance inspections that they perform is in compliance with existing state and local building and maintenance codes.

4. It shall be the responsibility of holders of business licenses to ensure that the licensing requirements of subdivisions one and two of this section are complied with by their employees and by businesses that they contract with, and to immediately report to the commissioner any failures to comply with the licensing requirements of subdivisions one and two of this section by other businesses or persons that they become aware of.

§ 953. License procedure. All applications for licenses shall be submitted to the department in writing on forms furnished by the commissioner and shall contain the information set forth in this section as

1 well as any additional information that the commissioner may require.
2 The commissioner shall also set fees for licensing under this section.
3 Upon approval of an application for a license the commissioner shall
4 issue such license which shall be valid for two years. The fees for such
5 license and renewal thereof shall be set by the commissioner. Any
6 denial for such application shall set forth the reasons therefor.

7 1. Applications for business licenses. Every application for a license
8 under this article shall include the following:

9 (a) the name, residence address, and business address of the appli-
10 cant;

11 (b) the number of years the applicant has engaged in the business or
12 practice of elevator contracting;

13 (c) the approximate number of persons, if any, to be employed by the
14 applicant;

15 (d) evidence that the applicant is or will be covered by general
16 liability, personal injury, and property damage insurance; and

17 (e) any other information which the commissioner may require.

18 2. Application for occupational licenses. Every application for a
19 license under this article shall include the following:

20 (a) the name and residential address of the applicant;

21 (b) the relevant experience of the applicant, including years, or
22 hours, or both, of experience in performing elevator and conveyance
23 work, or elevator inspection work, or both and the nature of such expe-
24 rience, and the names of the elevator contractors or elevator inspection
25 contractors that the applicant has worked for, including the license
26 numbers of such contractors;

27 (c) any training completed by the applicant, including certificates of
28 completion;

29 (d) any continuing education completed by the applicant, including
30 certificates of completion;

31 (e) the name and license number, if known, of the elevator contractor
32 or elevator inspection contractor that the applicant works for or seeks
33 to work for; and

34 (f) any other information which the commissioner may require.

35 3. The department shall maintain and publish a registry of all
36 licenses issued pursuant to this section and shall make the registry
37 available on its website.

38 § 954. Qualifications, training, and continuing education. 1. No
39 license or application for renewal shall be granted to any business or
40 person who has not paid the required application fee and demonstrated
41 his or her qualifications and abilities, training, and any applicable
42 continuing education, by obtaining and maintaining in good standing the
43 industry certifications and continuing education identified or required
44 in this section.

45 (a) Applicants for an elevator mechanic's license must possess a
46 current industry certification issued by the National Association of
47 Elevator Contractors (NAEC) as a Certified Elevator Technician (CET), or
48 equivalent certification recognized by the commissioner.

49 (b) Applicants for an accessibility lift technician license must
50 possess a current industry certification issued by the National Associ-
51 ation of Elevator Contractors (NAEC) as a certified accessibility and
52 private residence lift technician (CAT) program or an equivalent certif-
53 ication recognized by the commissioner.

54 (c) Applicants for an elevator inspector's license must possess a
55 current industry certification issued by the Qualified Elevator Inspec-
56 tor Training Fund (QEITF) or by the National Association of Elevator

1 Safety Authorities (NAESA) as a qualified elevator inspector (QEI) or an
2 equivalent license recognized by the commissioner.

3 2. Applicants for an elevator contractor's license must demonstrate to
4 the commissioner that such elevator contractor employs licensed elevator
5 mechanics who perform elevator and conveyance work and have proof of
6 compliance with the insurance requirements of this article.

7 3. Applicants for an elevator inspection contractor's license must
8 demonstrate to the satisfaction of the commissioner that such applicant
9 is a certified elevator inspector, or employs certified elevator inspec-
10 tors, or both, to perform elevator and conveyance inspections and have
11 proof of compliance with the insurance requirements of this article.

12 4. Alternative qualifications. Applicants for an elevator mechanic's
13 license or accessibility lift technician's license who do not possess
14 the industry certifications identified above may demonstrate their qual-
15 ifications and abilities, training, and continuing education by provid-
16 ing acceptable proof of:

17 (a) a certificate of successful completion and successfully passing
18 the mechanic examination of a nationally recognized training program for
19 the elevator industry including, but not limited to, the national eleva-
20 tor industry educational program or its equivalent, supplemented with
21 continuing education as may be required by this section; or

22 (b) a certificate of successful completion of the state registered
23 apprenticeship programs for the apprenticeable trades of Elevator Servi-
24 cer Repairer, including the joint apprentice and training committee of
25 the elevator industry of local 3, IBEW, EE division training program, or
26 equivalent registered apprenticeship program for elevator mechanics,
27 having standards substantially equivalent to those programs and regis-
28 tered with the bureau of apprenticeship and training, U.S. department of
29 labor or a state apprenticeship council, supplemented with continuing
30 education as may be required by this section; or

31 (c) work on elevator construction, maintenance or repair with direct
32 and immediate supervision in this state for a period of not less than
33 four years immediately prior to the effective date of this article
34 supplemented with continuing education and testing as may be required by
35 this section; or

36 (d) successful completion of an examination established by the New
37 York state civil service commission or a municipal civil service commis-
38 sion having jurisdiction as defined by subdivision four of section two
39 of the civil service law, subsequent appointment to a position related
40 to work on elevator construction, maintenance, mechanics, inspection, or
41 repair as may be properly classified by the commissioner of civil
42 service or a municipal civil service commission having jurisdiction, and
43 work on elevator construction, maintenance, mechanics, inspection, or
44 repair, with direct and immediate supervision in this state for a period
45 of not less than four years immediately prior to the effective date of
46 this article supplemented with continuing education as may be required
47 by this section.

48 5. Continuing education. The renewal of all licenses granted under the
49 provisions of subdivision four of this section shall be conditioned upon
50 acceptable proof of completion of a course designed to ensure the
51 continuing education of licensees on new and existing national, state,
52 and local conveyances codes and standards and on technology and techni-
53 cal education and workplace safety, provided the applicant was notified
54 of the availability of such courses when the license was previously
55 granted or renewed. Such course shall consist of not less than eight
56 contact hours (.8 CEU) annually and completed preceding any such license

1 renewal. The commissioner shall establish requirements for continuing
2 education and training programs, and shall approve such programs and
3 providers, as well as maintain a list of approved programs which shall
4 be made available to license applicants, permit applicants, renewal
5 applicants and other interested parties upon request. The commissioner
6 may promulgate rules and regulations setting forth the criteria for
7 approval of such programs, the procedures to be followed in applying for
8 such approval, and other rules and regulations as the commissioner deems
9 necessary and proper to effectuate the purposes of this section.

10 6. Examinations. The board shall determine, if after the successful
11 completion of the first renewal, if an examination is warranted as a
12 condition of a subsequent renewal provided the applicant was notified of
13 the availability of such examination when the license was previously
14 granted or renewed. The board shall take into consideration previous
15 years' experience, training, and previous relevant examinations that the
16 applicant has already completed.

17 § 955. Powers of the commissioner. 1. The commissioner shall have the
18 authority to inspect, or cause to be inspected, ongoing or completed
19 conveyance projects and to conduct an investigation thereof upon the
20 commissioner's own initiation or upon receipt of a complaint by any
21 person or entity. However, nothing in this subdivision shall permit the
22 commissioner to enter a private residence.

23 2. If, upon receipt of a complaint alleging a violation of this arti-
24 cle, the commissioner reasonably believes that such violation exists, he
25 or she shall investigate as soon as practicable to determine if such
26 violation exists. If the commissioner determines that no violation or
27 danger exists, the commissioner shall inform the complaining person or
28 entity. If, upon investigation, the commissioner determines that the
29 alleged violation exists, the commissioner may deem such violation to
30 create a dangerous condition for purposes of section two hundred of this
31 chapter only and may issue a notice thereunder prohibiting further work.

32 3. The commissioner may, after a notice and hearing, suspend or revoke
33 a license issued under this article based on any of the following
34 violations:

35 (a) any false statement as to a material matter in the application;
36 (b) fraud, or misrepresentation, in securing a license;
37 (c) failure to notify the commissioner and the owner or lessee of a
38 conveyance of any condition not in compliance with this article;
39 (d) a violation of section nine hundred fifty-two of this article; or
40 (e) a finding by the commissioner that a license holder has violated
41 this article or any rule or regulation promulgated thereunder twice
42 within a period of three years, or that a license holder has violated a
43 provision of this article and such violation resulted in a serious
44 threat to the health or safety of an individual or individuals. The
45 commissioner may, in addition to ordering that such license be revoked,
46 bar such license holder from being eligible to reapply for such license,
47 or any other license under this article, for a period not to exceed two
48 years.

49 4. (a) Except as provided in paragraph (b) of this subdivision, if the
50 commissioner finds, after notice and hearing, that an individual has
51 violated any provision of this article, he or she may impose a civil
52 penalty not to exceed one thousand dollars for each such violation. Upon
53 a second or subsequent violation within three years of the determination
54 of a prior violation, the commissioner may impose a civil penalty not to
55 exceed two thousand dollars.

(b) The penalty provided for in paragraph (a) of this subdivision may be increased to an amount not to exceed five thousand dollars if the violation resulted in a serious threat to the health or safety of an individual or individuals provided, however, that such penalty may be increased to an amount not to exceed twenty-five thousand dollars if the violation resulted in the death of any individual or individuals.

5. The commissioner may bring an action in a court of competent jurisdiction to enjoin any conduct that violates the provisions of this article.

6. The board shall examine the various state and local requirements and industry standards and practices with respect to elevator inspections in this state and shall provide recommendations to the commissioner for coordinating existing state, local, and private inspections to ensure that elevators are being inspected by licensed inspectors.

7. The commissioner may promulgate rules and regulations necessary to carry out and effectuate the provisions of this article.

§ 956. New York state elevator safety and standards advisory board. 1. An elevator safety and standards advisory board is hereby created, to consist of thirteen members. The governor shall appoint seven members, the temporary president of the senate shall appoint three members, and the speaker of the assembly shall appoint three members. The appointees to the board shall be representatives of elevator manufacturers, building owners or managers, elevator industry construction workers, elevator servicing companies, elevator industry associations, elevator mechanics, or fire marshals. 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.

2. The members appointed pursuant to this section shall serve at the pleasure of the authority appointing such member. The members shall serve without salary or compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

3. The board may consult with engineering authorities and organizations concerned with standard safety codes, rules and regulations governing the maintenance, servicing, construction, alteration, installation, and inspection of conveyances and the adequate, reasonable, and necessary qualifications of elevator mechanics, contractors, and inspectors.

4. The board shall have the authority to administer, oversee, and approve examinations for the purpose of qualifying applicants pursuant to subdivision six of section nine hundred fifty-four of this article. In exercising this authority, the board shall, in its discretion, determine the criteria and standards for examinations to satisfy the requirements of this subdivision, such as the mechanic examination of the national elevator industry educational program, or an equivalent examination recognized by the board, which shall satisfy the requirements of this subdivision.

§ 957. Exempt persons. 1. This article shall not be construed to apply to the practice, conduct, activities, or services by a person licensed to practice architecture within this state pursuant to article one hundred forty-seven of the education law or engineering within this state pursuant to article one hundred forty-five of the education law.

2. This article shall not be construed to apply to the outfitting, removal, refinishing, or replacement of interior finishes of elevators, including wall panels, drop ceilings, handrails and flooring, removal or

1 replacement of interior lighting, recladding of doors, transoms and
2 front return panels, finishing or ornamental work on elevator car oper-
3 ating panels.

4 3. This article shall not be construed to apply to the operation of an
5 elevator by any person employed as an operator of such elevator, includ-
6 ing elevators operating under a temporary certificate of occupancy as
7 issued by the appropriate issuing agency.

8 § 2. Subdivision 3 of section 97-ssss of the state finance law, as
9 added by section 2 of part A of a chapter of the laws of 2019, amending
10 the labor law and the state finance law relating to requiring the
11 licensing of persons engaged in the design, construction, inspection,
12 maintenance, alteration, and repair of elevators and other automated
13 people moving devices, as proposed in legislative bills numbers S.
14 4080-C and A. 4509-A, is amended to read as follows:

15 3. Moneys of the fund shall be available to the commissioner of labor
16 for purposes of offsetting the costs incurred by the commissioner of
17 labor for the administration of article thirty-three of the labor law,
18 including the administration of elevator and related conveyances safety
19 programs, the administration of licenses ~~[and permits]~~, and the adminis-
20 tration of ~~[certificates of operation]~~ licenses as set forth in such
21 article thirty-three.

22 § 3. The undesignated paragraph subtitled "elevator agency helper" of
23 section 28-401.3 of the administrative code of the city of New York, as
24 added by section 1 of part B of a chapter of the laws of 2019, amending
25 the administrative code of the city of New York relating to the licens-
26 ing of approved elevator agency directors, inspectors, and technicians
27 performing elevator work in the city of New York, as proposed in legis-
28 lative bills numbers S. 4080-C and A. 4509-A, is amended to read as
29 follows:

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

34 § 4. The undesignated paragraph subtitled "elevator work" of section
35 28-401.3 of the administrative code of the city of New York, as added by
36 section 1 of part B of a chapter of the laws of 2019, amending the
37 administrative code of the city of New York relating to the licensing of
38 approved elevator agency directors, inspectors, and technicians perform-
39 ing elevator work in the city of New York, as proposed in legislative
40 bills numbers S. 4080-C and A. 4509-A, is amended to read as follows:

41 ELEVATOR WORK. Alteration, assembly, installation, maintenance,
42 repair, replacement and modernization work, as defined by ASME A17.1 as
43 modified by appendix K of the New York city building code, performed on
44 conveyances regulated by this code or other applicable laws or rules.
45 Elevator work does not include material hoists, platform lifts, stair
46 chair lifts, or personnel hoists. Outfitting, removal, refinishing, or
47 replacement of interior finishes, including wall panels, drop ceilings,
48 handrails and flooring, removal or replacement of interior lighting,
49 recladding of doors, transoms and front return panels, finishing or
50 ornamental work on elevator car operating panels shall not be considered
51 elevator work. Operation of an elevator by any person employed as an
52 operator of such elevator, including operation of an elevator operating
53 under a temporary certificate of occupancy as issued by the department
54 of buildings or such other issuing agency shall not be considered eleva-
55 tor work.

§ 5. Section 28-425.3 of the administrative code of the city of New York, as added by section 3 of part B of a chapter of the laws of 2019, amending the administrative code of the city of New York relating to the licensing of approved elevator agency directors, inspectors, and technicians performing elevator work in the city of New York, as proposed in legislative bills numbers S. 4080-C and A. 4509-A, is REPEALED and a new section 28-425.3 is added to read as follows:

§ 28-425.3 Qualifications. The agency may, by rule, establish qualifications for elevator agency technicians, including, but not limited to, acceptable proof that an applicant has worked on elevator construction, maintenance or repair with direct and immediate supervision in this state for a specified period of time prior to the effective date of this article; provided, however, that the provisions of this section and any rules adopted pursuant thereto shall not be inconsistent with the requirements for elevator mechanics contained in article thirty-three of the labor law and nothing herein shall prevent the enactment by local law, ordinance, or rule of additional requirements.

§ 6. The administrative code of the city of New York is amended by adding a new section 28-425.4 to read as follows:

§ 28-425.4 Exemptions. No elevator agency technician license shall be required for the outfitting, removal, refinishing, or replacement of interior finishes, including wall panels, drop ceilings, handrails and flooring, removal or replacement of interior lighting, recladding of doors, transoms and front return panels, finishing or ornamental work on car operating panels.

§ 7. Section 28-427.6 of the administrative code of the city of New York, as added by section 3 of part B of a chapter of the laws of 2019, amending the administrative code of the city of New York relating to the licensing of approved elevator agency directors, inspectors, and technicians performing elevator work in the city of New York, as proposed in legislative bills numbers S. 4080-C and A. 4509-A, is REPEALED.

§ 8. Section 5 of part B of a chapter of the laws of 2019, amending the administrative code of the city of New York relating to the licensing of approved elevator agency directors, inspectors, and technicians performing elevator work in the city of New York, as proposed in legislative bills numbers S. 4080-C and A. 4509-A, is amended to read as follows:

§ 5. This act shall take effect [~~three~~ two] 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.

§ 9. Section 3 of part A of a chapter of the laws of 2019, 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 people moving devices, as proposed in legislative bills numbers S. 4080-C and A. 4509-A, is amended to read as follows:

§ 3. This act shall take effect [~~on the one hundred eightieth day~~ two years] after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date, and the appointment of the New York state elevator safety and standards board, are authorized and directed to be established, made and completed on or before such effective date.

§ 10. This act shall take effect immediately; provided, however that sections one and two of this act shall take effect on the same date and

1 in the same manner as part A of a chapter of the laws of 2019, amending
2 the labor law and the state finance law relating to requiring the
3 licensing of persons engaged in the design, construction, inspection,
4 maintenance, alteration, and repair of elevators and other automated
5 people moving devices, as proposed in legislative bills numbers S.
6 4080-C and A. 4509-A, takes effect; and sections three through seven of
7 this act shall take effect on the same date and in the same manner as
8 part B of a chapter of the laws of 2019, amending the administrative
9 code of the city of New York relating to the licensing of approved
10 elevator agency directors, inspectors, and technicians performing eleva-
11 tor work in the city of New York, as proposed in legislative bills
12 numbers S. 4080-C and A. 4509-A, takes effect.