

HOUSE No. 2033

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

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 to update elevator regulations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>1/18/2019</i>

HOUSE No. 2033

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 2033) of Paul Brodeur relative to elevator regulations. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to update elevator regulations.

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 XX. Notwithstanding any general or special law to the contrary, the
2 administration of the office of public safety and inspections at the division of professional
3 licensure may establish a separate fee for elevator inspections occurring before or after normal
4 business hours with half of the funds being kept by the division; the funds shall be expended to
5 address the existing elevator inspection backlog and to defray the costs associated with
6 performing overtime elevator inspections; provided further, that the division shall employ more
7 than 70 full time equivalent elevator inspectors.

8 SECTION XX. Section 22 (a) (5) of chapter 22 of the General Laws, as appearing in the
9 2014 Official Edition, is hereby amended by adding after “under this section;” the following:
10 "and further provided, however, that any fines assessed under section 65 of chapter 143 shall be
11 calculated solely in accordance with said section 65."

12 SECTION XX. Section 65 of chapter 143 of the General Laws, as appearing in the 2014
13 Official Edition, is hereby amended, in line 21, by inserting after "inspector." the words "30 days
14 prior to the expiration of an elevator's inspection certificate, if payment has not been received,
15 the department shall notify the owner and service contractor in writing and direct the owner
16 and/or service contractor to request an inspection."

17 SECTION XX. Said section 65 of said chapter 143, as so appearing, is hereby further
18 amended, in line 24, by inserting after "certificate." the words "The commissioner or the
19 commissioner's designee will waive all of the \$100 per day fine when a clerical error made by
20 either the state or the applicant is identified to have caused the failure to comply with this section
21 and there was no risk of injury to the public. Clerical errors either by the applicant or the state
22 include but are not limited to inadvertent errors on the application for annual inspection, data
23 entry mistakes and technical issues within the DPS portal system, exclusion of one device when
24 request(s) for inspection of other devices at same location is filed on time, inconsistency of
25 elevator certificate anniversary date, and problems deriving from change in maintenance
26 companies."

27 SECTION XX. The administration of the office of public safety and inspections at the
28 division of professional licensure shall promulgate regulations consistent with this act no later
29 than 90 days after the effective date of this act."