STATE OF NEW YORK

7306

IN SENATE

January 17, 2020

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

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

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

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and other automated people moving devices, as proposed in legislative bills numbers S. 4080-C and A. 4509-A, is REPEALED and a new article 33 is added to read as follows:

ARTICLE 33

ELEVATORS AND OTHER CONVEYANCES; LICENSING

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

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

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

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

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

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

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

(a) personnel and material hoists;

(b) manlifts;

(c) mobile scaffolds, towers, and platforms;

(d) powered platforms and equipment for exterior and interior maintenance;

(e) conveyor and related equipment;

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

(g) industrial trucks;

(h) portable equipment, except for portable escalators;

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

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

(k) skip or furnace hoists;

(l) wharf ramps;

(m) railroad car lifts or dumpers;

(n) stairway chairlifts for private residences; and

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

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

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

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

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

6. The provisions of this article and the rules adopted pursuant thereto shall be the minimum standard required and shall supersede any special law or local ordinance inconsistent therewith, and no local ordinance inconsistent therewith shall be adopted, but nothing herein contained shall prevent the enactment by local law or ordinance of additional requirements and restrictions.

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

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

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

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

3. "Accessibility lift technician" means a person who performs accessibility lift work.

4. "Accessibility lift technician's license" means a restricted elevator mechanic's license that authorizes the holder to engage in accessibility lift work.

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

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

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

8. "Elevator or conveyance" means any equipment identified in paragraphs (a) through (d) of subdivision one of section nine hundred fifty of this article, including any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, non-residential stairway chairlifts and automated people movers. Elevator or conveyance shall not mean any equipment identified in subdivision two of section nine hundred fifty of this article.

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

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

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

11. "Elevator or conveyance component" means any elevator or conveyance, or any parts, components, or subsystems thereof, or any combination thereof.

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

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

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

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

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

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

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

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

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

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

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

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

24. "Elevator accessibility technician's license" means an occupational license that entitles the holder thereof to engage in elevator and conveyance work in this state that is restricted to platform lifts including those installed in private residences which are covered by the provisions of ASME (American Society of Mechanical Engineers) codes and standards A18.1 2017 Safety Standard for Platform Lifts and Stairway Chairlifts and any successor standard for just platform lifts and stairway chairlifts. An applicant for such a restricted license shall complete an application approved by the commissioner and shall have at least three years verified work experience in constructing, maintaining, and repairing such lifts and shall provide the commissioner a certificate of completion of an accessibility training program for lifts under the scope of A18.1 2017 such as the certified accessibility and private residence lift technician (CAT) training provided by the National Association of Elevator Contractors (NAEC), or an equivalent program as determined by the commissioner.

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

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

27. "Person" means any natural person.

28. "Business" means any corporation, or instrumentality of a corporation, self-employed person, company, unincorporated association, firm, partnership, limited liability company, corporation, or any other entity, or any owner or operator of any of the foregoing entities.

29. "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling, which is occupied by members of a single family unit.

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

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

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

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

34. "Inspection" means a critical examination, observation, or evaluation of quality and code compliance of any conveyance.

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

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

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

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

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

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

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

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

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

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

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

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

(c) any combination of the above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the relevant experience of the applicant, including years, or hours, or both, of experience in performing elevator and conveyance work, or elevator inspection work, or both and the nature of such experience, and the names of the elevator contractors or elevator inspection contractors that the applicant has worked for, including the license numbers of such contractors;

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

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

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

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

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

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

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

(b) Applicants for an accessibility lift technician license must possess a current industry certification issued by the National Association of Elevator Contractors (NAEC) as a certified accessibility and private residence lift technician (CAT) program or an equivalent certification recognized by the commissioner.

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

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

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

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

4. Alternative qualifications. Applicants for an elevator mechanic's license or accessibility lift technician's license who do not possess the industry certifications identified above may demonstrate their qualifications and abilities, training, and continuing education by providing acceptable proof of:

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

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

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

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

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

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

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

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

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

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

(a) any false statement as to a material matter in the application;

(b) fraud, or misrepresentation, in securing a license;

(c) failure to notify the commissioner and the owner or lessee of a conveyance of any condition not in compliance with this article;

(d) a violation of section nine hundred fifty-two of this article; or

(e) a finding by the commissioner that a license holder has violated this article or any rule or regulation promulgated thereunder twice within a period of three years, or that a license holder has violated a provision of this article and such violation resulted in a serious threat to the health or safety of an individual or individuals. The commissioner may, in addition to ordering that such license be revoked, bar such license holder from being eligible to reapply for such license, or any other license under this article, for a period not to exceed two years.

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

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

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

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

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

§ 956. New York state elevator safety and standards advisory board. 1. An elevator safety and standards advisory board is hereby created, to consist of thirteen members. The governor shall appoint seven members, the temporary president of the senate shall appoint three members, and the speaker of the assembly shall appoint three members. The appointees to the board shall be representatives of elevator manufacturers, building owners or managers, elevator industry construction workers, elevator servicing companies, elevator industry associations, elevator mechanics, or fire marshals. The board shall meet on an as needed basis to advise the commissioner on the implementation of this article. The board shall elect a chairperson to serve for the term of their appointment to the board.

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

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

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

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

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

replacement of interior lighting, recladding of doors, transoms and front return panels, finishing or ornamental work on elevator car operating panels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9. Section 3 of part A of a chapter of the laws of 2019, amending the labor law and the state finance law relating to requiring the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices, as proposed in legislative bills numbers S. 4080-C and A. 4509-A, is amended to read as follows:

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

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

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