

# STATE OF NEW YORK

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Cal. No. 728

2019-2020 Regular Sessions

## IN SENATE

February 27, 2019

Introduced by Sens. SAVINO, RAMOS, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BOYLE, BRESLIN, BROOKS, CARLUCCI, FUNKE, GALLIVAN, GAUGHRAN, GIANARIS, GOUNARDES, HELMING, HOYLMAN, JACKSON, JACOBS, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LITTLE, LIU, MAY, MAYER, MYRIE, ORTT, PARKER, PERSAUD, RIVERA, ROBACH, SALAZAR, SANDERS, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 (Part A); and 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 (Part B)

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

1 Section 1. This act enacts into law legislation providing for elevator  
2 safety. Each component is wholly contained within a Part identified as  
3 Parts A through B. The effective date for each particular provision  
4 contained within such Part is set forth in the last section of such  
5 Part. Any provision in any section contained within a Part, including

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

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1 the effective date of the Part, which makes reference to a section "of  
2 this act", when used in connection with that particular component, shall  
3 be deemed to mean and refer to the corresponding section of the Part in  
4 which it is found. Section four of this act sets forth the general  
5 effective date of this act.

6 § 2. Legislative findings and declaration. The legislature hereby  
7 finds that the use of unsafe and defective elevators and other automated  
8 people moving conveyances may expose the public to unsafe conditions and  
9 increase the risk of injury. The legislature finds that improper design,  
10 construction, maintenance and repair of such conveyances is preventable  
11 by requiring proper training of persons employed to perform work on  
12 elevators and other automated people moving conveyances and by requiring  
13 the licensing of contractors and the certification of individuals  
14 involved in elevator and other automated people moving conveyances  
15 projects.

16 Nothing in this act is intended to create, expand, diminish, limit,  
17 impair, or supersede any rights under current law, rule, or regulation,  
18 or resulting from a determination of a court or the national labor  
19 relations board with regard to building trades and the work of such  
20 building trade. Nor is it intended to abrogate any rights or duties  
21 under any contract with regard to building trades and the work of such  
22 building trade.

23 PART A

24 Section 1. The labor law is amended by adding a new article 33 to read  
25 as follows:

26 ARTICLE 33

27 ELEVATORS AND OTHER CONVEYANCES; LICENSING

28 Section 950. Application.

29 951. Definitions.

30 952. Licensing, permit, registration and compliance require-  
31 ments.

32 953. License and permit procedure.

33 954. Qualifications, training and continuing education.

34 955. Powers of the commissioner.

35 956. New York state elevator safety and standards board.

36 957. Exempt persons.

37 § 950. Application. 1. The design, construction, erection, installa-  
38 tion, inspection, testing, maintenance, alteration, service, and repair  
39 of the following equipment are covered by this article:

40 (a) hoisting and lowering mechanisms equipped with a car or platform  
41 which moves between two or more landings. This equipment includes, but  
42 is not limited to elevators, platform lifts and non-residential stairway  
43 chair lifts;

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

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

1 (d) automatic guided transit vehicles on guideways with an exclusive  
2 right of way. This equipments includes, but is not limited to, auto-  
3 mated people movers.

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

5 (a) personnel and material hoists;

6 (b) manlifts;

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

8 (d) powered platforms and equipment for exterior and interior mainte-  
9 nance;

10 (e) conveyor and related equipment;

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

12 (g) industrial trucks;

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

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

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

18 (k) skip or furnace hoists;

19 (l) wharf ramps;

20 (m) railroad car lifts or dumpers;

21 (n) stairway chairlifts for private residences;

22 (o) line jacks, false cars, shafters, moving platforms and similar  
23 equipment used for installing an elevator by a contractor licensed in  
24 this state;

25 (p) operation of inside cars (elevators); and

26 (q) operation of an elevator that has received a temporary certificate  
27 of occupancy.

28 3. The licensing, permitting and certification provisions of this  
29 article shall not apply to the owners or lessees of private residences  
30 who design, erect, construct, install, alter, repair, service or main-  
31 tain conveyances that are located or will be located in such owner or  
32 lessee's private residence. However, any person hired to design, erect,  
33 construct, install, alter, repair, service, maintain, or perform any  
34 other work related to such conveyances must comply with the provisions  
35 of this article.

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

38 5. The provisions of this article and the rules adopted pursuant ther-  
39 eto shall be the minimum standard required and shall supersede any  
40 special law or local ordinance inconsistent therewith, and no local  
41 ordinance inconsistent therewith shall be adopted, but nothing herein  
42 contained shall prevent the enactment by local law or ordinance of addi-  
43 tional requirements and restrictions.

44 6. The provisions of this article shall not apply to cities having a  
45 population of one million or more.

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

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

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

53 3. "Certificate of operation" means a document issued by the commis-  
54 sioner that indicates that the elevator or related conveyance has had  
55 the required safety inspection and tests and that the fees required by  
56 this article have been paid.

1 4. "Temporary certificate of operation" means a document issued by the  
2 commissioner which permits the temporary use of a non-compliant elevator  
3 or related conveyance by the general public for a limited time, not to  
4 exceed thirty days, while minor repairs are being completed.

5 5. "Conveyance" means any elevator, dumbwaiter, escalator, moving  
6 sidewalk, platform lifts, non-residential stairway chairlifts and auto-  
7 mated people movers.

8 6. "Dormant elevator, dumbwaiter, or escalator" means an installation  
9 placed out of service under the following circumstances: (a) when an  
10 installation's power has been disconnected and (i) when an electric  
11 elevator, dumbwaiter, or material lift whose suspension ropes have been  
12 removed, whose car and counterweight rest at the bottom of the hoistway,  
13 and whose hoistway doors have been permanently barricaded or sealed in  
14 the closed position on the hoistway side; or (ii) a hydraulic elevator,  
15 dumbwaiter, or material lift whose car rests at the bottom of the hoist-  
16 way and whose doors are permanently barricaded or sealed; or (iii) an  
17 escalator or moving walk whose entrances have been permanently barrica-  
18 ded; or (b) as determined by state or local law, code, rule, or regu-  
19 lations.

20 7. "Elevator" means a hoisting and lowering mechanism, equipped with a  
21 car, that moves within guides and serves two or more landings.

22 8. "Elevator contractor" means, a public corporation, or instrumentality  
23 of a public corporation, self-employed person, company, unincorporated  
24 association, firm, partnership, limited liability company, corporation,  
25 or any other entity, or any owner or operator of any of the  
26 foregoing entities, who possesses an elevator contractor's license in  
27 accordance with the provisions of sections nine hundred fifty-two and  
28 nine hundred fifty-three of this article and is engaged in the business  
29 of designing, erecting, constructing, installing, altering, repairing,  
30 servicing or maintaining elevators or other automated people moving  
31 conveyances covered by this article.

32 9. "Elevator helper/apprentice/assistant mechanic" means any person  
33 who works under the general direction of a licensed elevator mechanic.

34 10. "Elevator inspector" means any person who possesses an elevator  
35 inspector's license in accordance with the provisions of this article.

36 11. "Elevator mechanic" means any person who possesses an elevator  
37 mechanic's license in accordance with the provisions of this article.

38 12. "Escalator" means power-driven, inclined, continuous stairway used  
39 for raising or lowering passengers.

40 13. "Existing installation" means an installation that has been  
41 completed or is under construction prior to the effective date of this  
42 article.

43 14. "License" means a license duly issued by the commissioner, author-  
44 izing the design, erection, construction, installation, alteration,  
45 repair, service, maintenance, or inspection of elevators or other  
46 conveyances covered by this article.

47 15. "Elevator contractor's license" means a license which entitles the  
48 holder thereof to engage in the business of designing, erecting,  
49 constructing, installing, altering, repairing, servicing or maintaining  
50 conveyances covered by this article.

51 16. "Elevator inspector's license" means a license which entitles the  
52 holder thereof to engage in the business of inspecting or testing  
53 conveyances covered by this article.

54 17. "Elevator mechanic's license" means a license which entitles the  
55 holder thereof to install, construct, alter, service, repair, test,

1 maintain, and perform work on conveyances or other automated people  
2 movers covered by this article.

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

7 19. "Permit" means a document issued by the commissioner prior to the  
8 commencement of work that permits a conveyance to be erected,  
9 constructed, installed, or altered under plans approved by the commis-  
10 sioner pursuant to this article.

11 20. "Person" means any natural person.

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

15 22. "Repair" means reconditioning or renewal of parts, components,  
16 and/or subsystems necessary to keep equipment in compliance with appli-  
17 cable code requirements.

18 23. "Alteration" means any change to equipment, including its parts,  
19 components, and/or subsystems, other than maintenance, repair, or  
20 replacement, but shall not include the professional services of engi-  
21 neering or architecture as defined in sections seventy-two hundred one  
22 and seventy-three hundred one of the education law.

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

28 25. "Construction" means the act or process of constructing any  
29 conveyance.

30 26. "Inspection" means a critical examination, observation or evalu-  
31 ation of quality and code compliance of any conveyance.

32 27. "Testing" means a process or trial of operation of any conveyance.

33 28. "Maintenance" means a process of routine examination, lubrication,  
34 cleaning, and adjustment of parts, components, and/or subsystems for the  
35 purpose of ensuring performance in accordance with any applicable code  
36 requirements.

37 29. "Service or servicing" means a service call or other unscheduled  
38 visit, not including routine maintenance or a repair, from a licensed  
39 elevator mechanic to troubleshoot, adjust or repair an improperly func-  
40 tioning or an otherwise shut down conveyance.

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

48 31. "Erect" means to vertically construct or connect any conveyance or  
49 part or system thereof.

50 32. "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 33. "Installation" means to place or fix any conveyance or part or  
56 system thereof, in position for operation.

1 Temporarily dormant installations shall not be used until such instal-  
2 lation has been restored to a safe running order and is in condition  
3 suitable for use in accordance with all applicable laws, codes, rules  
4 and regulations. Such temporarily dormant installation shall be subject  
5 to continued inspections for the duration of the "temporarily dormant"  
6 status by a licensed elevator inspector. Such inspector shall file a  
7 report with the commissioner describing the conditions of such temporar-  
8 ily dormant installation. The report shall be filed annually or more or  
9 less frequent as determined by the commissioner. "Temporarily dormant"  
10 status shall be renewable on an annual basis, but shall not exceed a  
11 five-year period.

12 No person shall remove the wire seal and padlock for any purpose with-  
13 out the express permission of the elevator inspector.

14 § 952. Licensing, permit, registration and compliance requirements. 1.  
15 Except as otherwise provided for in subdivisions three and four of  
16 section nine hundred fifty of this article, it shall be a violation of  
17 this article for any elevator contractor to design, erect, construct,  
18 install, alter, replace, service, or maintain, any conveyance contained  
19 within buildings or structures in this state unless such elevator  
20 contractor holds an elevator contractor's license.

21 2. Except as otherwise provided for in subdivisions three and four of  
22 section nine hundred fifty of this article, it shall be a violation of  
23 this article for any person to wire any conveyance, from the mainline  
24 feeder terminals on the controller, in this state unless such person has  
25 an elevator mechanic's license and is working under the direct super-  
26 vision of a licensed elevator contractor pursuant to this article. No  
27 other license shall be required for this work, excluding the installa-  
28 tion of branch circuits and wiring terminations for machine room and pit  
29 lighting, receptacles and HVAC as described in the NFPA National Elec-  
30 tric Code 620.23 and 620.24 as well as fire and heat detectors and  
31 alarms, may be performed by a licensed electrical contractor.

32 3. Except as otherwise provided for in subdivision three of section  
33 nine hundred fifty of this article, it shall be a violation of this  
34 article for any person to inspect or test any conveyance within build-  
35 ings or structures unless such person holds an elevator inspector's  
36 license.

37 4. Except as otherwise provided for in subdivisions three and four of  
38 section nine hundred fifty of this article, it shall be a violation of  
39 this article for any elevator contractor to erect, construct, install,  
40 or alter conveyances within buildings or structures within this state  
41 unless a permit therefor has been issued by the commissioner before work  
42 is commenced. No permit shall be issued except to a person holding a  
43 valid elevator contractor's license. A copy of such permit shall be kept  
44 at the construction site at all times while the work is in progress. An  
45 application for a permit under this section with the commissioner shall  
46 not be required if an authority having jurisdiction ("AHJ") posts all  
47 permits issued to elevator contractors on the AHJ's official website  
48 within forty-eight hours of their issuance. The information required to  
49 be published must include, at a minimum, the date of issuance, the work  
50 covered by the permit, the elevator contractor or contractors involved  
51 and location and type of work to be performed.

52 5. Except as otherwise provided in subdivision three of section nine  
53 hundred fifty of this article, all new conveyance installations shall be  
54 performed by an elevator contractor licensed to install such conveyance.  
55 Subsequent to installation, the elevator contractor must certify compli-  
56 ance to the commissioner with the applicable sections of this article as

1 well as any other applicable law, rule, regulation or code. Prior to  
2 such conveyances being used, the property owner or lessee must obtain a  
3 certificate of operation from the commissioner. A fee, as set forth in  
4 this article, shall be paid for such certificate of operation, however,  
5 no such fee shall be required for conveyances in private residences. It  
6 is the responsibility of the licensed elevator contractor to complete  
7 and submit registrations for new installations. A certificate of opera-  
8 tion shall be valid for one year, except for certificates issued for  
9 platform lifts for private residences, which shall be valid for a period  
10 of three years. Certificates of operation must be clearly and conspicu-  
11 ously displayed on, in or around each conveyance and be accessible to  
12 the state or locality inspecting or enforcing any applicable law, rule,  
13 regulation or code. An application for a certificate of operation under  
14 this section with the commissioner shall not be required if an authority  
15 having jurisdiction ("AHJ") posts all certificates of operation issued  
16 to a building owner on the AHJ's official website within forty-eight  
17 hours of their issuance. The information required to be published must  
18 include, at a minimum, the date of issuance, the unit subject to the  
19 certificate of operation, the name and address of the building owner,  
20 and the address of the unit.

21 6. Except as otherwise provided in subdivision three of section nine  
22 hundred fifty of this article, the certificate of operation for newly  
23 installed platform lifts for private residences shall be issued only  
24 subsequent to an inspection by a licensed third party inspection firm.  
25 The certificate of operation fee for all new and existing platform lifts  
26 for private residences and any renewal certificate fees are hereby  
27 waived. The inspection of private residence platform lifts shall be done  
28 at the request and consent of the private residence's owner or lessees.

29 7. It shall be the responsibility of licensees to ensure that the  
30 installation, service or maintenance of conveyances is performed in  
31 compliance with existing state and local building and maintenance codes.

32 § 953. License and permit procedure. All applications for elevator  
33 contractor's, elevator mechanic's, and elevator inspector's licenses and  
34 required permits shall be submitted to the department in writing on  
35 forms furnished by the commissioner and shall contain the information  
36 set forth in this section as well as any additional information that the  
37 commissioner may require. The commissioner shall also set fees for  
38 licensing and permitting under this section.

39 1. Applications for licenses. Every application for a license under  
40 this article shall include the following:

41 (a) the name, residence address and business address of the applicant;

42 (b) the number of years the applicant has engaged in the business or  
43 practice of designing, constructing, erecting, installing, inspecting,  
44 testing, repairing, altering, maintaining, or servicing conveyances  
45 covered by this article;

46 (c) the approximate number of persons, if any, to be employed by the  
47 applicant for an elevator contractor's license;

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

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

51 Upon approval of an application for a license the commissioner shall  
52 issue such license which shall be valid for two years. The fees for such  
53 license and renewal thereof shall be set by the commissioner. Any denial  
54 for such application shall set forth the reasons therefor.

55 2. Application for permits. Every application for a permit under this  
56 article shall include plans and specifications stamped and signed by a

1 professional engineer and/or an architect licensed pursuant to article  
2 one hundred forty-five and/or article one hundred forty-seven of the  
3 education law. Every application for a permit under this article shall  
4 include the following:

5 (a) copies of the specifications and accurately scaled and fully  
6 dimensioned plans showing the location of the installation in relation  
7 to the plans and elevation of the building;

8 (b) the location of the machinery room and the equipment to be  
9 installed, relocated or altered;

10 (c) all structural supporting members thereof, including foundations;

11 (d) a list of all materials to be employed and all loads to be  
12 supported and conveyed;

13 (e) any other information that the commissioner may require to ensure  
14 that such plans and specifications are sufficiently complete and illus-  
15 trate all details of construction and design;

16 (f) any required permitting fees, which are subject to return upon  
17 denial of a permit application; and

18 (g) the department shall maintain and publish a registry of all  
19 licensed elevator mechanics, contractors and inspectors, which shall  
20 list and identify, all licensed elevator mechanics, contractors, and  
21 inspectors doing business in this state. The department shall make the  
22 registry available on its website.

23 Upon approval of an application for a permit the commissioner shall  
24 issue such permit. Such permit shall state the time by which the work  
25 shall commence and also when such permit expires. If after the work has  
26 been started, work is suspended or abandoned for a period of sixty days,  
27 or such shorter period of time as the commissioner may specify at the  
28 time the permit is issued, the permit shall expire. Upon expiration of  
29 a permit for which work has not been completed, the commissioner may  
30 extend such permit.

31 3. Licensing and permitting exemptions. Whenever an emergency exists  
32 in this state due to a disaster or act of God, which imperils the  
33 health, safety or welfare of an individual or individuals and placing  
34 such individual or individuals in imminent danger of injury or death and  
35 the number of persons in the state holding licenses granted by the board  
36 is insufficient to cope with such emergency, any person certified by a  
37 licensed elevator contractor to have an acceptable combination of docu-  
38 mented experience and education to perform elevator work without direct  
39 and immediate supervision shall seek an emergency elevator mechanic's  
40 license from the commissioner within five business days after commencing  
41 work requiring a license. The commissioner shall issue emergency eleva-  
42 tor mechanic's licenses to address the emergency that exists. The  
43 licensed elevator contractor shall furnish proof of competency as the  
44 commissioner may require. Each such license shall recite that it is  
45 valid for a period of fifteen days from the date thereof and for such  
46 particular elevators or geographical areas as the commissioner may  
47 designate to address the emergency situation and otherwise shall entitle  
48 the licensee to the rights and privileges of an elevator mechanic's  
49 license issued in this article. The commissioner shall renew an emer-  
50 gency elevator mechanic's license during the existence of an emergency  
51 as needed. No fee shall be charged for any emergency elevator mechanic's  
52 license or renewal thereof.

53 4. Restricted license. A restricted class of lift mechanic license  
54 shall be known as "accessibility technician". Such class of license  
55 shall be restricted to performing work involving platform lifts includ-  
56 ing those installed in private residences which are covered by the

1 provisions of ASME (American society of mechanical engineer) codes and  
2 standards A18.1-2005. An applicant for such restricted license shall  
3 complete an application approved by the board and shall have at least  
4 three years verified work experience in constructing, maintaining and  
5 repairing those lifts covered by ASME A18.1-2005 and shall provide to  
6 the commissioner a certificate of completion of an accessibility train-  
7 ing program for lifts under the scope of A18.1-2005 such as the certi-  
8 fied accessibility training provided by the national association of  
9 elevator contractors, or an equivalent program as deemed by the depart-  
10 ment.

11 § 954. Qualifications, training and continuing education. 1. No  
12 license shall be granted to any person who has not paid the required  
13 application fee and demonstrated his or her qualifications and abili-  
14 ties. Applicants for a mechanic's license must demonstrate one of the  
15 following qualifications:

16 (a) 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 immedi-  
19 ately prior to the effective date of this article, provided that such  
20 applicant shall file such application within one year of release and  
21 access to the licensing application as defined in this article; or

22 (b) a certificate of successful completion of the joint apprentice and  
23 training committee of the elevator industry of local 3, IBEW, EE divi-  
24 sion training program or an apprenticeship program for elevator mech-  
25 anics, having standards substantially equal to those of this chapter, and  
26 registered with the bureau of apprenticeship and training, U.S. depart-  
27 ment of labor or a state apprenticeship council; or

28 (c) industry educational program, The National Association of Elevator  
29 Contractors (NAEC) Certified Elevator Technician (CET), or their equiv-  
30 alent; or

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

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

46 3. Applicants for an elevator inspector's license must demonstrate to  
47 the satisfaction of the commissioner that such applicant meets or  
48 exceeds applicable standards such as a Qualified Elevator Inspector  
49 (QEI) or its equivalent. Private elevator inspectors shall maintain the  
50 same insurance requirements as an elevator contractor.

51 4. (a) The renewal of all licenses granted under the provisions of  
52 this subdivision shall be conditioned upon the submission of a certifi-  
53 cate of completion of a course designed to ensure the continuing educa-  
54 tion of licensees on new and existing national, state, and local convey-  
55 ances codes and standards and on technology and technical education and  
56 workplace safety. Such course shall consist of not less than eight

1 contact hours (.8 CEU) annually and completed preceding any such license  
2 renewal. The commissioner shall establish requirements for continuing  
3 education and training programs, and shall approve such programs, as  
4 well as maintain a list of approved programs which shall be made avail-  
5 able to license applicants, permit applicants, renewal applicants and  
6 other interested parties upon request. The commissioner shall promulgate  
7 rules and regulations setting forth the criteria for approval of such  
8 programs, the procedures to be followed in applying for such approval,  
9 and other rules and regulations as the commissioner deems necessary and  
10 proper to effectuate the purposes of this section.

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

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

23 The courses shall be taught through continuing education providers  
24 that may include, but shall not be limited to, association seminars, and  
25 labor training programs or programs that deliver an approved apprentice-  
26 ship and are registered with the department or the New York state  
27 apprenticeship training council. The commissioner shall approve the  
28 continuing education providers. All instructors shall be exempt from the  
29 requirements of the preceding paragraph with regard to their application  
30 for license renewal provided that such applicant was qualified as an  
31 instructor at any time during the one year immediately preceding the  
32 scheduled date for such renewal.

33 Approved training providers shall keep uniform records, for a period  
34 of six years, of attendance of licensees following a format approved by  
35 the commissioner and such records shall be available for inspection by  
36 the commissioner at his or her request. Approved training providers  
37 shall be responsible for the security of all attendance records and  
38 certificates of completion; provided, however, that falsifying or know-  
39 ingly allowing another to falsify such attendance records or certif-  
40 icates of completion shall constitute grounds for suspension or revoca-  
41 tion of the approval required under this section.

42 § 955. Powers of the commissioner. 1. The commissioner shall have the  
43 authority to inspect, or cause to be inspected, ongoing or completed  
44 conveyances projects and to conduct an investigation thereof upon the  
45 commissioner's own initiation or upon receipt of a complaint by any  
46 person or entity. However, nothing in this subdivision shall permit the  
47 commissioner to enter a private residence.

48 2. If, upon receipt of a complaint alleging a violation of this arti-  
49 cle, the commissioner reasonably believes that such violation exists, he  
50 or she shall investigate as soon as practicable to determine if such  
51 violation exists. If the commissioner determines that no violation or  
52 danger exists, the commissioner shall inform the complaining person or  
53 entity.

54 3. If, upon investigation, the commissioner determines that the  
55 alleged violation exists, the commissioner may deliver to such owner or  
56 elevator contractor or his or her agent or representative a written

1 order to cure such violation and may order that their permit to work on  
2 such installation, repair or maintenance project shall be suspended  
3 until such violation is cured. Such order shall specifically enumerate  
4 the violations which constitute the basis of the order to cure or order  
5 of suspension and shall specify the corrective action to be taken. The  
6 commissioner may allow the permit to toll during the time of such order.

7 4. Upon receipt of a written notice from the elevator contractor, or  
8 his or her agent or representative, that such violation has been  
9 corrected, the commissioner shall, within ten days, issue a determi-  
10 nation as to whether such order to cure has been satisfied and such  
11 order of suspension, if any, shall be lifted. If the commissioner deter-  
12 mines that the order to cure has not been satisfied he or she may  
13 continue such order for a reasonable period of time upon the consent of  
14 the contractor, or his or her agent or representative. If the commis-  
15 sioner does not continue the order, or if the contractor, or his or her  
16 agent or representative does not consent to such continuation, the  
17 contractor shall have the right to a hearing to determine if such order  
18 shall be lifted. Any entity or contractor who may be adversely affected  
19 by a notice, suspension, or determination issued under this section may  
20 commence a proceeding pursuant to article seventy-eight of the civil  
21 practice law and rules.

22 5. The commissioner may, after a notice and hearing, suspend or revoke  
23 a license issued under this article based on any of the following  
24 violations:

25 (a) any false statement as to a material matter in the application;  
26 (b) fraud, or misrepresentation, in securing a license;  
27 (c) failure to notify the commissioner and the owner or lessee of a  
28 conveyance of any condition not in compliance with this article;  
29 (d) a violation of section nine hundred fifty-two of this article; or  
30 (e) a finding by the commissioner that a contractor has violated this  
31 article or any rule or regulation promulgated thereunder twice within a  
32 period of three years, or that a contractor has violated a provision of  
33 this article and such violation resulted in a serious threat to the  
34 health or safety of an individual or individuals. The commissioner may,  
35 in addition to ordering that such contractor's license be revoked, bar  
36 such individual from being eligible to reapply for such license for a  
37 period not to exceed two years.

38 6. The commissioner may, after notice and hearing, revoke a permit  
39 issued under this article based on any of the following violations:

40 (a) any false statements or misrepresentation as to a material fact in  
41 the application, plans, or specifications on which the permit was based;  
42 (b) any application which by omission or mistake fails to comply with  
43 the requirements of this article;  
44 (c) any failure to perform work in accordance with the provisions of  
45 the application, plans or specifications or with the requirements of  
46 this article or conditions of the permit;  
47 (d) a failure by the owner or elevator contractor to whom the permit  
48 was issued to comply with an order issued pursuant to subdivision four  
49 of this section; or  
50 (e) a finding by the commissioner that an individual or contractor who  
51 has been issued a permit has violated any provision under section nine  
52 hundred fifty-two of this article.

53 7. (a) Except as provided in paragraph (b) of this subdivision, if the  
54 commissioner finds, after notice and hearing, that an individual has  
55 violated any provision of this article, he or she may impose a civil  
56 penalty not to exceed one thousand dollars for each such violation. Upon

1 a second or subsequent violation within three years of the determination  
2 of a prior violation, the commissioner may impose a civil penalty not to  
3 exceed two thousand dollars.

4 (b) The penalty provided for in paragraph (a) of this subdivision may  
5 be increased to an amount not to exceed five thousand dollars if the  
6 violation resulted in a serious threat to the health or safety of an  
7 individual or individuals.

8 8. Any entity or contractor who may be adversely affected by an order  
9 issued under this section may commence a proceeding pursuant to article  
10 seventy-eight of the civil practice law and rules.

11 9. The commissioner may bring an action in a court of competent juris-  
12 isdiction to enjoin any conduct that violates the provisions of this arti-  
13 cle.

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

16 § 956. New York state elevator safety and standards board. 1. An  
17 elevator safety and standards board is hereby created, to consist of  
18 nine members. The governor, the temporary president of the senate, and  
19 the speaker of the assembly shall each appoint three members. The gover-  
20 nor's appointees shall be comprised of a representative of a major  
21 elevator manufacturing company, an elevator inspector and a building  
22 owner, manager or representative; the temporary president of the  
23 senate's appointees shall be comprised of an elevator servicing company,  
24 an elevator architectural designer or consultant, and an individual from  
25 an elevator industry association; the speaker of the assembly's appoint-  
26 ees shall be comprised of an elevator contractor employee labor union,  
27 an elevator mechanic, and a fire marshal. The commissioners of health,  
28 labor, education, and economic development or their designees shall be  
29 ex-officio members. The board shall meet on an as needed basis to advise  
30 the commissioner on the implementation of this article. The board shall  
31 elect a chairperson to serve for the term of their appointment to the  
32 board. The board shall prepare an annual report for the governor and  
33 the legislature, copies of which shall be sent to the commissioners of  
34 health, education, economic development, and labor.

35 2. The first member appointed by the governor, the temporary president  
36 of the senate, and the speaker of the assembly shall have a term of one  
37 year; the second member appointed by each shall have a term of two years  
38 and the remaining members shall have a term of three years. Each of such  
39 appointed members shall hold office for the term for which such member  
40 was appointed and until his or her successor shall have been appointed  
41 or until he or she shall resign. The term of office of all successor  
42 members shall be three years. The members shall serve without salary or  
43 compensation, but shall be reimbursed for necessary expenses incurred in  
44 the performance of their duties.

45 3. The board may consult with engineering authorities and organiza-  
46 tions concerned with standard safety codes, rules and regulations  
47 governing the maintenance, servicing, construction, alteration, instal-  
48 lation, and inspection of conveyances and the adequate, reasonable, and  
49 necessary qualifications of elevator mechanics, contractors, and inspec-  
50 tors.

51 4. The duties of the board are as follows:

52 (a) assist the commissioner and the department in establishing the  
53 state regulations for equipment covered by this article;

54 (b) develop recommendations for an enforcement program which will  
55 ensure compliance with the regulations and requirements promulgated by  
56 the commissioner pursuant to this article;

1 (c) assist the commissioner in granting exceptions and variances from  
2 the literal requirements of the applicable code and standards, regu-  
3 lations, and local legislation, in cases where such variances would not  
4 jeopardize the public safety and welfare;

5 (d) assist the commissioner in setting fee schedules for licenses,  
6 permits, and inspections. The fees shall reflect the actual costs and  
7 expenses to conduct the duties as described in this article; and

8 (e) assist the commissioner in any and all things necessary or conven-  
9 ient to the commissioner's duty to carry out the purposes of this arti-  
10 cle.

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

16 § 2. The state finance law is amended by adding a new section 97-ssss  
17 to read as follows:

18 § 97-ssss. Elevator and related conveyances safety program account.  
19 1. There is hereby established in the custody of the state comptroller  
20 the elevator and related conveyances safety program account.

21 2. Such fund shall consist of moneys collected pursuant to the  
22 provisions of article thirty-three of the labor law.

23 3. Moneys of the fund shall be available to the commissioner of labor  
24 for purposes of offsetting the costs incurred by the commissioner of  
25 labor for the administration of article thirty-three of the labor law,  
26 including the administration of elevator and related conveyances safety  
27 programs, the administration of licenses and permits, and the adminis-  
28 tration of certificates of operation as set forth in such article thir-  
29 ty-three.

30 4. The moneys shall be paid out of the fund on the audit and warrant  
31 of the comptroller on vouchers certified or approved by the commissioner  
32 or his or her designee.

33 5. Notwithstanding the provisions of any general or special law, no  
34 moneys shall be available from the fund until a certificate of allo-  
35 cation and a schedule of amounts to be available therefor shall have  
36 been issued by the director of the budget, and a copy of such certifi-  
37 cate filed with the comptroller. Such certificate may be amended from  
38 time to time by the director of the budget and a copy of each such  
39 amendment shall be filed with the comptroller.

40 § 3. This act shall take effect on the one hundred eightieth day after  
41 it shall have become a law, provided, however, that effective immediat-  
42 ly, the addition, amendment and/or repeal of any rules or regulations  
43 necessary for the implementation of this act on its effective date, and  
44 the appointment of the New York state elevator safety and standards  
45 board, are authorized and directed to be established, made and completed  
46 on or before such effective date.

47

## PART B

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

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

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

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

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

18 ARTICLE 421

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

20 § 28-421.1 [~~Private elevator inspection~~] Elevator agency director  
 21 license required. [~~Only private elevator inspection agencies may~~] It  
 22 shall be unlawful to perform elevator work as defined by this chapter or  
 23 perform and/or witness inspections and tests or enter into contracts  
 24 pursuant to article 304 of chapter 3 of this code unless licensed pursu-  
 25 ant to this article. Each [~~such~~] elevator agency shall designate one  
 26 director in responsible charge who shall be licensed pursuant to this  
 27 article. The designated director in responsible charge shall be in the  
 28 direct employ of the agency and shall supervise all the operations of  
 29 the agency. All elevator work shall be performed by individuals who are  
 30 under the direct and continuing supervision of the elevator agency  
 31 director as defined in section 28-401.3 of this chapter. All elevator  
 32 work performed by such agency pursuant to article 304 of chapter 3 of  
 33 this code shall be performed by or under the direct and continuing  
 34 supervision of the designated director in responsible charge.

35 § 28-421.1.1 Additional directors. In addition to the designated  
 36 director in responsible charge, the agency may have other individuals in  
 37 its employ who may be issued [~~private~~] elevator [~~inspection~~] agency  
 38 director licenses pursuant to this article. [~~Notwithstanding any other~~  
 39 ~~provision of this chapter, such individuals may only perform inspections~~  
 40 ~~or other work pursuant to article 304 of chapter 3 of this code under~~  
 41 ~~the direct and continuing supervision of the designated director in~~  
 42 ~~responsible charge.~~]

43 § 28-421.2 Qualifications. All applicants for [~~a private~~] an elevator  
 44 [~~inspection~~] agency director license shall submit satisfactory proof  
 45 establishing that the applicant has satisfactorily completed, within two  
 46 years prior to the date of application, a course that is at least thirty  
 47 hours in length and approved by the United States department of labor  
 48 and the occupational safety and health administration in general indus-  
 49 try training; and also satisfies one of the following:

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

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

1 § 28-421.3 [~~Director restriction~~] Restriction. Each [~~private~~] eleva-  
 2 tor [~~inspection~~] agency director shall supervise and perform elevator  
 3 work or inspections and tests pursuant to article 304 of chapter 3 of  
 4 this code for only one [~~private~~] elevator [~~inspection~~] agency, and shall  
 5 not inspect and/or test elevators or perform elevator work on related  
 6 devices as an inspector [~~or~~], director or elevator agency helper for any  
 7 other [~~private~~] elevator [~~inspection~~] agency.

8 § 28-421.4 Place of business. Every licensed [~~private~~] elevator  
 9 [~~inspection~~] agency shall have a place of business within the city in  
 10 conformance with department rules and regulations.

#### 11 ARTICLE 422

#### 12 [~~PRIVATE~~] ELEVATOR [~~INSPECTION~~] AGENCY INSPECTOR LICENSE

13 § 28-422.1 [~~Private elevator inspection agency~~] Elevator agency  
 14 inspector license required. [~~Individuals who~~] It shall be unlawful to  
 15 witness and/or perform inspections and tests on behalf of [~~a private~~] an  
 16 elevator [~~inspection~~] agency pursuant to article 304 of chapter 3 of  
 17 this code [~~shall be~~] unless licensed pursuant to this article. Licensed  
 18 inspectors shall perform such work under the direct and continuing  
 19 supervision of a designated director in responsible charge licensed  
 20 pursuant to article 421 of this chapter.

21 § 28-422.2 Qualifications. [~~Applicants~~] All applicants for [~~a private~~]  
 22 an elevator agency inspector license shall submit satisfactory proof  
 23 establishing that the applicant has satisfactorily completed, within two  
 24 years prior to the date of application, a course that is at least ten  
 25 hours in length and approved by the United States department of labor  
 26 and the occupational safety and health administration in general indus-  
 27 try standards; and also satisfies the following:

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

31 § 28-422.3 [~~Inspector restriction~~] Restriction. Each [~~private~~] eleva-  
 32 tor [~~inspection~~] agency inspector shall perform work pursuant to article  
 33 304 of chapter 3 of this code for only one [~~private~~] elevator  
 34 [~~inspection~~] agency, and shall not witness and/or perform inspections  
 35 and/or test elevators or related devices as an inspector, technician or  
 36 director for any other [~~private~~] elevator [~~inspection~~] agency.

37 § 3. Chapter 4 of title 28 of the administrative code of the city of  
 38 New York is amended by adding three new articles 425, 426 and 427 to  
 39 read as follows:

#### 40 ARTICLE 425

#### 41 ELEVATOR AGENCY TECHNICIAN LICENSE

42 § 28-425.1 Elevator agency technician license required. It shall be  
 43 unlawful to perform elevator work as defined in this chapter, unless  
 44 that work is performed by or under the direction of an elevator agency  
 45 technician and under the supervision of a designated director of an  
 46 elevator agency licensed pursuant to article 421 of this chapter.

47 § 28-425.2 Restricted elevator agency technician license. A restricted  
 48 class of lift mechanic license shall be known as "accessibility techni-  
 49 cian". Such class of license shall be restricted to performing work  
 50 involving platform lifts including those installed in private residences  
 51 which are covered by the provisions of ASME (American society of mechan-  
 52 ical engineers) codes and standards A18.1-2005. An applicant for such  
 53 restricted license shall complete an application approved by the board  
 54 and shall have at least three years verified work experience in  
 55 constructing, maintaining and repairing those lifts covered by ASME  
 56 A18.1-2005 and shall provide to the commissioner a certificate of

1 completion of an accessibility training program for lifts under the  
2 scope of A18.1-2005 such as the certified accessibility training  
3 provided by the national association of elevator contractors, or an  
4 equivalent program as deemed by the department.

5 § 28-425.3 Qualifications. All applicants for an elevator agency tech-  
6 nician's license shall submit satisfactory proof establishing that the  
7 applicant has satisfactorily completed, within two years prior to the  
8 date of application, a course that is at least ten hours in length and  
9 approved by the United States department of labor and the occupational  
10 safety and health administration in general industry training; and also  
11 satisfies one of the following qualifications:

12 1. Acceptable proof that he or she has worked on elevator  
13 construction, maintenance or repair with direct and immediate super-  
14 vision in this state for a period of not less than four years immediate-  
15 ly prior to the effective date of this article, provided that such  
16 applicant shall file such application within one year of release and  
17 access to the licensing application as defined in this article; or

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

23 3. A certificate of successful completion and successfully passing the  
24 mechanic examination of a nationally recognized training program for the  
25 elevator industry including, but not limited to, the national elevator  
26 industry educational program or its equivalent; or

27 4. A certificate of successful completion of the joint apprentice and  
28 training committee of the elevator industry of local 3, IBEW, EE divi-  
29 sion training program or an apprenticeship program for elevator mechan-  
30 ics, having standards substantially equal to those of this chapter, and  
31 registered with the bureau of apprenticeship and training, U.S. depart-  
32 ment of labor or a state apprenticeship council.

33 No licensing fees shall be charged to any individual who holds a New  
34 York state elevator mechanics license and seeks a New York city elevator  
35 technicians license.

36 ARTICLE 426

37 ELEVATOR AGENCY HELPER

38 § 28-426.1 Qualifications. The agency may, by rule, establish quali-  
39 fications for elevator agency helpers.

40 ARTICLE 427

41 PERMITS

42 § 28-427.1 Applications and permits. All applications/permits issued  
43 to elevator contractors shall appear on the department of buildings  
44 website within forty-eight hours of issuance. The information required  
45 to be published must include, at a minimum, the date of issuance, the  
46 work covered by the permit, the elevator contractor or contractors  
47 involved and location and type of work to be performed. The department  
48 shall maintain and publish a registry of all licensed elevator agency  
49 helpers, technicians, and inspectors, which shall list and identify, all  
50 licensed elevator agency helpers, technicians, and inspectors, doing  
51 business in the city of New York. The department shall make the registry  
52 available on its website.

1 § 28-427.2 Licensing and permitting exemptions. Whenever an emergency  
2 exists in this state due to a disaster or act of god, which imperils the  
3 health, safety or welfare of an individual or individuals and placing  
4 such individual or individuals in imminent danger of injury or death and  
5 the number of persons in the state holding licenses granted by the board  
6 is insufficient to cope with such emergency, any person certified by a  
7 licensed elevator contractor to have an acceptable combination of docu-  
8 mented experience and education to perform elevator work without direct  
9 and immediate supervision shall seek an emergency elevator mechanic's  
10 license from the commissioner within five business days after commencing  
11 work requiring a license. The commissioner shall issue emergency eleva-  
12 tor mechanic's licenses to address the emergency that exists. The  
13 licensed elevator contractor shall furnish proof of competency as the  
14 commissioner may require. Each such license shall recite that it is  
15 valid for a period of fifteen days from the date thereof and for such  
16 particular elevators or geographical areas as the commissioner may  
17 designate to address the emergency and otherwise shall entitle the  
18 licensee to the rights and privileges of an elevator mechanic's license  
19 issued in this article. The commissioner shall renew an emergency eleva-  
20 tor mechanic's license during the existence of an emergency as needed.  
21 No fee shall be charged for any emergency elevator mechanic's license or  
22 renewal thereof.

23 § 28-427.3 License renewal. The renewal of all licenses granted under  
24 the provisions of this section shall be conditioned upon the submission  
25 of a certificate of completion of a course designed to ensure the  
26 continuing education of licensees on new and existing national, state,  
27 and local conveyances codes and standards and on technology and techni-  
28 cal education and workplace safety. Such course shall consist of not  
29 less than eight hours annually and completed preceding any such license  
30 renewal. The commissioner shall establish requirements for continuing  
31 education and training programs, and shall approve such programs, as  
32 well as maintain a list of approved programs, which shall be made avail-  
33 able to license applicants, permit applicants, renewal applicants and  
34 other interested parties upon request. The commissioner shall promulgate  
35 rules and regulations setting forth the criteria for approval of such  
36 programs, the procedures to be followed in applying for such approval,  
37 and other rules and regulations as the commissioner deems necessary and  
38 proper to effectuate the purposes of this section.

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

45 The courses shall be taught through continuing education providers  
46 that may include, but shall not be limited to, association seminars, and  
47 labor training programs or programs that deliver an approved apprentice-  
48 ship and are registered with the department or the New York state  
49 apprenticeship training council. The commissioner shall approve the  
50 continuing education providers.

51 § 28-427.4 Renewal fees. The commissioner shall assess a fee for each  
52 training program completion certificate and for each refresher training  
53 program completion certificate, provided, however, that in no event  
54 shall the cost of such certificates be assessed by the sponsor of such  
55 training program against the participants.

1 § 28-427.5 Recordkeeping. All instructors shall be exempt from the  
2 requirements of the preceding section with regard to their application  
3 for license renewal provided that such applicant was qualified as an  
4 instructor at any time during the one year immediately preceding the  
5 scheduled date for such renewal. Approved training providers shall keep  
6 uniform records, for a period of six years, of attendance of licensees  
7 following a format approved by the commissioner and such records shall  
8 be available for inspection by the commissioner at his or her request.  
9 Approved training providers shall be responsible for the security of all  
10 attendance records and certificates of completion; provided, however,  
11 that falsifying or knowingly allowing another to falsify such attendance  
12 records or certificates of completion shall constitute grounds for  
13 suspension or revocation of the approval required under this section.

14 § 28-427.6 Equivalency. The commissioner shall accept an elevator  
15 mechanic's license issued to any person over the age of eighteen years  
16 by the state of New York as equivalent to an elevator agency technician  
17 license in cities with populations of one million more, as defined in  
18 this article, without examination, application or fee, provided that  
19 they register annually with the agency.

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

23 § 28-304.6.1 Inspection and testing entities. The required periodic  
24 inspections in Table N1 shall be made by the department. The other tests  
25 and inspections in Table N1 shall be performed on behalf of the owner by  
26 an approved agency in accordance with this code and department rules.  
27 Where indicated in Table N1, tests and inspections shall be witnessed by  
28 an approved agency not affiliated with the agency performing the test,  
29 and not affiliated with the agency performing the elevator work. Not  
30 affiliated, as used in this section, shall mean the approved agency  
31 owners, directors and inspectors shall be independent of all relative  
32 approved agencies, maintenance firms or other entities providing any  
33 associated services to the device owner. Such other tests and  
34 inspections shall comply with the timeframes established as follows:

35 1. Category 1 inspections and tests shall be performed between January  
36 1st and December 31st of each year at a minimal time interval of six  
37 months from the date of the previous Category 1 testing. Category 1  
38 tests are required on new installations the calendar year following  
39 final acceptance test.

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

43 3. Category 5 inspections and tests shall be performed every five  
44 years on or before the month of the final acceptance test for new eleva-  
45 tors or the anniversary month of the last Category 5 testing.

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

50 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
51 sion, section or part of this act shall be adjudged by any court of  
52 competent jurisdiction to be invalid, such judgment shall not affect,  
53 impair, or invalidate the remainder thereof, but shall be confined in  
54 its operation to the clause, sentence, paragraph, subdivision, section  
55 or part thereof directly involved in the controversy in which such judg-  
56 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such  
2 invalid provisions had not been included herein.

3 § 4. This act shall take effect immediately provided, however, that  
4 the applicable effective date of Parts A through B of this act shall be  
5 as specifically set forth in the last section of such Parts.