

**ACT 190**

H. B. NO. 1437

A Bill for an Act Relating to Elevator Mechanics.

*Be It Enacted By the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately numbered and to read as follows:

**“CHAPTER  
ELEVATOR MECHANICS**

**Sec. -1 Definitions.** As used in this chapter:

- (1) "Board" means the elevator mechanics licensing board created by this chapter.
- (2) "Elevator mechanic" means any person who engages in the construction, reconstruction, alteration, maintenance, mechanical, or electrical work or adjustments of any elevator, dumbwaiter, escalator, moving walk or ramp, or manlift.

**Sec. -2 License required.** No person shall operate or practice as an elevator mechanic unless he is licensed under this chapter.

**Sec. -3 Elevator mechanics licensing board; appointment; organization.** There is created an elevator mechanics licensing board within the department of regulatory agencies for administrative purposes. The board shall consist of five members, three of whom shall be licensed elevator mechanics, and the remaining shall be lay members, not connected or associated with the elevator or building industry. The governor shall appoint the members of the board in accordance with section 26-34; provided that in the initial appointment of the board, the elevator mechanic members need not satisfy the licensing requirements of this chapter, but shall have been elevator mechanics registered by the department of labor and industrial relations. The board shall elect one of its members as chairman.

Members of the board shall serve without compensation but shall be reimbursed for travel and other necessary expenses incurred in the performance of official duties.

**Sec. -4 Meetings; quorum.** The board shall meet not less than once a year at a time and place as determined by the board. The board shall also meet at such other times and places as may be necessary or requested by the department of regulatory agencies. Three members of the board shall constitute a quorum.

**Sec. -5 Powers and duties of the board.** The board shall:

- (1) Adopt rules and regulations in accordance with chapter 91 to carry out the purposes of this chapter;
- (2) Develop and apply appropriate techniques, including examinations and investigations for determining whether a person meets the requirements of this chapter and standards to insure that elevator mechanics will be persons qualified to serve as such;
- (3) Issue licenses to persons determined, after application of such techniques, to have met such qualifications and revoke or suspend licenses, previously issued by the board pursuant to hearings held in accordance with chapter 91, in any case where the individual holding any such license is determined substantially to have failed to conform to such qualifications, this chapter, or the rules and regulations of the board;
- (4) Establish and carry out procedures designed to insure that persons licensed as elevator mechanics will, during any period they serve as such, comply with the requirements of this chapter, the rules and regulations of the board, and chapter 376 and the rules and regulations promulgated thereunder;

- (5) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as an elevator mechanic has failed to comply with the requirements of this chapter, the rules and regulations of the board, or chapter 376 and the rules and regulations promulgated thereunder;
- (6) Register apprentice elevator mechanics;
- (7) Maintain a record of its proceedings; and
- (8) Assist and advise the department of labor and industrial relations in the promulgation of rules and regulations relating to the conditions of work for elevator mechanics including requirements related to equipment or facilities essential for the safe installation, repair, maintenance, or alteration of any elevator, dumbwaiter, escalator, moving walk or ramp, and manlift.

**Sec. -6 Qualifications for license.** No person shall be licensed as an elevator mechanic unless he has been a resident of the State for at least one year, satisfactorily passed the examination administered by the board, and satisfactorily completed at least two years of training under the supervision of a licensed, registered, or journeyman elevator mechanic.

**Sec. -7 Temporary permit.** The board may issue a temporary permit to any person who has qualified as an elevator mechanic in another state with standards substantially equal to those of this chapter and who possesses skills or training not available in the State. The board shall, by rules and regulations, establish the terms of the temporary permit.

**Sec. -8 License fees, renewals.** An applicant for a license or temporary permit to practice as an elevator mechanic shall pay a fee of \$10. A fee of \$5 is required for each re-examination. Application fees are not refundable.

Licenses shall expire on June 30 of each year and the annual license renewal fee shall be \$10.

**Sec. -9. Injunctive relief.** The board may apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a license or registered or whose license has been suspended or revoked or has expired; and, upon the filing of a verified petition in the court, the court or any judge thereof, if satisfied by affidavit or otherwise, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing as an elevator mechanic. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing as an elevator mechanic without having been issued a license or registered or has been or is practicing as an elevator mechanic after his license has been suspended or revoked or has expired, the court or any judge thereof may enter a decree enjoining the defendant from further practicing as an elevator mechanic. In case of violation of any injunction issued under this section, the court may summarily try and punish the offender for contempt of court. The injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

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**Sec. -10 Penalties.** Any person who violates this chapter shall be fined not more than \$500 for a first offense. For each subsequent offense he shall be fined not more than \$1,000, or imprisoned not more than one year, or both.”

SECTION 2. Chapter 376, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read as follows:

“**Sec. 376- Elevators, escalators, etc., safety standards.** The department of labor and industrial relations shall consult with the elevator mechanics licensing board in the promulgation of rules and regulations relating to conditions of work for elevator mechanics.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 8, 1971.)

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\* Edited accordingly.