

# STATE OF NEW YORK

4509--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. CRESPO, OTIS, DE LA ROSA, BUTTENSCHON, RODRIGUEZ, WALLACE, D'URSO, PICHARDO, REYES, ARROYO, BRONSON, PHEFFER AMATO, ROZIC, SIMOTAS, GRIFFIN, COOK, COLTON, ABBATE, MAGNARELLI, JOYNER, BARNWELL, SOLAGES, ORTIZ, ABINANTI, STECK, SEAWRIGHT, M. G. MILLER, MOSLEY, MORINELLO, BENEDETTO, SIMON, STIRPE, RYAN, WOERNER, JACOBSON, NIOU, ROMEO, TAYLOR, JAFFEE, DICKENS, LAVINE, AUBRY, McDONALD -- Multi-Sponsored by -- M. of A. DenDEKKER, DINOWITZ, ENGLEBRIGHT, PRETLOW, RAMOS -- read once and referred to the Committee on Labor -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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  
6 the effective date of the Part, which makes reference to a section "of  
7 this act", when used in connection with that particular component, shall  
8 be deemed to mean and refer to the corresponding section of the Part in  
9 which it is found. Section four of this act sets forth the general  
10 effective date of this act.

11 § 2. Legislative findings and declaration. The legislature hereby  
12 finds that the use of unsafe and defective elevators and other automated

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

LBD05563-11-9

1 people moving conveyances may expose the public to unsafe conditions and  
2 increase the risk of injury. The legislature finds that improper design,  
3 construction, maintenance and repair of such conveyances is preventable  
4 by requiring proper training of persons employed to perform work on  
5 elevators and other automated people moving conveyances and by requiring  
6 the licensing of contractors and the certification of individuals  
7 involved in elevator and other automated people moving conveyances  
8 projects.

9 Nothing in this act is intended to create, expand, diminish, limit,  
10 impair, or supersede any rights under current law, rule, or regulation,  
11 or resulting from a determination of a court or the national labor  
12 relations board with regard to building trades and the work of such  
13 building trade. Nor is it intended to abrogate any rights or duties  
14 under any contract with regard to building trades and the work of such  
15 building trade.

16 PART A

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

19 ARTICLE 33

20 ELEVATORS AND OTHER CONVEYANCES; LICENSING

21 Section 950. Application.

22 951. Definitions.

23 952. Licensing, permit, registration and compliance require-  
24 ments.

25 953. License and permit procedure.

26 954. Qualifications, training and continuing education.

27 955. Powers of the commissioner.

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

29 957. Exempt persons.

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

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

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

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

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

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

50 (a) personnel and material hoists;

51 (b) manlifts;

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

53 (d) powered platforms and equipment for exterior and interior mainte-  
54 nance;

1 (e) conveyor and related equipment;  
2 (f) cranes, derricks, hoists, hooks, jacks and slings;  
3 (g) industrial trucks;  
4 (h) portable equipment, except for portable escalators;  
5 (i) tiering and piling machines used to move materials to and from  
6 storage located and operating entirely within one story;  
7 (j) equipment for feeding or positioning materials including, but not  
8 limited to, machine tools and printing presses;  
9 (k) skip or furnace hoists;  
10 (l) wharf ramps;  
11 (m) railroad car lifts or dumpers;  
12 (n) stairway chairlifts for private residences;  
13 (o) line jacks, false cars, shafters, moving platforms and similar  
14 equipment used for installing an elevator by a contractor licensed in  
15 this state;  
16 (p) operation of inside cars (elevators); and  
17 (q) operation of an elevator that has received a temporary certificate  
18 of occupancy.

19 3. The licensing, permitting and certification provisions of this  
20 article shall not apply to the owners or lessees of private residences  
21 who design, erect, construct, install, alter, repair, service or main-  
22 tain conveyances that are located or will be located in such owner or  
23 lessee's private residence. However, any person hired to design, erect,  
24 construct, install, alter, repair, service, maintain, or perform any  
25 other work related to such conveyances must comply with the provisions  
26 of this article.

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

29 5. The provisions of this article and the rules adopted pursuant ther-  
30 eto shall be the minimum standard required and shall supersede any  
31 special law or local ordinance inconsistent therewith, and no local  
32 ordinance inconsistent therewith shall be adopted, but nothing herein  
33 contained shall prevent the enactment by local law or ordinance of addi-  
34 tional requirements and restrictions.

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

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

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

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

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

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

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

55 6. "Dormant elevator, dumbwaiter, or escalator" means an installation  
56 placed out of service under the following circumstances: (a) when an

1 installation's power has been disconnected and (i) when an electric  
2 elevator, dumbwaiter, or material lift whose suspension ropes have been  
3 removed, whose car and counterweight rest at the bottom of the hoistway,  
4 and whose hoistway doors have been permanently barricaded or sealed in  
5 the closed position on the hoistway side; or (ii) a hydraulic elevator,  
6 dumbwaiter, or material lift whose car rests at the bottom of the hoist-  
7 way and whose doors are permanently barricaded or sealed; or (iii) an  
8 escalator or moving walk whose entrances have been permanently barricad-  
9 ed; or (b) as determined by state or local law, code, rule, or regu-  
10 lations.

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

13 8. "Elevator contractor" means, a public corporation, or instrumentality  
14 of a public corporation, self-employed person, company, unincorporated  
15 association, firm, partnership, limited liability company, corporation,  
16 or any other entity, or any owner or operator of any of the  
17 foregoing entities, who possesses an elevator contractor's license in  
18 accordance with the provisions of sections nine hundred fifty-two and  
19 nine hundred fifty-three of this article and is engaged in the business  
20 of designing, erecting, constructing, installing, altering, repairing,  
21 servicing or maintaining elevators or other automated people moving  
22 conveyances covered by this article.

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

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

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

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

31 13. "Existing installation" means an installation that has been  
32 completed or is under construction prior to the effective date of this  
33 article.

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

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

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

45 17. "Elevator mechanic's license" means a license which entitles the  
46 holder thereof to install, construct, alter, service, repair, test,  
47 maintain, and perform work on conveyances or other automated people  
48 movers covered by this article.

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

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

1 20. "Person" means any natural person.

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

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

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

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

18 25. "Construction" means the act or process of constructing any  
19 conveyance.

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

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

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

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

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

38 31. "Erect" means to vertically construct or connect any conveyance or  
39 part or system thereof.

40 32. "Personnel and material hoists" means rack and pinion hoists,  
41 alimaks and machines of a similar nature used for the hoisting of  
42 construction material, equipment and personnel, or the removal of  
43 debris, all during the construction, renovation and/or demolition phase  
44 of any construction project whether an inside or outside hoist.

45 33. "Installation" means to place or fix any conveyance or part or  
46 system thereof, in position for operation.

47 Temporarily dormant installations shall not be used until such instal-  
48 lation has been restored to a safe running order and is in condition  
49 suitable for use in accordance with all applicable laws, codes, rules  
50 and regulations. Such temporarily dormant installation shall be subject  
51 to continued inspections for the duration of the "temporarily dormant"  
52 status by a licensed elevator inspector. Such inspector shall file a  
53 report with the commissioner describing the conditions of such temporar-  
54 ily dormant installation. The report shall be filed annually or more or  
55 less frequent as determined by the commissioner. "Temporarily dormant"

1 status shall be renewable on an annual basis, but shall not exceed a  
2 five-year period.

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

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

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

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

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

43 5. Except as otherwise provided in subdivision three of section nine  
44 hundred fifty of this article, all new conveyance installations shall be  
45 performed by an elevator contractor licensed to install such conveyance.  
46 Subsequent to installation, the elevator contractor must certify compli-  
47 ance to the commissioner with the applicable sections of this article as  
48 well as any other applicable law, rule, regulation or code. Prior to  
49 such conveyances being used, the property owner or lessee must obtain a  
50 certificate of operation from the commissioner. A fee, as set forth in  
51 this article, shall be paid for such certificate of operation, however,  
52 no such fee shall be required for conveyances in private residences. It  
53 is the responsibility of the licensed elevator contractor to complete  
54 and submit registrations for new installations. A certificate of opera-  
55 tion shall be valid for one year, except for certificates issued for  
56 platform lifts for private residences, which shall be valid for a period

1 of three years. Certificates of operation must be clearly and conspicu-  
2 ously displayed on, in or around each conveyance and be accessible to  
3 the state or locality inspecting or enforcing any applicable law, rule,  
4 regulation or code. An application for a certificate of operation under  
5 this section with the commissioner shall not be required if an authority  
6 having jurisdiction ("AHJ") posts all certificates of operation issued  
7 to a building owner on the AHJ's official website within forty-eight  
8 hours of their issuance. The information required to be published must  
9 include, at a minimum, the date of issuance, the unit subject to the  
10 certificate of operation, the name and address of the building owner,  
11 and the address of the unit.

12 6. Except as otherwise provided in subdivision three of section nine  
13 hundred fifty of this article, the certificate of operation for newly  
14 installed platform lifts for private residences shall be issued only  
15 subsequent to an inspection by a licensed third party inspection firm.  
16 The certificate of operation fee for all new and existing platform lifts  
17 for private residences and any renewal certificate fees are hereby  
18 waived. The inspection of private residence platform lifts shall be done  
19 at the request and consent of the private residence's owner or lessees.

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

23 § 953. License and permit procedure. All applications for elevator  
24 contractor's, elevator mechanic's, and elevator inspector's licenses and  
25 required permits shall be submitted to the department in writing on  
26 forms furnished by the commissioner and shall contain the information  
27 set forth in this section as well as any additional information that the  
28 commissioner may require. The commissioner shall also set fees for  
29 licensing and permitting under this section.

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

32 (a) the name, residence address and business address of the applicant;  
33 (b) the number of years the applicant has engaged in the business or  
34 practice of designing, constructing, erecting, installing, inspecting,  
35 testing, repairing, altering, maintaining, or servicing conveyances  
36 covered by this article;

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

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

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

42 Upon approval of an application for a license the commissioner shall  
43 issue such license which shall be valid for two years. The fees for such  
44 license and renewal thereof shall be set by the commissioner. Any denial  
45 for such application shall set forth the reasons therefor.

46 2. Application for permits. Every application for a permit under this  
47 article shall include plans and specifications stamped and signed by a  
48 professional engineer and/or an architect licensed pursuant to article  
49 one hundred forty-five and/or article one hundred forty-seven of the  
50 education law. Every application for a permit under this article shall  
51 include the following:

52 (a) copies of the specifications and accurately scaled and fully  
53 dimensioned plans showing the location of the installation in relation  
54 to the plans and elevation of the building;

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

1 (c) all structural supporting members thereof, including foundations;  
2 (d) a list of all materials to be employed and all loads to be  
3 supported and conveyed;

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

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

9 (g) the department shall maintain and publish a registry of all  
10 licensed elevator mechanics, contractors and inspectors, which shall  
11 list and identify, all licensed elevator mechanics, contractors, and  
12 inspectors doing business in this state. The department shall make the  
13 registry available on its website.

14 Upon approval of an application for a permit the commissioner shall  
15 issue such permit. Such permit shall state the time by which the work  
16 shall commence and also when such permit expires. If after the work has  
17 been started, work is suspended or abandoned for a period of sixty days,  
18 or such shorter period of time as the commissioner may specify at the  
19 time the permit is issued, the permit shall expire. Upon expiration of  
20 a permit for which work has not been completed, the commissioner may  
21 extend such permit.

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

44 4. Restricted license. A restricted class of lift mechanic license  
45 shall be known as "accessibility technician". Such class of license  
46 shall be restricted to performing work involving platform lifts includ-  
47 ing those installed in private residences which are covered by the  
48 provisions of ASME (American society of mechanical engineer) codes and  
49 standards A18.1-2005. An applicant for such restricted license shall  
50 complete an application approved by the board and shall have at least  
51 three years verified work experience in constructing, maintaining and  
52 repairing those lifts covered by ASME A18.1-2005 and shall provide to  
53 the commissioner a certificate of completion of an accessibility train-  
54 ing program for lifts under the scope of A18.1-2005 such as the certi-  
55 fied accessibility training provided by the national association of



1 elevator contractors, or an equivalent program as deemed by the depart-  
2 ment.

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

8 (a) acceptable proof that he or she has worked on elevator  
9 construction, maintenance or repair with direct and immediate super-  
10 vision in this state for a period of not less than four years immedi-  
11 ately prior to the effective date of this article, provided that such  
12 applicant shall file such application within one year of release and  
13 access to the licensing application as defined in this article; or

14 (b) a certificate of successful completion of the joint apprentice and  
15 training committee of the elevator industry of local 3, IBEW, EE divi-  
16 sion training program or an apprenticeship program for elevator mechan-  
17 ics, having standards substantially equal to those of this chapter, and  
18 registered with the bureau of apprenticeship and training, U.S. depart-  
19 ment of labor or a state apprenticeship council; or

20 (c) industry educational program, The National Association of Elevator  
21 Contractors (NAEC) Certified Elevator Technician (CET), or their equiv-  
22 alent; or

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

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

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

43 4. (a) The renewal of all licenses granted under the provisions of  
44 this subdivision shall be conditioned upon the submission of a certif-  
45 icate of completion of a course designed to ensure the continuing educa-  
46 tion of licensees on new and existing national, state, and local convey-  
47 ances codes and standards and on technology and technical education and  
48 workplace safety. Such course shall consist of not less than eight  
49 contact hours (.8 CEU) annually and completed preceding any such license  
50 renewal. The commissioner shall establish requirements for continuing  
51 education and training programs, and shall approve such programs, as  
52 well as maintain a list of approved programs which shall be made avail-  
53 able to license applicants, permit applicants, renewal applicants and  
54 other interested parties upon request. The commissioner shall promulgate  
55 rules and regulations setting forth the criteria for approval of such  
56 programs, the procedures to be followed in applying for such approval,

1 and other rules and regulations as the commissioner deems necessary and  
2 proper to effectuate the purposes of this section.

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

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

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

25 Approved training providers shall keep uniform records, for a period  
26 of six years, of attendance of licensees following a format approved by  
27 the commissioner and such records shall be available for inspection by  
28 the commissioner at his or her request. Approved training providers  
29 shall be responsible for the security of all attendance records and  
30 certificates of completion; provided, however, that falsifying or know-  
31 ingly allowing another to falsify such attendance records or certifi-  
32 icates of completion shall constitute grounds for suspension or revoca-  
33 tion of the approval required under this section.

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

40 2. If, upon receipt of a complaint alleging a violation of this arti-  
41 cle, the commissioner reasonably believes that such violation exists, he  
42 or she shall investigate as soon as practicable to determine if such  
43 violation exists. If the commissioner determines that no violation or  
44 danger exists, the commissioner shall inform the complaining person or  
45 entity.

46 3. If, upon investigation, the commissioner determines that the  
47 alleged violation exists, the commissioner may deliver to such owner or  
48 elevator contractor or his or her agent or representative a written  
49 order to cure such violation and may order that their permit to work on  
50 such installation, repair or maintenance project shall be suspended  
51 until such violation is cured. Such order shall specifically enumerate  
52 the violations which constitute the basis of the order to cure or order  
53 of suspension and shall specify the corrective action to be taken. The  
54 commissioner may allow the permit to toll during the time of such order.

55 4. Upon receipt of a written notice from the elevator contractor, or  
56 his or her agent or representative, that such violation has been

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

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

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

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

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

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

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

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

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

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

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

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

38 3. The board may consult with engineering authorities and organiza-  
39 tions concerned with standard safety codes, rules and regulations  
40 governing the maintenance, servicing, construction, alteration, instal-  
41 lation, and inspection of conveyances and the adequate, reasonable, and  
42 necessary qualifications of elevator mechanics, contractors, and inspec-  
43 tors.

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

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

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

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

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

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

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

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

11 § 97-ssss. Elevator and related conveyances safety program account.  
 12 1. There is hereby established in the custody of the state comptroller  
 13 the elevator and related conveyances safety program account.

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

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

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

26 5. Notwithstanding the provisions of any general or special law, no  
 27 moneys shall be available from the fund until a certificate of allo-  
 28 cation and a schedule of amounts to be available therefor shall have  
 29 been issued by the director of the budget, and a copy of such certif-  
 30 icate filed with the comptroller. Such certificate may be amended from  
 31 time to time by the director of the budget and a copy of each such  
 32 amendment shall be filed with the comptroller.

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

40 PART B

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

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

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

53 ELEVATOR WORK. Alteration, assembly, installation, maintenance,  
 54 repair, replacement and modernization work, as defined by ASME A17.1 as

1 modified by appendix K of the New York city building code, performed on  
2 conveyances regulated by this code or other applicable laws or rules.  
3 Elevator work does not include material hoists, platform lifts, stair  
4 chair lifts, or personnel hoists.

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

9 ARTICLE 421

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

11 § 28-421.1 [~~Private elevator inspection~~] Elevator agency director  
12 license required. [~~Only private elevator inspection agencies may~~] It  
13 shall be unlawful to perform elevator work as defined by this chapter or  
14 perform and/or witness inspections and tests or enter into contracts  
15 pursuant to article 304 of chapter 3 of this code unless licensed pursu-  
16 ant to this article. Each [~~such~~] elevator agency shall designate one  
17 director in responsible charge who shall be licensed pursuant to this  
18 article. The designated director in responsible charge shall be in the  
19 direct employ of the agency and shall supervise all the operations of  
20 the agency. All elevator work shall be performed by individuals who are  
21 under the direct and continuing supervision of the elevator agency  
22 director as defined in section 28-401.3 of this chapter. All elevator  
23 work performed by such agency pursuant to article 304 of chapter 3 of  
24 this code shall be performed by or under the direct and continuing  
25 supervision of the designated director in responsible charge.

26 § 28-421.1.1 Additional directors. In addition to the designated  
27 director in responsible charge, the agency may have other individuals in  
28 its employ who may be issued [~~private~~] elevator [~~inspection~~] agency  
29 director licenses pursuant to this article. [~~Notwithstanding any other~~  
30 ~~provision of this chapter, such individuals may only perform inspections~~  
31 ~~or other work pursuant to article 304 of chapter 3 of this code under~~  
32 ~~the direct and continuing supervision of the designated director in~~  
33 ~~responsible charge.~~]

34 § 28-421.2 Qualifications. All applicants for [~~a private~~] an elevator  
35 [~~inspection~~] agency director license shall submit satisfactory proof  
36 establishing that the applicant has satisfactorily completed, within two  
37 years prior to the date of application, a course that is at least thirty  
38 hours in length and approved by the United States department of labor  
39 and the occupational safety and health administration in general indus-  
40 try training; and also satisfies one of the following:

- 41 1. Has at least ten years of practical experience in the supervision  
42 of the assembly, installation, maintenance, repair, design or inspection  
43 of elevators within the fifteen years prior to application; or
- 44 2. Is an engineer or architect and has at least five years experience  
45 in the supervision of the assembly, installation, maintenance, repair,  
46 review and approval of design documents or inspection of elevators with-  
47 in the seven years prior to application.

48 § 28-421.3 [~~Director restriction~~] Restriction. Each [~~private~~] eleva-  
49 tor [~~inspection~~] agency director shall supervise and perform elevator  
50 work or inspections and tests pursuant to article 304 of chapter 3 of  
51 this code for only one [~~private~~] elevator [~~inspection~~] agency, and shall  
52 not inspect and/or test elevators or perform elevator work on related  
53 devices as an inspector [~~or~~], director or elevator agency helper for any  
54 other [~~private~~] elevator [~~inspection~~] agency.

1 § 28-421.4 Place of business. Every licensed [~~private~~] elevator  
2 [~~inspection~~] agency shall have a place of business within the city in  
3 conformance with department rules and regulations.

#### 4 ARTICLE 422

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

6 § 28-422.1 [~~Private elevator inspection agency~~] Elevator agency  
7 inspector license required. [~~Individuals who~~] It shall be unlawful to  
8 witness and/or perform inspections and tests on behalf of [~~a private~~] an  
9 elevator [~~inspection~~] agency pursuant to article 304 of chapter 3 of  
10 this code [~~shall be~~] unless licensed pursuant to this article. Licensed  
11 inspectors shall perform such work under the direct and continuing  
12 supervision of a designated director in responsible charge licensed  
13 pursuant to article 421 of this chapter.

14 § 28-422.2 Qualifications. [~~Applicants~~] All applicants for [~~a private~~]  
15 an elevator agency inspector license shall submit satisfactory proof  
16 establishing that the applicant has satisfactorily completed, within two  
17 years prior to the date of application, a course that is at least ten  
18 hours in length and approved by the United States department of labor  
19 and the occupational safety and health administration in general indus-  
20 try standards; and also satisfies the following:

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

24 § 28-422.3 [~~Inspector restriction~~] Restriction. Each [~~private~~] eleva-  
25 tor [~~inspection~~] agency inspector shall perform work pursuant to article  
26 304 of chapter 3 of this code for only one [~~private~~] elevator  
27 [~~inspection~~] agency, and shall not witness and/or perform inspections  
28 and/or test elevators or related devices as an inspector, technician or  
29 director for any other [~~private~~] elevator [~~inspection~~] agency.

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

#### 33 ARTICLE 425

#### 34 ELEVATOR AGENCY TECHNICIAN LICENSE

35 § 28-425.1 Elevator agency technician license required. It shall be  
36 unlawful to perform elevator work as defined in this chapter, unless  
37 that work is performed by or under the direction of an elevator agency  
38 technician and under the supervision of a designated director of an  
39 elevator agency licensed pursuant to article 421 of this chapter.

40 § 28-425.2 Restricted elevator agency technician license. A restricted  
41 class of lift mechanic license shall be known as "accessibility techni-  
42 cian". Such class of license shall be restricted to performing work  
43 involving platform lifts including those installed in private residences  
44 which are covered by the provisions of ASME (American society of mechan-  
45 ical engineers) codes and standards A18.1-2005. An applicant for such  
46 restricted license shall complete an application approved by the board  
47 and shall have at least three years verified work experience in  
48 constructing, maintaining and repairing those lifts covered by ASME  
49 A18.1-2005 and shall provide to the commissioner a certificate of  
50 completion of an accessibility training program for lifts under the  
51 scope of A18.1-2005 such as the certified accessibility training  
52 provided by the national association of elevator contractors, or an  
53 equivalent program as deemed by the department.

54 § 28-425.3 Qualifications. All applicants for an elevator agency tech-  
55 nician's license shall submit satisfactory proof establishing that the  
56 applicant has satisfactorily completed, within two years prior to the

1 date of application, a course that is at least ten hours in length and  
2 approved by the United States department of labor and the occupational  
3 safety and health administration in general industry training; and also  
4 satisfies one of the following qualifications:

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

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

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

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

26 No licensing fees shall be charged to any individual who holds a New  
27 York state elevator mechanics license and seeks a New York city elevator  
28 technicians license.

29 ARTICLE 426

30 ELEVATOR AGENCY HELPER

31 § 28-426.1 Qualifications. The agency may, by rule, establish quali-  
32 fications for elevator agency helpers.

33 ARTICLE 427

34 PERMITS

35 § 28-427.1 Applications and permits. All applications/permits issued  
36 to elevator contractors shall appear on the department of buildings  
37 website within forty-eight hours of issuance. The information required  
38 to be published must include, at a minimum, the date of issuance, the  
39 work covered by the permit, the elevator contractor or contractors  
40 involved and location and type of work to be performed. The department  
41 shall maintain and publish a registry of all licensed elevator agency  
42 helpers, technicians, and inspectors, which shall list and identify, all  
43 licensed elevator agency helpers, technicians, and inspectors, doing  
44 business in the city of New York. The department shall make the registry  
45 available on its website.

46 § 28-427.2 Licensing and permitting exemptions. Whenever an emergency  
47 exists in this state due to a disaster or act of god, which imperils the  
48 health, safety or welfare of an individual or individuals and placing  
49 such individual or individuals in imminent danger of injury or death and  
50 the number of persons in the state holding licenses granted by the board  
51 is insufficient to cope with such emergency, any person certified by a  
52 licensed elevator contractor to have an acceptable combination of docu-  
53 mented experience and education to perform elevator work without direct



1 and immediate supervision shall seek an emergency elevator mechanic's  
2 license from the commissioner within five business days after commencing  
3 work requiring a license. The commissioner shall issue emergency eleva-  
4 tor mechanic's licenses to address the emergency that exists. The  
5 licensed elevator contractor shall furnish proof of competency as the  
6 commissioner may require. Each such license shall recite that it is  
7 valid for a period of fifteen days from the date thereof and for such  
8 particular elevators or geographical areas as the commissioner may  
9 designate to address the emergency and otherwise shall entitle the  
10 licensee to the rights and privileges of an elevator mechanic's license  
11 issued in this article. The commissioner shall renew an emergency eleva-  
12 tor mechanic's license during the existence of an emergency as needed.  
13 No fee shall be charged for any emergency elevator mechanic's license or  
14 renewal thereof.

15 § 28-427.3 License renewal. The renewal of all licenses granted under  
16 the provisions of this section shall be conditioned upon the submission  
17 of a certificate of completion of a course designed to ensure the  
18 continuing education of licensees on new and existing national, state,  
19 and local conveyances codes and standards and on technology and techni-  
20 cal education and workplace safety. Such course shall consist of not  
21 less than eight hours annually and completed preceding any such license  
22 renewal. The commissioner shall establish requirements for continuing  
23 education and training programs, and shall approve such programs, as  
24 well as maintain a list of approved programs, which shall be made avail-  
25 able to license applicants, permit applicants, renewal applicants and  
26 other interested parties upon request. The commissioner shall promulgate  
27 rules and regulations setting forth the criteria for approval of such  
28 programs, the procedures to be followed in applying for such approval,  
29 and other rules and regulations as the commissioner deems necessary and  
30 proper to effectuate the purposes of this section.

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

37 The courses shall be taught through continuing education providers  
38 that may include, but shall not be limited to, association seminars, and  
39 labor training programs or programs that deliver an approved apprentice-  
40 ship and are registered with the department or the New York state  
41 apprenticeship training council. The commissioner shall approve the  
42 continuing education providers.

43 § 28-427.4 Renewal fees. The commissioner shall assess a fee for each  
44 training program completion certificate and for each refresher training  
45 program completion certificate, provided, however, that in no event  
46 shall the cost of such certificates be assessed by the sponsor of such  
47 training program against the participants.

48 § 28-427.5 Recordkeeping. All instructors shall be exempt from the  
49 requirements of the preceding section with regard to their application  
50 for license renewal provided that such applicant was qualified as an  
51 instructor at any time during the one year immediately preceding the  
52 scheduled date for such renewal. Approved training providers shall keep  
53 uniform records, for a period of six years, of attendance of licensees  
54 following a format approved by the commissioner and such records shall  
55 be available for inspection by the commissioner at his or her request.  
56 Approved training providers shall be responsible for the security of all

attendance records and certificates of completion; provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.

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

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

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

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

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

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

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

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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