
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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2011

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JANUARY 31, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 31, 2011

AN ACT

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

3 TABLE OF CONTENTS

4 Chapter 1. Preliminary Provisions

5 Section 101. Short title.

6 Section 102. Purpose.

7 Section 103. Definitions.

8 Chapter 3. Licensing

9 Section 301. License required.

10 Section 302. Issuance and renewal of licenses; fees.

11 Section 303. Application for elevator contractor or mechanic
12 license.

13 Section 304. Qualifications.

14 Section 305. Hearing on charges and decision.

15 Section 306. Appeals.

16 Section 307. Practice without license prohibited.

17 Chapter 11. Miscellaneous Provisions

1 Section 1101. Regulations.
2 Section 1102. Construction.
3 Section 1103. Applicability.
4 Section 1104. Effective date.

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

7 CHAPTER 1
8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Pennsylvania
11 Elevator Act.

12 Section 102. Purpose.

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

29 Section 103. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

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

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

8 "Automated people mover." An installation defined as an
9 automated people mover in ASCE 21.

10 "Conveyance." Any 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 most recent version of ASME A17.1, A17.3, A17.7 or A18.1.

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

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

27 "Escalator." An installation defined as an escalator in ASME
28 A17.1.

29 "License." A written license, issued by the Department of
30 Labor and Industry, authorizing a person, sole proprietor, firm

1 or corporation to carry on the business of erecting,
2 constructing, installing, altering, servicing, repairing or
3 maintaining of elevators or related conveyances covered by this
4 act.

5 "Moving walk." An installation defined as a moving walk in
6 ASME A17.1.

7 "Repair." A repair as defined in the ASCE and the ASME
8 standards.

9 CHAPTER 3

10 LICENSING

11 Section 301. License required.

12 (a) Elevator mechanic license.--No person shall erect,
13 construct, alter, replace, maintain, remove or dismantle any
14 conveyance contained within buildings or structures in this
15 Commonwealth unless an elevator mechanic license has been issued
16 to the person as described in this act, and the person is
17 working under the direct supervision of a sole proprietor, firm
18 or corporation that is an elevator contractor pursuant to this
19 act. No person shall wire any conveyance, from the mainline
20 feeder terminals on the controller, in this Commonwealth unless
21 an elevator mechanic license has been issued to the person as
22 described in this act and the person is working under the direct
23 supervision of a sole proprietor, firm or corporation that is an
24 elevator contractor pursuant to this act. No other license shall
25 be required for work described under this subsection. The direct
26 supervision by a licensed elevator contractor is not required to
27 remove or dismantle conveyances which are destroyed as a result
28 of a complete demolition of a secured building or structure or
29 where the hoistway or wellway is demolished back to the basic
30 support structure whereby no access is permitted.

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

Section 302. Issuance and renewal of licenses; fees.

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

(b) Emergencies.--Whenever an emergency exists in this Commonwealth due to a disaster, an act of God or work stoppage and the number of persons in this Commonwealth holding licenses granted by the department is insufficient to cope with the emergency, elevator contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the department within five business days after commencing work requiring a license. The department shall issue emergency elevator mechanic licenses. The elevator contractor shall furnish proof of competency as the department may require. Each license is valid for a period of 45 days from the date of issuance and for such particular elevators or geographical areas as the department may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic license issued under this act. The department shall renew an emergency elevator mechanic license during the existence of an emergency. No fee shall be

1 charged for any emergency elevator mechanic license or renewal
2 thereof.

3 (c) Labor shortage.--An elevator contractor shall notify the
4 department when there are no licensed personnel available to
5 perform elevator work. The elevator contractor may request that
6 the department issue temporary elevator mechanic licenses to
7 persons certified by the licensed elevator contractor to have an
8 acceptable combination of documented experience and education to
9 perform elevator work without direct and immediate supervision.
10 Any person certified by an elevator contractor to have an
11 acceptable combination of documented experience and education to
12 perform elevator work without direct and immediate supervision
13 shall immediately seek a temporary elevator mechanic license
14 from the department and shall pay such fee as the department
15 shall determine. Each such license is valid for six months from
16 the date of issuance and while employed by the licensed elevator
17 contractor that certified the individual as qualified. It shall
18 be renewable as long as the shortage of license holders shall
19 continue.

20 (d) Continuing education.--The renewal of all licenses
21 granted under this section shall be conditioned upon the
22 submission of a certificate of completion of a course designed
23 to ensure the continuing education of licensees on new and
24 existing provisions of the regulations set forth by the
25 department. Such course shall consist of not less than eight
26 hours of instruction that shall be attended and completed within
27 one year immediately preceding any such license renewal.

28 (e) Instruction.--The courses shall be taught by instructors
29 through continuing education providers that may include, but
30 shall not be limited to, association seminars and labor training

1 programs. The department shall approve the continuing education
2 providers. All instructors shall be approved by the department
3 and be exempt from the requirements of subsection (d) with
4 regard to their application for license renewal, provided that
5 such applicant was qualified as an instructor at any time during
6 the one year immediately preceding the scheduled date for such
7 renewal.

8 (f) Temporary disability.--A licensee who is unable to
9 complete the continuing education course required under this
10 section prior to the expiration of his license due to a
11 temporary disability may apply for a waiver from the department.
12 The waiver shall be on a form provided by the department, which
13 shall be signed under the penalty of perjury and accompanied by
14 a certified statement from a competent physician attesting to
15 the disability. Upon the termination of the temporary
16 disability, the licensee shall submit to the department a
17 certified statement from the same physician, if practicable,
18 attesting to the termination of the temporary disability. Upon
19 this termination, a waiver sticker which is valid for 90 days
20 shall be issued to the licensee and affixed to his license.

21 (g) Attendance records for continuing education courses.--
22 Approved training providers shall keep uniform records, for a
23 period of ten years, of attendance of licensees following a
24 format approved by the department, and such records shall be
25 available for inspection by the department at its request.
26 Approved training providers shall be responsible for the
27 security of all attendance records and certificates of
28 completion, provided, however, that falsifying or knowingly
29 allowing another to falsify such attendance records or
30 certificates of completion shall constitute grounds for

1 suspension or revocation of the approval required under this
2 subsection.

3 Section 303. Application for elevator contractor or mechanic
4 license.

5 (a) Elevator contractor.--Any sole proprietor, firm or
6 corporation wishing to engage in the business of conveyance
7 installation, alteration, service, replacement or maintenance
8 within this Commonwealth shall make application for a license
9 with the department on a form provided by the department.

10 (b) Elevator mechanic.--Any person wishing to engage in
11 conveyance installation, alteration, service, replacement or
12 maintenance within this Commonwealth shall make application for
13 a license with the department on a form provided by the
14 department.

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

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

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

21 (3) If the applicant is a domestic corporation, the name
22 and business address of the corporation and the name and
23 residence address of the principal officer of the
24 corporation. If the applicant is a corporation other than a
25 domestic corporation, the corporation shall include the name
26 and address of its local agent who is to accept service of
27 process and official notices.

28 (4) The number of years the applicant has engaged in the
29 business of installing, maintaining or servicing elevators or
30 platform lifts.

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

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

8 (7) Criminal record of convictions, if any, as verified
9 by the Commissioner of the Pennsylvania State Police or other
10 relevant law enforcement agency.

11 (8) Such other information as the department may
12 require.

13 Section 304. Qualifications.

14 (a) Elevator mechanics.--A mechanic license may not be
15 granted to any person who has failed to demonstrate the
16 qualifications and abilities set forth in this section.
17 Applicants for a mechanic license must demonstrate an acceptable
18 combination of documented experience and education credits,
19 including:

20 (1) Not less than three years' work experience in the
21 elevator industry, construction, maintenance, service or
22 repair, or any combination thereof, as verified by current
23 and previous employers licensed to do business in this
24 Commonwealth.

25 (2) Satisfactory completion of a written examination
26 administered by the department on the most recent referenced
27 codes and standards.

28 (b) Exceptions.--Any person shall be granted an elevator
29 mechanic license without satisfying the requirements of
30 subsection (a) by:

1 (1) furnishing the department with acceptable proof that
2 he has worked as an elevator constructor, maintenance or
3 repair person. Upon making application for a license and
4 paying the license fee, the person is entitled to receive a
5 license without an examination. The person shall have worked
6 without direct and immediate supervision for an elevator
7 contractor licensed to do business in this Commonwealth. This
8 employment shall not be less than three years immediately
9 prior to the effective date of this section. A person seeking
10 a license under the exception outlined in this paragraph must
11 make application within one year of the effective date of
12 this section;

13 (2) obtaining a certificate of completion and
14 successfully passing the mechanic examination of a nationally
15 recognized training program for the elevator industry such as
16 the National Elevator Industry Educational Program or its
17 equivalent;

18 (3) obtaining a certificate of completion of an
19 apprenticeship for elevator mechanic program, having
20 standards substantially equal to those of this chapter and
21 registered with the Bureau of Apprenticeship and Training of
22 the United States Department of Labor or the Pennsylvania
23 State Apprenticeship Council; or

24 (4) furnishing the department with acceptable proof of
25 holding a valid license from a state having standards
26 substantially equal to those of this act.

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

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

5 Section 305. Hearing on charges and decision.

6 (a) Notice.--No license shall be suspended or revoked until
7 after a hearing before the department upon notice, served
8 personally or by registered mail, to the licensee of at least
9 ten days at the last known address appearing on the license. The
10 notice shall state the date, hour and place of the hearing and
11 set forth a statement of facts constituting the grounds for the
12 charges against the licensee.

13 (b) Decision.--The department shall suspend or revoke the
14 license upon good cause shown or dismiss the proceeding.

15 Section 306. Appeals.

16 Any person, sole proprietor, firm or corporation whose
17 license is revoked or suspended may appeal from such
18 determination to the department. The department shall hold a
19 hearing within 30 days and provide 15 days' written notice to
20 all interested parties. Within 30 days after the hearing, the
21 department shall issue a decision.

22 Section 307. Practice without license prohibited.

23 (a) Offense defined.--It shall be unlawful for an individual
24 to hold himself out to the public as an elevator contractor or
25 elevator mechanic or to practice or offer to practice as an
26 elevator contractor or elevator mechanic unless the individual
27 holds a valid, current license issued by the department.

28 (b) Penalty.--A person who violates this section commits a
29 misdemeanor of the third degree and shall, upon conviction, for
30 a first offense, be sentenced to a fine not to exceed \$1,000, or

1 to imprisonment for not more than six months, or both. A second
2 offense shall be subject to a fine not to exceed \$2,000, or
3 imprisonment for a term of six months to one year, or both.

4 CHAPTER 11

5 MISCELLANEOUS PROVISIONS

6 Section 1101. Regulations.

7 The department shall promulgate regulations necessary to the
8 implementation of this act.

9 Section 1102. Construction.

10 Whenever a provision in this act is found to be inconsistent
11 with any provision of applicable laws, codes or regulations of
12 this Commonwealth, the provisions of this act shall prevail.
13 Unless specifically stated otherwise, this act is not intended
14 to establish more stringent or more restrictive standards than
15 standards set forth in the applicable State law.

16 Section 1103. Applicability.

17 (a) Private residence.--Nothing in this act shall apply to a
18 private residence.

19 (b) Certain lifting devices.--Nothing in this act shall
20 apply to lifting devices regulated under the act of October 9,
21 2008 (P.L.1363, No.100), known as the Crane Operator Licensure
22 Act, for which separate licensure is required.

23 Section 1104. Effective date.

24 This act shall take effect as follows:

25 (1) Section 301 shall take effect upon the effective
26 date of regulations promulgated by the department under
27 section 1101, or in three years after the date of enactment,
28 whichever is earlier.

29 (2) The remainder of this act shall take effect
30 immediately.