

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35314-LUfqq-61 (3/1)

Short Title: Elevator Contractors and Mechanics Licensure. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ELEVATOR SAFETY ACT OF NORTH CAROLINA TO
AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF LABOR TO
ESTABLISH LICENSURE REQUIREMENTS, SET FEES, AND ADOPT RULES
FOR PERSONS PERFORMING WORK AS ELEVATOR CONTRACTORS AND
MECHANICS; AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 95-110.3 is amended by adding the following new subsections to read:

"(d1) The term 'elevator contractor' shall mean any person engaging or offering to engage in the business of installing, altering, repairing, maintaining, or servicing an elevator, dumbwaiter, escalator, or moving walk.

(d2) The term 'elevator mechanic' shall mean any person installing, altering, repairing, maintaining, or servicing an elevator, dumbwaiter, escalator, or moving walk."

SECTION 2. G.S. 95-110.5 is amended by adding a new subdivision to read:

"§ 95-110.5. Powers and duties of Commissioner.

The Commissioner of Labor is hereby empowered:

...

(21) To establish requirements for licensure, license renewal, and continuing education, set fees, and adopt rules for persons performing work as elevator contractors and elevator mechanics."

SECTION 3. Article 14A of Chapter 95 of the General Statutes is amended by adding the following new section to read:

1 "§ 95-110.5A. Elevator mechanic or contractor license required; licensure
2 requirements; reciprocity; fees; disciplinary action; hearings;
3 rule-making authority.

4 (a) License Required. – On or after January 1, 2008, no person shall engage or
5 offer to engage in business as an elevator mechanic or elevator contractor in this State
6 without first obtaining a license from the Director pursuant to requirements under this
7 Article. No person shall work under the direct supervision of a person engaging or
8 offering to engage in business as an elevator mechanic or elevator contractor unless the
9 elevator mechanic or elevator contractor is licensed under this Article. No other license
10 is required to engage in business as an elevator mechanic or elevator contractor.

11 (b) Exemptions. – A person is not required to be licensed as a elevator mechanic
12 or elevator contractor to remove or dismantle conveyances that are destroyed as a result
13 of a complete demolition of a secured building or structure or where the hoistway or
14 wellway of a building is demolished back to the basic support structure such that there
15 is no access to the hoistway or wellway that would endanger the safety and welfare of a
16 person.

17 (c) Requirements for Licensure. – Applicants for licensure shall meet the
18 following requirements:

19 (1) To be licensed as an elevator mechanic, an applicant shall:

20 a. Be at least 18 years of age.

21 b. Submit to the Director documentation of: (i) the successful
22 completion of coursework in elevator construction,
23 maintenance, service, and repair; and (ii) not less than three
24 years' work experience in the elevator industry in construction,
25 maintenance, service, and repair, as verified by current and
26 previous employers licensed to do business in this State.

27 c. Successfully complete a written examination administered by
28 the Director.

29 d. Present evidence of:

30 1. Successful passage of a mechanic's examination
31 administered by a nationally recognized training
32 program for the elevator industry, such as the National
33 Elevator Industry Educational Program or its equivalent;

34 or

35 2. Completion of an apprenticeship program for elevator
36 mechanics, having standards substantially equivalent to
37 the requirements of this subdivision and registered with
38 the North Carolina Bureau of Apprenticeship and
39 Training, the U.S. Department of Labor, or a state
40 apprenticeship council.

41 e. Submit any fees required by the Director.

42 (2) To be licensed as an elevator contractor, an applicant shall:

43 a. Meet the requirements for licensure as an elevator mechanic
44 pursuant to subdivision (1) of this subsection.

1 b. Submit to the Director a certified copy of an insurance policy
2 issued by an insurance company authorized to do business in
3 this State to provide general liability coverage of at least one
4 million dollars (\$1,000,000) for injury or death of any number
5 of persons in any one occurrence, coverage of at least five
6 hundred thousand dollars (\$500,000) for property damage in
7 any one occurrence, and the statutorily required workers'
8 compensation insurance coverage for North Carolina
9 businesses. A copy of the insurance policy shall be delivered to
10 the Director before or at the time the license is issued. In the
11 event of any material alteration or cancellation of any policy,
12 notice shall be given to the Director within 10 days of the
13 material alteration or cancellation.

14 (d) Emergency License. – The Director may grant a person an emergency license
15 to practice as an elevator mechanic in the event of an emergency. An elevator contractor
16 licensed under this section shall certify to the Director that the person who is to provide
17 services in the emergency situation has the experience and education to perform
18 elevator work without the direct and immediate supervision of a licensed elevator
19 contractor and shall furnish proof of competency to the Director within five business
20 days of the person commencing work otherwise requiring a license under this section.
21 An emergency license shall be valid for 60 days from the date of issuance and shall only
22 apply to elevator work designated by the Director. An emergency license shall
23 otherwise entitle the licensee to the rights and privileges of an elevator mechanic license
24 as described in this section. The Director may renew an emergency license during the
25 existence of an emergency. No fee shall be charged for any emergency license or its
26 renewal.

27 For purposes of this subsection, the term 'emergency' includes a situation in which a
28 disaster, an act of God, or any other event renders the number of persons in the State, or
29 a specific region of the State, holding an elevator mechanic license insufficient to
30 handle the situation.

31 (e) Temporary License. – Except as otherwise provided in subsection (d) of this
32 section, when there is a shortage of licensed personnel available to perform elevator
33 work in this State or a particular region of the State, an elevator contractor licensed
34 under this section may request that the Director issue a temporary elevator mechanic
35 license to a person the licensed elevator contractor certifies as having the experience
36 and education to perform elevator work without direct and immediate supervision from
37 the licensed elevator contractor. Upon application, submission of any documentation the
38 Director requires, and payment of the required fees, the Director may grant a temporary
39 license to a person certified by the licensed elevator contractor as having the experience
40 and education to perform elevator work without the direct and immediate supervision of
41 a licensed elevator contractor. The temporary license shall be valid for 60 days from the
42 date of issuance. The temporary license shall be renewable so long as there exists a
43 shortage of licensed elevator contractors.

1 (f) Reciprocity. – The Director may grant, upon application and the payment of
2 proper fees, a license to a person who, at the time of application holds a valid license,
3 certificate, or registration as an elevator mechanic or elevator contractor issued by
4 another state acceptable to the Director if, in the Director's determination, the
5 requirements for that license, certificate, or registration are substantially the same as the
6 requirements for licensure under this section.

7 (g) Fees. – The Director shall set a fee for licensure by examination as an
8 elevator mechanic or elevator contractor, an annual fee for license renewal, a fee for
9 temporary licensure, and any other fees the Director deems appropriate. An elevator
10 mechanic or elevator contractor license is void if the elevator mechanic or elevator
11 contractor fails to pay the annual fee within 30 days of the date the fee is due.

12 (h) Disciplinary Action. – The Director may deny, refuse to renew, suspend, or
13 revoke an application or license or impose a civil penalty upon verification that the
14 applicant or licensee has done any of the following:

- 15 (1) Given a false statement as to material matter in the application for
16 licensure.
- 17 (2) Engaged in fraud, misrepresentation, or bribery in securing a license.
- 18 (3) Possessed knowledge of and willfully failed to notify the Director of
19 licensees or conveyance equipment owners who are not in compliance
20 with the provisions of this section.
- 21 (4) Violated any provision of this section.

22 Any person who violates the provisions of this section shall be subject to a civil penalty
23 not to exceed five hundred dollars (\$500.00).

24 (i) Hearings. – No license shall be suspended, revoked, or subject to civil penalty
25 until after the applicant or licensee is granted a hearing before the Director. All hearings
26 shall be conducted in accordance with Article 3A of Chapter 150B of the General
27 Statutes.

28 (j) Rule-Making Authority. – The Director, pursuant to authority delegated to the
29 Director by the Commissioner, is authorized to adopt rules to carry out the provisions of
30 this section in accordance with G.S. 95-110.5(21)."

31 **SECTION 4.** Any person who submits proof to the Director of the Elevator
32 and Amusement Device Division within the Department of Labor that the person has
33 been actively engaged in business as an elevator contractor or elevator mechanic in this
34 State for at least three consecutive years before the effective date of this act and pays the
35 required fee for the issuance of a license shall be licensed without having to satisfy the
36 requirements of G.S. 95-110.5A, enacted by Section 3 of this act. All persons who do
37 not make application to the Director within one year of the effective date of this act
38 shall be required to complete all requirements prescribed by the Director and to
39 otherwise comply with the provisions of G.S. 95-110.5A.

40 **SECTION 5.** There is appropriated from the General Fund to the
41 Department of Labor, Elevator and Amusement Device Division, the sum of fifty
42 thousand dollars (\$50,000) for the 2007-2008 fiscal year and the sum of fifty thousand
43 dollars (\$50,000) for the 2008-2009 fiscal year to implement this act.

1 **SECTION 6.** Section 5 of this act becomes effective July 1, 2007. The
2 remainder of this act becomes effective January 1, 2008.