

**HOUSE . . . . . No. 2173**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Harold P. Naughton, Jr.*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to vertical reciprocating conveyors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>1/17/2013</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	

**HOUSE . . . . . No. 2173**

By Mr. Naughton of Clinton, a petition (accompanied by bill, House, No. 2173) of Harold P. Naughton, Jr. and Kenneth I. Gordon relative to continuing education and licensing of elevator mechanics. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to vertical reciprocating conveyors.

*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.

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

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

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

6 Section 71B. (a) No person shall work as an elevator constructor, maintenance man and  
7 repairman in the construction, maintenance or repair of elevators unless he holds an elevator  
8 mechanic license granted by the board, or a temporary elevator mechanic license granted by the  
9 commissioner.

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

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

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

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

23 (b) Each person that makes written application for a elevator mechanic license and  
24 complies with the following requirements shall be entitled to be examined: (i) the applicant shall  
25 be a current registered elevator constructor apprentice with the division of apprentice training;  
26 (ii) the applicant shall furnish documentary proof satisfactory to the board, from a registered  
27 joint apprentice committee or a current or previous employer or employees engaged primarily in  
28 the business of erecting, constructing, installing, altering, testing, repairing or maintaining  
29 elevators, escalators, moving walks and other related conveyance equipment, that the applicant  
30 has worked not less than 6,000 on-the-job-training hours over a period of not less than 3 years as  
31 an elevator constructor apprentice, under the direct and immediate field supervision of a elevator  
32 mechanic licensed in the commonwealth; (iii) he shall furnish documentary proof to the board of  
33 successful completion of a minimum of 450 hours of classroom environment training from an  
34 approved instructional training program such as the United States Department of Labor-  
35 recognized National Elevator Industry Educational Program, known as NEIEP, or the  
36 educational equivalent, having core curriculum standards substantially equal thereto with  
37 classroom instruction directly related to erecting, constructing, installing, altering, testing,  
38 repairing or maintaining elevators, recognized and accredited by the division of apprentice  
39 training or the department of education. The board shall subject each applicant to a written  
40 examination and to such practical tests as it may deem necessary and, if found by the board to be  
41 qualified, the applicant shall be granted an elevator mechanic license. Each application shall  
42 entitle the applicant to 1 examination.

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

52 mechanic licensed in the commonwealth; (iii) the applicant shall furnish documentary proof to  
53 the board of successful completion of a minimum of 100 hours of training from an approved  
54 instructional training program with instruction directly related to erecting, constructing,  
55 installing, altering, testing, repairing or maintaining vertical reciprocating conveyors, recognized  
56 and accredited by the division of apprentice training or the department of education. The board  
57 shall subject each applicant to a written examination and to such practical tests as it may deem  
58 necessary and, if found by the board to be qualified, the applicant shall be granted a vertical  
59 reciprocating conveyor mechanic license. Each application shall entitle the applicant to 1  
60 examination.

61 Notwithstanding the previous paragraph, the board may issue, without examination, a  
62 vertical reciprocating conveyor mechanic license to any individual who is able to furnish  
63 documentary proof satisfactory to the board demonstrating 3,000 hours of experience prior to  
64 January 1, 2014 in the business of erecting, constructing, installing, altering, testing, repairing or  
65 maintaining vertical reciprocating conveyors.

66 (c) Licenses shall be valid throughout the commonwealth but shall not be assignable or  
67 transferable. A license shall continue in force until the date of birth of the licensee occurring  
68 more than 12 months but not more than 24 months after the date of such license unless  
69 suspended or revoked. If any such license or the renewal thereof expires in an even year, any  
70 subsequent renewal shall expire on the next anniversary of the licensee's date of birth occurring  
71 in an even year. If any such license or renewal thereof expires in an odd year any subsequent  
72 renewal shall expire on the next anniversary of the licensee's date of birth occurring in an odd  
73 year. A license issued to a person born on February twenty-ninth shall for the purposes of this  
74 section expire on March first. Licenses not renewed at the expiration date shall become void, and  
75 shall, after 1 year, be reinstated only by reexamination of the licensee. A notice of the date of  
76 expiration of a license shall be sent to the licensee at least 30 days prior to such date. Any license  
77 may, after notice and hearing, be suspended or revoked by the board for a violation by the holder  
78 of any statute or regulation relative to elevators, for incompetency or untrustworthiness of the  
79 holder, or for other sufficient cause. Upon suspension or revocation of a license, the holder  
80 thereof shall deliver the certificate of such license forthwith to the board. Any applicant or holder  
81 of a license aggrieved by the action of the board in denying, revoking or suspending a license  
82 may, within 10 days, appeal therefrom to the board of elevator regulations whose decision shall  
83 be final. Failure of the board to act upon any application for a period of 60 days after the filing  
84 thereof shall be deemed to constitute a denial.

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

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

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

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

114           (e) Whenever the commissioner finds that an emergency exists in the commonwealth due  
115 to disaster or an act of God and that the number of persons in the commonwealth holding  
116 licenses granted by the board is insufficient to cope with the emergency, he may issue temporary  
117 licenses to such non-residents as have been certified to him by recognized elevator or vertical  
118 reciprocating conveyor companies doing business in the commonwealth as qualified and  
119 competent, and furnish such proof of competency as the commissioner may require. Each such  
120 license shall recite that it is valid for the period of 1 week from the date thereof and for such  
121 particular elevators or geographical areas as the commissioner may designate and otherwise shall  
122 entitle the licensee to the rights and privileges of a license issued under this section. A temporary  
123 license may be renewed by the commissioner from week to week during the existence of the  
124 emergency. No fee shall be charged for any such license or renewal thereof. No appeal shall lie  
125 from any decision, finding or action by the commissioner under this subdivision.