

JAN 19 2018

A BILL FOR AN ACT

RELATING TO ELEVATOR MECHANICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Elevators are one of the safest modes of
2 transportation. There are an estimated eighteen billion
3 elevator trips taken per year in the United States. With the
4 continued vertical growth of urban Honolulu, including some
5 condominium developments that exceed forty floors, it is
6 important for Hawaii to ensure that state laws governing repair
7 and maintenance of elevators remain current. The elevator
8 mechanics' statute, chapter 448H, Hawaii Revised Statutes, has
9 not been updated in more than ten years.

10 Like many other sectors, the elevator industry is
11 undergoing rapid technological advancements which require
12 elevator mechanics to expand their knowledge and skills through
13 training and education to ensure that licensing standards and
14 core competencies are met. With the advancements in the
15 industry, it is necessary for mechanics to demonstrate core
16 competencies when installing, repairing, and maintaining all
17 elevators, escalators, and other vertical transportation.



1 The purpose of this Act is to strengthen regulatory
2 oversight of the licensed profession of elevator mechanics by
3 amending the permissible scope of work, apprenticeship and
4 licensing requirements, and remote interaction requirements.

5 SECTION 2. Chapter 448H, Hawaii Revised Statutes, is
6 amended by adding five new sections to be appropriately
7 designated and to read as follows:

8 "§448H-A Examination. Every applicant shall be examined
9 and shall pass an examination to be eligible for licensure.

10 Every applicant shall:

11 (1) Pay an examination fee as provided in the rules
12 adopted by the director of commerce and consumer
13 affairs pursuant to chapter 91;

14 (2) Pass the examination with not less than seventy per
15 cent correct;

16 (3) Take the examination no more than once per quarter;
17 and

18 (4) Not be allowed to review any of the applicant's failed
19 examinations.

20 §448H-B Application fees; license renewals. (a)

21 Application, examination, license, temporary permit, and



1 biennial renewal fees shall be as provided in rules adopted by
2 the director of commerce and consumer affairs pursuant to
3 chapter 91. A fee shall be required for each reexamination.
4 Application fees are not refundable.

5 (b) Licenses shall expire on June 30 of each even-numbered
6 year. An applicant for license renewal shall:

7 (1) Pay all required fees; and

8 (2) Meet the requirements prescribed in section 448H-C.

9 §448H-C Continued competency; renewals. Prior to each
10 license renewal, all licensed elevator mechanics shall:

11 (1) Furnish the board with a certificate of completion in
12 an educational course approved by the board of not
13 less than eight hours related to the elevator
14 industry; or

15 (2) Furnish the board with proof of completion of not less
16 than eight hours in a qualified elevator inspector
17 continuing education course offered by an American
18 National Standards Institute accredited certifying
19 organization.

20 §448H-D Elevator mechanics scope of work. (a) All
21 construction, reconstruction, alteration including flooring and



1 all elevator cab work with the exclusion of cleaning and
2 painting, maintenance, repair, troubleshooting, mechanical, or
3 electrical work or adjustments, which includes but is not
4 limited to updating software, changing parameters, resetting
5 faults, and operation of all systems and functions, shall be
6 performed by a licensed elevator mechanic. Work on adjustment
7 of the structure or facility of which the conveyance may be part
8 or to which the conveyance may be attached, including any
9 construction, reconstruction, alteration including flooring and
10 all elevator cab work with the exclusion of cleaning and
11 painting, necessary for proper completion of the work on the
12 conveyance shall be performed by a licensed elevator mechanic.

13 (b) Licensure as an elevator mechanic shall not be
14 required for dismantling or removing a conveyance; provided that
15 the building or structure, as defined by its foundation outline,
16 is totally secure from public and unauthorized access and the
17 entire building is completely demolished down to and including
18 the foundation. Otherwise, dismantling or removing a conveyance
19 shall be performed by a licensed elevator mechanic.

20 **§448H-E Remote interaction.** Remote interaction of a
21 conveyance shall not be permitted without the express permission



1 of a licensed elevator mechanic who shall be physically present
2 at the conveyance; provided that this requirement shall not
3 preclude remote interaction with the conveyance from within the
4 building or complex in which the conveyance is located if the
5 interaction is for the sole purpose of securing, locking, or
6 providing private use of the conveyance."

7 SECTION 3. Section 448H-1, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By adding two new definitions to be appropriately
10 inserted and to read:

11 "Conveyance" means any elevator, dumbwaiter, stage lift,
12 mechanized parking garage elevator, escalator, moving walk or
13 ramp, or lift.

14 "Remote interaction" means an action to monitor, diagnose,
15 manipulate, or interact with the controls of a conveyance
16 remotely, or from within the building or complex."

17 2. By amending the definitions of "apprentice elevator
18 mechanic" and "elevator mechanic" to read:

19 "Apprentice elevator mechanic" means any person who is
20 [in] enrolled in a registered apprenticeship program under an
21 apprenticeship agreement registered with the department of labor



1 and industrial relations, is actively training to acquire the
2 skill to become an elevator mechanic, and who is required to
3 work for [~~at least four years~~] no less than four and one half
4 years full time or its equivalent, but not less than nine
5 thousand hours under the supervision of an elevator mechanic
6 duly licensed under section 448H-6.

7 "Elevator mechanic" means any person who engages in the
8 construction, reconstruction, alteration, maintenance, repair,
9 troubleshooting, mechanical, or electrical work or adjustments,
10 which includes but is not limited to updating software, changing
11 parameters, resetting faults, and the operation of all systems
12 and functions, of any [~~elevator, dumbwaiter, stage lift,~~
13 ~~mechanized parking garage elevator, escalator, moving walk or~~
14 ~~ramp, lift~~] conveyance including any construction,
15 reconstruction, alteration, or adjustment of the structure or
16 facility of which the same may be a part or to which the same
17 may be attached, necessary for proper completion of the work on
18 the [~~elevator, dumbwaiter, stage lift, mechanized parking garage~~
19 ~~elevator, escalator, moving walk or ramp, or lift.~~] conveyance."

20 SECTION 4. Section 448H-5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§448H-5 Powers and duties of the board. In addition to
2 any other powers and duties authorized by law, the board shall:

3 (1) Adopt rules in accordance with chapter 91 to carry out
4 the purposes of this chapter;

5 (2) Develop, apply, review and upgrade appropriate
6 techniques, including examinations and investigations
7 for determining whether a person meets the
8 requirements of this chapter and standards to insure
9 that elevator mechanics will be persons qualified to
10 serve as such;

11 (3) Prescribe, at a minimum, that a nationally recognized
12 examination, augmented with locally developed
13 material, be used in testing for licensure~~[, the~~
14 ~~passing grade for the examination to be not less than~~
15 ~~seventy per cent]~~;

16 (4) Issue licenses to persons determined, after
17 application of those techniques, to have met the
18 required qualifications and revoke or suspend
19 licenses~~[,]~~ previously issued by the board, pursuant
20 to hearings held in accordance with chapter 91, in any
21 case where the individual holding any license is



1 determined substantially to have failed to conform to
2 the required qualifications, this chapter, or the
3 rules of the board;

4 (5) Establish and carry out procedures designed to insure
5 that persons licensed as elevator mechanics will,
6 during any period they serve as such, comply with the
7 requirements of this chapter, the rules of the board,
8 and chapter 397 and rules adopted thereunder;

9 (6) Receive, investigate, and take appropriate action with
10 respect to, any charge or complaint filed with the
11 board to the effect that any individual licensed as an
12 elevator mechanic has failed to comply with the
13 requirements of this chapter regarding any complaint
14 regarding job performance by mechanics, the rules of
15 the board, or chapter 397 and the rules adopted
16 thereunder;

17 [~~(7)~~] ~~Register apprentice elevator mechanics;~~

18 ~~(8)~~] (7) Maintain a record of its proceedings;

19 [~~(9)~~] (8) Assist and advise the department of labor and
20 industrial relations in the adoption of rules relating
21 to the conditions of work for elevator mechanics



1 including requirements related to equipment or
2 facilities essential for the safe installation,
3 repair, maintenance, or alteration of any [~~elevator,~~
4 ~~dumbwaiter, escalator, moving walk or ramp, and lift,~~]
5 conveyance; and

6 [~~(10)~~] (9) Notify the department of labor and industrial
7 relations of any fact or situation that, in the
8 opinion of the board, constitutes a violation of
9 chapter 397 or of any rule adopted thereunder."

10 SECTION 5. Section 448H-6, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§448H-6 Qualifications for license.** No person shall be
13 licensed as an elevator mechanic unless the person has
14 satisfactorily passed the examination administered by the board
15 and [~~satisfactorily completed at least four years of training~~
16 ~~under the supervision of a licensed elevator mechanic.~~] has met
17 the following minimum qualifications:

18 (1) The applicant has obtained a certificate of completion
19 from an apprenticeship program registered with the
20 department of labor and industrial relations and has
21 successfully passed the elevator mechanic's



1 examination of a nationally-recognized training
2 program as approved by the board with standards
3 similar to but not less than those set forth by the
4 National Elevator Industry Educational Program; and

5 (2) The applicant has satisfactorily completed no less
6 than four and one-half years full time work or its
7 equivalent, but not less than nine thousand hours,
8 under the supervision of an elevator mechanic duly
9 licensed under section 448H-6. The board shall, by
10 rule, establish the terms for the verification of time
11 in the industry."

12 SECTION 6. Section 448H-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§448H-7 Temporary permit.** The board may issue a
15 temporary permit to [any] the following:

16 (1) Any person who has qualified as an elevator mechanic
17 in another state with standards substantially equal to
18 those of this chapter and who possesses skills or
19 training not available in the State[; ~~provided that~~
20 ~~the board shall not register any such person as an~~
21 ~~apprentice elevator mechanic~~]. The board shall, by



1 rules and regulations, establish the terms of the
2 temporary permit [-]; and

3 (2) An elevator mechanic apprentice who has a minimum of
4 three years full time work experience, but not less
5 than six thousand hours, under the supervision of an
6 elevator mechanic duly licensed under section 448H-6,
7 if there is a shortage of elevator mechanics in the
8 State. The board shall, by rule, establish the terms
9 for the determination of a shortage of elevator
10 mechanics, the verification of time in the industry,
11 and the terms of the apprentice's temporary permit."

12 SECTION 7. In codifying the new sections added by section
13 2 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 8. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 9. This Act shall take effect on July 1, 2018.
19

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S.B. NO. 2494

Report Title:

Elevator Mechanics; Apprenticeship; Licensure Requirements

Description:

Amends requirements for apprenticeship and licensure of elevator mechanics and adds provisions relating to examination, license renewals, continued competency, scope of work, and remote interaction.

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