

HOUSE No. 3514

By Mr. Murphy of Burlington and Senator Donnelly, a joint petition (subject to Joint Rule 12) of Charles A. Murphy and Kenneth Donnelly relative to elevator, escalator and moving walk safety. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Relative to Vertical Reciprocating Conveyors.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
authorize forthwith the licensing of vertical reciprocating conveyor mechanics, therefore it is
hereby declared to be an emergency law, necessary for the immediate preservation of the public
safety., therefore it is hereby declared to be an emergency law, necessary for the immediate
preservation of the public safety.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 An Act Relative to Vertical Reciprocating Conveyors

2 SECTION 1. Section 62 of chapter 143 of the General Laws, as appearing in the 2008
3 Official Edition, is hereby amended by striking out the last sentence.

4 SECTION 2. Chapter 143 of the General Laws is hereby amended by striking out section
5 71B, as appearing in the 2008 Official Edition, and inserting in place thereof the following
6 section:-

7 Section 71B. (a) No person shall work as an elevator constructor, maintenance man and
8 repairman in the construction, maintenance or repair of elevators unless he holds an elevator

mechanic license granted by the board, or a temporary elevator mechanic license granted by the commissioner.

(b) No person shall work as a constructor, maintenance man and repairman in the construction, maintenance or repair of vertical reciprocating conveyors, as defined by the board of elevator regulations, unless he holds a vertical reciprocating conveyor mechanic license or an elevator mechanic license.

(c) No person shall work as an elevator inspector or supervising elevator inspector in the employ of the department of public safety unless he holds an elevator mechanic license granted by the board.

SECTION 3. Said chapter 143 is hereby further amended by striking out section 71C, as so appearing, and inserting in place thereof the following section:-

Section 71C. (a) The board shall hold frequent examinations in such municipalities as it deems necessary. Public notice shall be given of all examinations. A fee shall accompany each application and each renewal thereof, the amount of which shall be determined annually by the commissioner of administration under section 3B of chapter 7 for the filing thereof.

(b) Each person that makes written application for a elevator mechanic license and complies with the following requirements shall be entitled to be examined: (i) the applicant shall be a current registered elevator constructor apprentice with the division of apprentice training; (ii) the applicant shall furnish documentary proof satisfactory to the board, from a registered joint apprentice committee or a current or previous employer or employees engaged primarily in the business of erecting, constructing, installing, altering, testing, repairing or maintaining elevators, escalators, moving walks and other related conveyance equipment, that the applicant

31 has worked not less than 6,000 on-the-job-training hours over a period of not less than 3 years as
32 an elevator constructor apprentice, under the direct and immediate field supervision of a elevator
33 mechanic licensed in the commonwealth; (iii) he shall furnish documentary proof to the board of
34 successful completion of a minimum of 450 hours of classroom environment training from an
35 approved instructional training program such as the United States Department of Labor-
36 recognized National Elevator Industry Educational Program, known as NEIEP, or the
37 educational equivalent, having core curriculum standards substantially equal thereto with
38 classroom instruction directly related to erecting, constructing, installing, altering, testing,
39 repairing or maintaining elevators, recognized and accredited by the division of apprentice
40 training or the department of education. The board shall subject each applicant to a written
41 examination and to such practical tests as it may deem necessary and, if found by the board to be
42 qualified, the applicant shall be granted an elevator mechanic license. Each application shall
43 entitle the applicant to 1 examination.

44 (b) Each person that makes written application for a vertical reciprocating conveyor
45 license and complies with the following requirements shall be entitled to be examined: (i) the
46 applicant shall be a current registered elevator constructor apprentice with the division of
47 apprentice training; (ii) the applicant shall furnish documentary proof satisfactory to the board,
48 from a registered joint apprentice committee or a current or previous employer or employees
49 engaged routinely in the business of erecting, constructing, installing, altering, testing, repairing
50 or maintaining vertical reciprocating conveyors, that they have worked not less than 3,000 on-
51 the-job-training hours over a period of not less than 3 years as an apprentice under the direct and
52 immediate field supervision of either a elevator mechanic or a vertical reciprocating conveyor
53 mechanic licensed in the commonwealth; (iii) the applicant shall furnish documentary proof to

the board of successful completion of a minimum of 100 hours of training from an approved instructional training program with instruction directly related to erecting, constructing, installing, altering, testing, repairing or maintaining vertical reciprocating conveyors, recognized and accredited by the division of apprentice training or the department of education. The board shall subject each applicant to a written examination and to such practical tests as it may deem necessary and, if found by the board to be qualified, the applicant shall be granted a vertical reciprocating conveyor mechanic license. Each application shall entitle the applicant to 1 examination.

Notwithstanding the previous paragraph, the board may issue, without examination, a vertical reciprocating conveyor mechanic license to any individual who is able to furnish documentary proof satisfactory to the board demonstrating 3,000 hours of experience prior to January 1, 2012 in the business of erecting, constructing, installing, altering, testing, repairing or maintaining vertical reciprocating conveyors.

(c) Licenses shall be valid throughout the commonwealth but shall not be assignable or transferable. A license shall continue in force until the date of birth of the licensee occurring more than 12 months but not more than 24 months after the date of such license unless suspended or revoked. If any such license or the renewal thereof expires in an even year, any subsequent renewal shall expire on the next anniversary of the licensee's date of birth occurring in an even year. If any such license or renewal thereof expires in an odd year any subsequent renewal shall expire on the next anniversary of the licensee's date of birth occurring in an odd year. A license issued to a person born on February twenty-ninth shall for the purposes of this section expire on March first. Licenses not renewed at the expiration date shall become void, and shall, after 1 year, be reinstated only by reexamination of the licensee. A notice of the date of

77 expiration of a license shall be sent to the licensee at least 30 days prior to such date. Any license
78 may, after notice and hearing, be suspended or revoked by the board for a violation by the holder
79 of any statute or regulation relative to elevators, for incompetency or untrustworthiness of the
80 holder, or for other sufficient cause. Upon suspension or revocation of a license, the holder
81 thereof shall deliver the certificate of such license forthwith to the board. Any applicant or holder
82 of a license aggrieved by the action of the board in denying, revoking or suspending a license
83 may, within 10 days, appeal therefrom to the board of elevator regulations whose decision shall
84 be final. Failure of the board to act upon any application for a period of 60 days after the filing
85 thereof shall be deemed to constitute a denial.

86 (d) The renewal of all licenses granted under this section shall be conditioned upon the
87 submission of a certificate of completion of a course designed to ensure the continuing education
88 of licensees on new and existing provisions of the regulations of the board of elevator
89 regulations. The course shall consist of not less than 8 hours of instruction which shall be
90 attended and completed within the 1 year immediately preceding any the license renewal.

91 The course shall be taught by instructors through continuing education providers which
92 may include, but shall not be limited to, association seminars and labor training programs;
93 provided, however, that all such continuing education providers shall be approved by the board
94 of elevator regulations; and provided further, that all instructors shall be licensed in the
95 commonwealth as elevator mechanics or as vertical reciprocating conveyor mechanics,
96 employed or retained by such providers, approved by the board of elevator regulations and
97 exempt from the requirements of the preceding paragraph with regard to his application for
98 license renewal provided that such applicant was qualified as an instructor at any time during the
99 1 year immediately preceding the scheduled date for such renewal.

100 A licensee who is unable to complete the continuing education course required under this
101 section prior to the expiration of his license due to a temporary disability may apply for a waiver
102 from the board of elevator regulations on a form provided by said board which shall be signed
103 under the pains and penalties of perjury and accompanied by a certified statement from a
104 competent physician attesting to such temporary disability. Upon the termination of such
105 temporary disability, the licensee shall submit to said board a certified statement from the same
106 physician, if practicable, attesting to the termination of such temporary disability, at which time a
107 waiver sticker, valid for 90 days, shall be issued to such licensee and affixed to his license.

108 Approved training providers shall keep uniform records of attendance of licensees
109 following a format approved by the board of elevator regulations and such records shall be
110 available for inspection by said board at its request. Approved training providers shall be
111 responsible for the security of all attendance records and certificates of completion; provided,
112 however, that falsifying or knowingly allowing another to falsify such attendance records or
113 certificates of completion shall constitute grounds for suspension or revocation of the approval
114 required under this section.

115 (e) Whenever the commissioner finds that an emergency exists in the commonwealth
116 due to disaster or an act of God and that the number of persons in the commonwealth holding
117 licenses granted by the board is insufficient to cope with the emergency, he may issue temporary
118 licenses to such non-residents as have been certified to him by recognized elevator or vertical
119 reciprocating conveyor companies doing business in the commonwealth as qualified and
120 competent, and furnish such proof of competency as the commissioner may require. Each such
121 license shall recite that it is valid for the period of 1 week from the date thereof and for such
122 particular elevators or geographical areas as the commissioner may designate and otherwise shall

123 entitle the licensee to the rights and privileges of a license issued under this section. A temporary
124 license may be renewed by the commissioner from week to week during the existence of the
125 emergency. No fee shall be charged for any such license or renewal thereof. No appeal shall lie
126 from any decision, finding or action by the commissioner under this subdivision.