

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

described under this subsection.

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

(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.--

(1) 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.

(2) 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.

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.