
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1351 Session of
2014

INTRODUCED BY ARGALL, SOLOBAY AND RAFFERTY, APRIL 28, 2014

REFERRED TO LABOR AND INDUSTRY, APRIL 28, 2014

AN ACT

1 Providing for licensing of elevator contractors and mechanics;
2 and imposing duties on the Department of Labor and Industry.

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4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 CHAPTER 1

7 PRELIMINARY PROVISIONS

8 Section 101. Short title.

9 This act shall be known and may be cited as the Elevator
10 Contractor and Mechanic Licensure Act.

11 Section 102. Purpose.

12 The purpose of this act is to provide for the safety of
13 installers, maintainers and users and to promote public safety
14 awareness. The use of unsafe and defective lifting devices
15 imposes a substantial probability of serious and preventable
16 injury to employees and exposes the public to unsafe conditions.
17 The prevention of these injuries and protection of employees and
18 the public from unsafe conditions is in the best interest of the
19 people of this Commonwealth. Elevator personnel performing work
20 covered by this act are required to be documented in training or
21 experience, or both, and to be familiar with the operation and
22 safety functions of the components and equipment. Training and
23 experience includes, but is not limited to, recognizing the
24 safety hazards and performing the procedures to which elevator
25 personnel are assigned in conformance with the requirements of
26 this act. This act establishes the minimum standards for
27 elevator personnel.

28 Section 103. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "ASCE." The American Society of Civil Engineers.

3 "ASME." The American Society of Mechanical Engineers.

4 "ASME QEI." The standards for the qualifications of elevator
5 inspectors drafted by the American Society of Mechanical
6 Engineers.

7 "Automated people mover." An installation defined as an
8 automated people mover in the safety code of ASCE numbered 21 or
9 any successor safety code thereto of ASCE.

10 "Conveyance." An elevator, dumbwaiter, escalator, moving
11 sidewalk, platform lift, stairway chairlift, automated people
12 mover, vertical and reciprocating conveyors, belt manlifts and
13 aerial passenger ropeways.

14 "Department." The Department of Labor and Industry of the
15 Commonwealth.

16 "Elevator." An installation defined as an elevator in the
17 safety codes of ASME numbered A17.1, A17.3, A17.7 or A18.1 or
18 any successor safety code thereto of ASME.

19 "Elevator contractor." A sole proprietor, firm or
20 corporation that is engaged in the business of erecting,
21 constructing, installing, altering, servicing, repairing or
22 maintaining elevators or related conveyances covered by this
23 act.

24 "Elevator mechanic." A person who is engaged in erecting,
25 constructing, installing, altering, servicing, repairing or
26 maintaining elevators or related conveyances covered by this
27 act.

28 "Escalator." An installation defined as an escalator in the
29 safety code of ASME numbered A17.1 or any successor safety code
30 thereto of ASME.

1 "License." A written license, issued by the Department of
2 Labor and Industry, authorizing a person, sole proprietor, firm
3 or corporation to carry on the business of erecting,
4 constructing, installing, altering, servicing, repairing or
5 maintaining of elevators or related conveyances covered by this
6 act.

7 "Moving walk." An installation defined as a moving walk in
8 the safety code of ASME A17.1 or any successor code thereto of
9 ASME.

10 "Repair." A repair as defined in the ASCE and the ASME
11 standards.

12 CHAPTER 3

13 LICENSING

14 Section 301. License required.

15 (a) Elevator mechanic license.--

16 (1) No person shall erect, construct, alter, replace,
17 maintain, remove or dismantle any conveyance contained within
18 buildings or structures in this Commonwealth unless an
19 elevator mechanic license has been issued to the person as
20 described in this act, and the person is working under the
21 direct supervision of a sole proprietor, firm or corporation
22 that is an elevator contractor pursuant to this act.

23 (2) No person shall wire any conveyance, from the
24 mainline feeder terminals on the controller, in this
25 Commonwealth unless an elevator mechanic license has been
26 issued to the person as described in this act and the person
27 is working under the direct supervision of a sole proprietor,
28 firm or corporation that is an elevator contractor pursuant
29 to this act.

30 (3) No other license shall be required for work

1 described under this subsection.

2 (4) The direct supervision by a licensed elevator
3 contractor shall not be required to remove or dismantle
4 conveyances which are destroyed as a result of a complete
5 demolition of a secured building or structure or where the
6 hoistway or wellway is demolished back to the basic support
7 structure whereby no access is permitted.

8 (b) Contractor license.--No person shall engage in the
9 business of erecting, constructing, installing, altering,
10 servicing, testing, repairing or maintaining elevators or
11 related conveyances covered by this act, unless a contractor
12 license has been issued as provided in this act.

13 Section 302. Issuance and renewal of licenses.

14 (a) Issuance and renewal.--Upon approval of an application
15 by the department, the department may issue a license which
16 shall be renewable biennially. The fee for such license for any
17 renewal thereafter shall be set by the department.

18 (b) Emergencies.--

19 (1) Whenever an emergency exists in this Commonwealth
20 due to a disaster, an act of God or work stoppage and the
21 number of persons in this Commonwealth holding licenses
22 granted by the department is insufficient to cope with the
23 emergency, elevator contractors shall respond as necessary to
24 assure the safety of the public.

25 (2) Any person certified by a licensed elevator
26 contractor to have an acceptable combination of documented
27 experience and education to perform elevator work without
28 direct and immediate supervision shall seek an emergency
29 elevator mechanic license from the department within five
30 business days after commencing work requiring a license.

1 (3) The department shall issue emergency elevator
2 mechanic licenses.

3 (4) The elevator contractor shall furnish proof of
4 competency as the department may require.

5 (5) Each license is valid for a period of 45 days from
6 the date of issuance and for such particular elevators or
7 geographical areas as the department may designate and
8 otherwise shall entitle the licensee to the rights and
9 privileges of an elevator mechanic license issued under this
10 act.

11 (6) The department shall renew an emergency elevator
12 mechanic license during the existence of an emergency.

13 (7) No fee shall be charged for any emergency elevator
14 mechanic license or renewal thereof.

15 (c) Labor shortage.--

16 (1) An elevator contractor shall notify the department
17 when there are no licensed personnel available to perform
18 elevator work. The elevator contractor may request that the
19 department issue temporary elevator mechanic licenses to
20 persons certified by the licensed elevator contractor to have
21 an acceptable combination of documented experience and
22 education to perform elevator work without direct and
23 immediate supervision.

24 (2) Any person certified by an elevator contractor to
25 have an acceptable combination of documented experience and
26 education to perform elevator work without direct and
27 immediate supervision shall immediately seek a temporary
28 elevator mechanic license from the department and shall pay
29 such fee as the department shall determine.

30 (3) Each such license is valid for six months from the

1 date of issuance and while employed by the licensed elevator
2 contractor that certified the individual as qualified. It
3 shall be renewable as long as the shortage of license holders
4 shall continue.

5 (d) Continuing education.--

6 (1) The renewal of all licenses issued under this
7 section shall be conditioned upon the submission of a
8 certificate of completion of a course designed to ensure the
9 continuing education of licensees on new and existing
10 provisions of the regulations set forth by the department.

11 (2) The course shall consist of at least eight hours of
12 instruction that shall be attended and completed within one
13 year immediately preceding any such license renewal.

14 (e) Instruction.--

15 (1) The courses shall be taught by instructors through
16 continuing education providers that may include, but shall
17 not be limited to, association seminars and labor training
18 programs.

19 (2) The department shall approve the continuing
20 education providers. All instructors shall be approved by the
21 department and be exempt from the requirements of subsection
22 (d) with regard to their application for license renewal,
23 provided that such applicant was qualified as an instructor
24 at any time during the one year immediately preceding the
25 scheduled date for such renewal.

26 (f) Temporary disability.--

27 (1) A licensee who is unable to complete the continuing
28 education course required under this section prior to the
29 expiration of his license due to a temporary disability may
30 apply for a waiver from the department. The waiver shall be

1 on a form provided by the department, which shall be signed
2 under the penalty of perjury and accompanied by a certified
3 statement from a competent physician attesting to the
4 disability.

5 (2) Upon the termination of the temporary disability,
6 the licensee shall submit to the department a certified
7 statement from the same physician, if practicable, attesting
8 to the termination of the temporary disability.

9 (3) Upon this termination, a waiver sticker valid for 90
10 days shall be issued to the licensee and affixed to his
11 license.

12 (g) Attendance records for continuing education courses.--

13 (1) Approved training providers shall keep uniform
14 records, for a period of ten years, of attendance of
15 licensees following a format approved by the department, and
16 such records shall be available for inspection by the
17 department at its request.

18 (2) Approved training providers shall maintain the
19 security of all attendance records and certificates of
20 completion, provided, however, that falsifying or knowingly
21 allowing another to falsify such attendance records or
22 certificates of completion shall constitute grounds for
23 suspension or revocation of the approval required under this
24 subsection.

25 Section 303. Application for elevator contractor or mechanic
26 license.

27 (a) Elevator contractor.--A sole proprietor, firm or
28 corporation wishing to engage in the business of conveyance
29 installation, alteration, service, replacement or maintenance
30 within this Commonwealth shall make application for a license

1 with the department on a form provided by the department.

2 (b) Elevator mechanic.--Any person wishing to engage in
3 conveyance installation, alteration, service, replacement or
4 maintenance within this Commonwealth shall make application for
5 a license with the department on a form provided by the
6 department.

7 (c) Contents of application.--The applications shall contain
8 information for the following provisions:

9 (1) If the applicant is a person or sole proprietor, the
10 name, residence and business address of the applicant.

11 (2) If the applicant is a partnership, the name,
12 residence and business address of each partner.

13 (3) If the applicant is a domestic corporation, the name
14 and business address of the corporation and the name and
15 residence address of the principal officer of the
16 corporation. If the applicant is a corporation other than a
17 domestic corporation, the corporation shall include the name
18 and address of its local agent who is to accept service of
19 process and official notices.

20 (4) The number of years the applicant has engaged in the
21 business of installing, maintaining or servicing elevators or
22 platform lifts.

23 (5) The approximate number of persons, if any, to be
24 employed by the elevator contractor applicant and, if
25 applicable, satisfactory evidence that the employees are or
26 will be covered by workers' compensation insurance.

27 (6) Satisfactory evidence that the applicant is or will
28 be covered by general liability, personal injury and property
29 damage insurance.

30 (7) Criminal record of convictions, if any, as verified

1 by the Commissioner of State Police or other relevant law
2 enforcement agency.

3 (8) Such other information as the department may
4 require.

5 Section 304. Qualifications.

6 (a) Elevator mechanics.--A mechanic license may not be
7 granted to any person who has failed to demonstrate the
8 qualifications and abilities required by this section.

9 Applicants for a mechanic license must demonstrate an acceptable
10 combination of documented experience and education credits,
11 including:

12 (1) Not less than three years' work experience in the
13 elevator industry, construction, maintenance, service or
14 repair, or any combination thereof, as verified by current
15 and previous employers licensed to do business in this
16 Commonwealth.

17 (2) Satisfactory completion of a written examination
18 administered by the department on the most recent referenced
19 codes and standards.

20 (b) Exceptions.--Any person shall be granted an elevator
21 mechanic license without satisfying the requirements of
22 subsection (a) by one of the following:

23 (1) Furnishing the department with acceptable proof that
24 the person has worked as an elevator constructor, maintenance
25 or repair person. Upon making application for a license and
26 paying the license fee, the person is entitled to receive a
27 license without an examination. The person must have worked
28 without direct and immediate supervision for an elevator
29 contractor licensed to do business in this Commonwealth. This
30 employment must not be less than three years immediately

1 prior to the effective date of this section. A person seeking
2 a license under the exception outlined in this paragraph must
3 make application within one year of the effective date of
4 this section.

5 (2) Obtaining a certificate of completion of an
6 apprenticeship for elevator mechanic program, having
7 standards substantially equal to those of this chapter and
8 registered with the Bureau of Apprenticeship and Training of
9 the United States Department of Labor or the Pennsylvania
10 State Apprenticeship Council.

11 (3) Furnishing the department with acceptable proof of
12 holding a valid license from a state having standards
13 substantially equal to those of this act.

14 (c) Elevator contractor.--An authorized applicant for an
15 elevator contractor license must have in its employ no fewer
16 than one licensed elevator mechanic who performs the work
17 described in section 301(a).

18 (d) Reciprocity.--A license may be issued to a sole
19 proprietor, firm or corporation holding a valid license from a
20 state having standards substantially equal to those of this
21 chapter, upon application.

22 Section 305. Hearing on charges and decision.

23 (a) Notice.--No license shall be suspended or revoked until
24 after a hearing before the department upon notice, served
25 personally or by registered mail, to the licensee of at least
26 ten days at the last known address appearing on the license. The
27 notice shall state the date, hour and place of the hearing and
28 include a statement of facts constituting the grounds for the
29 charges against the licensee.

30 (b) Decision.--The department shall suspend or revoke the

1 license upon good cause shown or dismiss the proceeding.

2 Section 306. Appeals.

3 A person, sole proprietor, firm or corporation whose license
4 is revoked or suspended may appeal from the determination to the
5 department. The department shall hold a hearing within 30 days
6 and provide 15 days' written notice to all interested parties.
7 Within 30 days after the hearing, the department shall issue a
8 decision.

9 Section 307. Practice without license prohibited.

10 (a) Offense defined.--It shall be unlawful for an individual
11 to hold himself out to the public as an elevator contractor or
12 elevator mechanic or to practice or offer to practice as an
13 elevator contractor or elevator mechanic, unless the individual
14 holds a valid, current license issued by the department.

15 (b) Penalty.--A person who violates this section commits a
16 misdemeanor of the third degree and shall, upon conviction, for
17 a first offense, be sentenced to a fine not to exceed \$1,000, or
18 to imprisonment for not more than six months, or both. A second
19 offense shall be subject to a fine not to exceed \$2,000, or
20 imprisonment for a term of six months to one year, or both.

21 CHAPTER 5

22 MISCELLANEOUS PROVISIONS

23 Section 501. Regulations.

24 The department shall promulgate regulations necessary to
25 implement this act.

26 Section 502. Construction.

27 Whenever a provision in this act is found to be inconsistent
28 with any provision of applicable laws, codes or regulations of
29 this Commonwealth, the provisions of this act shall prevail.
30 Unless specifically stated otherwise, this act is not intended

1 to establish more stringent or more restrictive standards than
2 standards specified in the applicable State law.

3 Section 503. Applicability.

4 (a) Private residence.--Nothing in this act shall apply to a
5 private residence.

6 (b) Certain lifting devices.--Nothing in this act shall
7 apply to a lifting device regulated under the act of October 9,
8 2008 (P.L.1363, No.100), known as the Crane Operator Licensure
9 Act, for which separate licensure is required.

10 Section 504. Effective date.

11 This act shall take effect as follows:

12 (1) Section 301 shall take effect upon the effective
13 date of regulations promulgated by the department under
14 section 501 or in three years after the date of enactment,
15 whichever is earlier.

16 (2) The remainder of this act shall take effect
17 immediately.