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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

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INTRODUCED BY MULLERY, V. BROWN, D. COSTA, HELM, WATSON,  
GALLOWAY, BOBACK, SAMUELSON AND SCHWEYER, SEPTEMBER 2, 2016

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
SEPTEMBER 2, 2016

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

8 CHAPTER 1  
9 PRELIMINARY PROVISIONS

10 Section 101. Short title.

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

13 Section 102. Purpose.

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

30 Section 103. Definitions.

1       The following words and phrases when used in this act shall  
2 have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

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

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

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

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

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

16       "Department."   The Department of Labor and Industry of the  
17 Commonwealth.

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

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

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

30       "Escalator."   An installation defined as an escalator in the

1 safety code of ASME numbered A17.1 or any successor safety code  
2 of ASME.

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

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

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

### 13 CHAPTER 3

### 14 LICENSING

15 Section 301. License required.

16 (a) Elevator mechanic license.--

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

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

1           (3) No other license shall be required for work  
2 described under this subsection.

3           (4) The direct supervision by a licensed elevator  
4 contractor shall not be required to remove or dismantle  
5 conveyances which are destroyed as a result of a complete  
6 demolition of a secured building or structure or where the  
7 hoistway or wellway is demolished back to the basic support  
8 structure that does not permit access.

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

14           (c) Nonapplicability.--This act shall not apply to equipment  
15 described in ANSI MH29.1, Safety Requirements for Industrial  
16 Scissor Lifts.

17 Section 302. Issuance and renewal of license.

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

22           (b) Emergencies.--

23           (1) Whenever an emergency exists in this Commonwealth  
24 due to a disaster, an act of God or work stoppage and the  
25 number of persons in this Commonwealth holding licenses  
26 granted by the department is insufficient to properly address  
27 the emergency, elevator contractors shall respond as  
28 necessary to assure the safety of the public.

29           (2) Any person certified by a licensed elevator  
30 contractor to have an acceptable combination of documented

1 experience and education to perform elevator work without  
2 direct and immediate supervision shall seek an emergency  
3 elevator mechanic license from the department within five  
4 business days after commencing work requiring a license.

5 (3) The department shall issue emergency elevator  
6 mechanic licenses.

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

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

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

16 (7) No fee shall be charged for any emergency elevator  
17 mechanic license or renewal license.

18 (c) Labor shortage.--

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

27 (2) Any person certified by an elevator contractor to  
28 have an acceptable combination of documented experience and  
29 education to perform elevator work without direct and  
30 immediate supervision shall immediately seek a temporary

1 elevator mechanic license from the department and shall pay a  
2 fee as the department shall determine.

3 (3) Each temporary license is valid for six months from  
4 the date of issuance and while the person is employed by the  
5 licensed elevator contractor that certified the person as  
6 qualified. The temporary license shall be renewable as long  
7 as the shortage of license holders shall continue.

8 (d) Continuing education.--

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

14 (2) The course shall consist of at least eight hours of  
15 instruction that shall be attended and completed within one  
16 year immediately preceding the license renewal.

17 (e) Instruction.--

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

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

29 (f) Temporary disability.--

30 (1) A licensee who is unable to complete the continuing

1 education course required under this section prior to the  
2 expiration of his license due to a temporary disability may  
3 apply for a waiver from the department. The waiver shall be  
4 on a form provided by the department, which shall be signed  
5 under the penalty of perjury and accompanied by a certified  
6 statement from a competent physician attesting to the  
7 disability.

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

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

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

16 (1) Approved training providers shall keep, for a period  
17 of 10 years, uniform records of attendance of licensees  
18 following a format approved by the department. The records  
19 shall be available for inspection by the department at its  
20 request.

21 (2) Approved training providers shall maintain the  
22 security of all attendance records and certificates of  
23 completion.

24 (3) Falsifying or knowingly allowing another to falsify  
25 attendance records or certificates of completion shall  
26 constitute grounds for suspension or revocation of the  
27 approval required under this section.

28 Section 303. Application for elevator contractor or mechanic  
29 license.

30 (a) Elevator contractor.--A sole proprietor, firm or



1 corporation wishing to engage in the business of conveyance  
2 installation, alteration, service, replacement or maintenance  
3 within this Commonwealth shall make application for a license  
4 with the department on a form provided by the department.

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

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

12 (1) If the applicant is an individual or sole  
13 proprietor, the name, residence and business address of the  
14 applicant.

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

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

24 (4) The number of years the applicant has engaged in the  
25 business of installing, maintaining or servicing elevators or  
26 platform lifts, including any work done in another state.

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

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

4           (7) Criminal record of convictions, if any, as verified  
5       by the Commissioner of Pennsylvania State Police or any  
6       relevant law enforcement agency.

7           (8) Any pending or open criminal or civil cases in this  
8       Commonwealth or another state.

9           (9) Other information as the department may require.

10 Section 304. Qualifications.

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

17           (1) Not less than three years' work experience in the  
18       area of elevator industry, construction, maintenance, service  
19       or repair, or any combination of those areas, as verified by  
20       current and previous employers licensed to do business in  
21       this Commonwealth.

22           (2) Satisfactory completion of a written examination  
23       administered by the department on the most recent applicable  
24       code and standard.

25       (b) Exceptions.--A person shall be granted an elevator  
26       mechanic license without satisfying the requirements of  
27       subsection (a) by one of the following methods:

28           (1) Furnishing the department with acceptable proof that  
29       the person has worked as an elevator constructor or  
30       maintenance or repair person. Upon making application for a

1 license and paying the license fee, the person is entitled to  
2 receive a license without an examination. The person must  
3 have worked without direct and immediate supervision for an  
4 elevator contractor licensed to do business in this  
5 Commonwealth. This employment must not be less than three  
6 years immediately prior to the effective date of this  
7 section. A person seeking a license under the exception  
8 outlined in this paragraph must make application within one  
9 year of the effective date of this section.

10 (2) Obtaining a certificate of completion of an  
11 apprenticeship for an elevator mechanic program that has  
12 standards substantially equal to those of this chapter and is  
13 registered with the Bureau of Apprenticeship and Training of  
14 the United States Department of Labor or the Pennsylvania  
15 State Apprenticeship and Training Council.

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

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

23 (d) Reciprocity.--A license may be issued to an individual,  
24 sole proprietor, partnership or domestic corporation holding a  
25 valid license from a state having standards substantially equal  
26 to or exceeding those of this act upon application.

27 Section 305. Hearing on charges and decision.

28 (a) Notice.--No license shall be suspended or revoked until  
29 after a hearing before the department upon notice, served  
30 personally or by registered mail, to the licensee of at least 10

1 days at the last known address appearing on the license. The  
2 notice shall state the date, hour and place of the hearing and  
3 include a statement of facts constituting the grounds for the  
4 charges against the licensee.

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

7 Section 306. Appeals.

8 A person, sole proprietor, firm or corporation whose license  
9 is revoked or suspended may appeal the determination to the  
10 department. The department shall hold a hearing within 30 days  
11 and provide 15 days' written notice to all interested parties.  
12 Within 30 days after the hearing, the department shall issue a  
13 decision.

14 Section 307. Practice without license prohibited.

15 (a) Offense defined.--It shall be unlawful for an individual  
16 to hold himself out to the public as an elevator contractor or  
17 elevator mechanic or to practice or offer to practice as an  
18 elevator contractor or elevator mechanic, unless the individual  
19 holds a valid, current license issued by the department.

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

## 26 CHAPTER 5

### 27 MISCELLANEOUS PROVISIONS

28 Section 501. Regulations.

29 The department shall promulgate regulations necessary to  
30 implement this act.

1 Section 502. Administrative law and procedure.

2 Each hearing under this act shall be subject to the  
3 provisions of 2 Pa.C.S. (relating to administrative law and  
4 procedure).

5 Section 503. Construction.

6 Whenever a provision in this act is found to be inconsistent  
7 with any provision of applicable laws, codes or regulations of  
8 this Commonwealth, the provisions of this act shall prevail.

9 Unless specifically stated otherwise, this act is not intended  
10 to establish more stringent or more restrictive standards than  
11 standards specified in the applicable State law.

12 Section 504. Applicability.

13 (a) Private residence.--Nothing in this act shall apply to a  
14 private residence.

15 (b) Certain lifting devices.--Nothing in this act shall  
16 apply to a lifting device regulated under the act of October 9,  
17 2008 (P.L.1363, No.100), known as the Crane Operator Licensure  
18 Act, for which separate licensure is required.

19 Section 505. Effective date.

20 This act shall take effect as follows:

21 (1) Section 301 shall take effect upon the effective  
22 date of regulations promulgated under section 501 or three  
23 years after the date of enactment, whichever is earlier.

24 (2) The remainder of this act shall take effect  
25 immediately.