

Senate File 417 - Introduced

SENATE FILE _____
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SF 233)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the licensure of elevator contractors and
2 elevator mechanics and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2428SV 82
5 jr/es/88

PAG LIN

1 1 Section 1. Section 89A.1, Code 2007, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 6A. "Elevator contractor" means any
1 4 person who is engaged in the business of erecting,
1 5 constructing, installing, altering, servicing, repairing,
1 6 testing, or maintaining elevators or other conveyances covered
1 7 by this chapter.
1 8 NEW SUBSECTION. 6B. "Elevator mechanic" means any person
1 9 who installs, alters, repairs, or services an elevator,
1 10 dumbwaiter, escalator, moving sidewalk, or other conveyances
1 11 covered by this chapter.
1 12 Sec. 2. Section 89A.3, Code 2007, is amended by adding the
1 13 following new subsection:
1 14 NEW SUBSECTION. 7. The safety board shall adopt rules
1 15 establishing criteria for elevator contractor licenses and
1 16 containing criteria for approved continuing education programs
1 17 and instructors for elevator contractors and elevator
1 18 mechanics by January 1, 2008.
1 19 Sec. 3. NEW SECTION. 89A.20 APPLICATION FOR ELEVATOR
1 20 CONTRACTOR LICENSE.
1 21 1. Any person who performs services as an elevator
1 22 contractor shall obtain a license from the commissioner
1 23 pursuant to this section.
1 24 2. A license shall not be granted to any person who has
1 25 not demonstrated the person's qualifications and abilities, as
1 26 established in rules adopted by the safety board.
1 27 Sec. 4. NEW SECTION. 89A.21 APPLICATION FOR ELEVATOR
1 28 MECHANIC LICENSE.
1 29 1. Any person who performs services as an elevator
1 30 mechanic shall obtain a license from the commissioner pursuant
1 31 to this section.
1 32 2. A license shall not be granted to any person who has
1 33 not demonstrated the person's qualifications and abilities as
1 34 provided in this section. An applicant for an elevator
1 35 mechanic license shall demonstrate to the satisfaction of the
2 1 commissioner any of the following qualifications:
2 2 a. A certificate of completion and successful passage of
2 3 the mechanic examination of a nationally recognized training
2 4 program for the elevator industry such as the national
2 5 elevator industry educational program or its equivalent.
2 6 b. A certificate of completion of an apprenticeship
2 7 program for elevator mechanics having standards substantially
2 8 equal to those of this chapter, and registered with the office
2 9 of apprenticeship, employment and training administration,
2 10 United States department of labor.
2 11 c. Possession of a valid license from a state having
2 12 standards substantially equal to those of this chapter. An
2 13 applicant meeting the qualifications of this paragraph shall
2 14 be issued a license upon application and payment of the
2 15 license fee without examination.
2 16 d. Any person who furnishes the commissioner with
2 17 acceptable proof that the person has worked as an elevator

2 18 constructor or maintenance or repair person shall, upon making
2 19 application for a license and paying the license fee, be
2 20 entitled to receive a license without an examination. The
2 21 person shall have worked without direct and immediate
2 22 supervision for an elevator contractor licensed to do business
2 23 in this state. Such employment shall not have been for less
2 24 than three years immediately prior to the effective date of
2 25 this Act. The person must make application pursuant to this
2 26 paragraph within one year of the effective date of this Act.

2 27 e. A combination of documented experience and education
2 28 credits which is approved by the commissioner including not
2 29 less than three years' work experience in the elevator
2 30 industry, in construction, maintenance, and service or repair,
2 31 as verified by current and previous employers licensed to do
2 32 business in this state immediately prior to satisfactory
2 33 completion of a written examination administered by the
2 34 commissioner on the codes and standards currently in effect.

2 35 Sec. 5. NEW SECTION. 89A.22 ISSUANCE AND RENEWAL OF
3 1 LICENSES == FEES == CONTINUING EDUCATION.

3 2 1. Upon submission of an appropriate application, the
3 3 commissioner may issue an elevator contractor or elevator
3 4 mechanic license, which shall be renewable biennially. The
3 5 fee for such license and for any renewal shall be set by the
3 6 safety board by rule in an amount sufficient to meet the costs
3 7 of administration.

3 8 2. Whenever an emergency exists in the state due to
3 9 disaster, act of God, or work stoppage and the number of
3 10 persons in the state holding elevator mechanic licenses is
3 11 insufficient to cope with the emergency, a person who has a
3 12 combination of documented experience and education to perform
3 13 elevator work without direct and immediate supervision shall
3 14 seek an emergency elevator mechanic license from the
3 15 commissioner within five business days after commencing work
3 16 requiring a license under this chapter. The commissioner
3 17 shall issue such emergency temporary elevator mechanic
3 18 licenses if the combination of experience and education is
3 19 acceptable. The person requesting licensure shall furnish
3 20 proof of competency as the commissioner may require. Each
3 21 such license shall state that it is valid for a period of
3 22 sixty days from the date of issuance and for such particular
3 23 elevators or geographical areas as the commissioner may
3 24 designate and otherwise shall entitle the licensee to the
3 25 rights and privileges of an elevator mechanic licensed under
3 26 this chapter. The commissioner may renew an emergency
3 27 elevator mechanic license previously issued during the
3 28 existence of an emergency. A fee shall not be charged for an
3 29 emergency elevator mechanic license or renewal.

3 30 3. In situations where there are no licensed personnel
3 31 available to perform elevator work, the commissioner may issue
3 32 a temporary elevator mechanic license to any person who has a
3 33 combination of documented experience and education which is
3 34 acceptable to the commissioner, to perform elevator work
3 35 without direct and immediate supervision. The person shall
4 1 immediately seek a temporary elevator mechanic license from
4 2 the commissioner and shall pay such fee as the safety board
4 3 shall determine. Each such license shall state that it is
4 4 valid for a period of thirty days from the date of issuance.
4 5 It shall be renewable as long as the shortage of license
4 6 holders continues.

4 7 4. a. The renewal of a permanent elevator mechanic or
4 8 elevator contractor license issued under this section shall be
4 9 conditioned upon the submission of a certificate of completion
4 10 of a course designed to ensure the continuing education of
4 11 licensees on subjects determined by the board in rule. Such
4 12 course shall consist of not less than eight hours of
4 13 instruction that shall be attended and completed within the
4 14 two-year period immediately preceding any such license
4 15 renewal.

4 16 b. The courses shall be taught by instructors through
4 17 continuing education providers that may include but shall not
4 18 be limited to association seminars and labor training
4 19 programs. The commissioner shall approve the continuing
4 20 education providers and instructors. Approved instructors
4 21 shall be exempt from the license renewal requirements of this
4 22 section, provided that such applicant was qualified as an
4 23 instructor at any time during the year immediately preceding
4 24 the scheduled date for such renewal.

4 25 c. A licensee who is unable to complete the continuing
4 26 education course required under this section prior to the
4 27 expiration of the person's license due to a temporary
4 28 disability may apply for a waiver from the safety board. The

4 29 application for such waiver shall be on a form provided by the
4 30 safety board which shall be signed under the penalty of
4 31 perjury and accompanied by a certified statement from a
4 32 competent physician attesting to such temporary disability.
4 33 Upon the termination of such temporary disability, such
4 34 licensee shall submit to the safety board a certified
4 35 statement from the same physician, if practicable, attesting
5 1 to the termination of such temporary disability, at which time
5 2 a waiver sticker, valid for ninety days, shall be issued to
5 3 such licensee and affixed to the person's license.

5 4 d. Approved continuing education providers shall keep
5 5 uniform records, for a period of ten years, of attendance of
5 6 licensees following a format approved by the commissioner and
5 7 such records shall be available for inspection by the
5 8 commissioner. Approved continuing education providers shall
5 9 be responsible for the security of all attendance records and
5 10 certificates of completion. Falsifying or knowingly allowing
5 11 another to falsify attendance records or certificates of
5 12 completion shall constitute grounds for suspension or
5 13 revocation of the approval required under paragraph "b".

5 14 Sec. 6. Section 89A.17, Code 2007, is amended by adding
5 15 the following new subsection:

5 16 NEW SUBSECTION. 3. Anyone other than an elevator
5 17 contractor or elevator mechanic licensed under this chapter
5 18 who installs, repairs, or maintains a conveyance, is guilty of
5 19 a simple misdemeanor. This subsection does not apply to
5 20 emergency personnel acting in the scope of an emergency.

5 21 Sec. 7. NEW SECTION. 89A.23 CIVIL PENALTIES ==
5 22 SUSPENSION AND REVOCATION OF LICENSES.

5 23 1. After conducting an investigation, the commissioner may
5 24 revoke, deny, or suspend a license in accordance with chapter
5 25 17A on any of the following grounds:

5 26 a. Any false statement as to material matter in the
5 27 license application.

5 28 b. Fraud, misrepresentation, or bribery in securing a
5 29 license.

5 30 c. Failure to notify the commissioner and the owner or
5 31 lessee of a conveyance or related mechanisms of any condition
5 32 not in compliance with this chapter.

5 33 d. Violation of any provision of this chapter.

5 34 2. A revocation, denial, or suspension of a license is
5 35 subject to review by the safety board as a contested case
6 1 pursuant to chapter 17A.

6 2 EXPLANATION

6 3 This bill establishes a licensing process for elevator
6 4 contractors and elevator mechanics. The bill lists the
6 5 qualifications to obtain each license, the information
6 6 required for the application, the duration of the license, and
6 7 continuing education and renewal requirements.

6 8 The bill sets up procedures for the suspension or
6 9 revocation of a license or assessment of a civil penalty, the
6 10 decision process, and the appeals process.

6 11 The bill prohibits anyone other than a licensed elevator
6 12 contractor or elevator mechanic from installing, repairing, or
6 13 maintaining a facility defined under Code chapter 89A. The
6 14 bill provides an exception for emergency personnel acting in
6 15 an emergency. Any unlicensed person performing service as an
6 16 elevator repair person, except in an emergency, is guilty of a
6 17 simple misdemeanor.

6 18 LSB 2428SV 82

6 19 jr:nh/es/88.1