

Senate File 24 - Introduced

SENATE FILE _____
BY DEARDEN

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 1711SS 83
5 jr/nh/5

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1 1 Section 1. Section 89A.1, Code 2009, is amended by adding
2 the following new subsections:
1 3 NEW SUBSECTION. 1A. "Apprentice" means a person who
1 4 assists a licensed contractor or mechanic and who works under
1 5 the general supervision of the licensed contractor or
1 6 mechanic.
1 7 NEW SUBSECTION. 7A. "Elevator contractor" means any
1 8 person who is engaged in the business of erecting,
1 9 constructing, installing, altering, servicing, repairing,
1 10 testing, or maintaining elevators or other conveyances covered
1 11 by this chapter.
1 12 NEW SUBSECTION. 7B. "Elevator mechanic" means any person
1 13 who installs, alters, repairs, or services an elevator,
1 14 dumbwaiter, escalator, moving sidewalk, or other conveyances
1 15 covered by this chapter.
1 16 Sec. 2. Section 89A.3, Code 2009, is amended by adding the
1 17 following new subsection:
1 18 NEW SUBSECTION. 9. The safety board shall adopt rules
1 19 establishing criteria for elevator contractor licenses and
1 20 containing criteria for approved continuing education programs
1 21 and instructors for elevator contractors and elevator
1 22 mechanics, and to establish the scope of work for an
1 23 apprentice by January 1, 2010.
1 24 Sec. 3. NEW SECTION. 89A.20 APPLICATION FOR ELEVATOR
1 25 CONTRACTOR LICENSE.
1 26 1. Any person who performs services as an elevator
1 27 contractor shall obtain a license from the commissioner
1 28 pursuant to this section. This subsection does not apply to
1 29 an apprentice working under the general supervision of a
1 30 licensed contractor or mechanic.
1 31 2. A license shall not be granted to any person who has
1 32 not demonstrated the person's qualifications and abilities, as
1 33 established in rules adopted by the safety board.
1 34 Sec. 4. NEW SECTION. 89A.21 APPLICATION FOR ELEVATOR
1 35 MECHANIC LICENSE.
2 1 1. Any person who performs services as an elevator
2 2 mechanic shall obtain a license from the commissioner pursuant
2 3 to this section. This subsection does not apply to an
2 4 apprentice working under the general supervision of a licensed
2 5 contractor or mechanic.
2 6 2. A license shall not be granted to any person who has
2 7 not demonstrated the person's qualifications and abilities as
2 8 provided in this section. An applicant for an elevator
2 9 mechanic license shall demonstrate to the satisfaction of the
2 10 commissioner any of the following qualifications:
2 11 a. A certificate of completion and successful passage of
2 12 the mechanic examination of a nationally recognized training
2 13 program for the elevator industry such as the national
2 14 elevator industry educational program or its equivalent.
2 15 b. A certificate of completion of an apprenticeship
2 16 program for elevator mechanics having standards substantially
2 17 equal to those of this chapter, and registered with the office
2 18 of apprenticeship, employment and training administration,

2 19 United States department of labor.

2 20 c. Possession of a valid license from a state having
2 21 standards substantially equal to those of this chapter. An
2 22 applicant meeting the qualifications of this paragraph shall
2 23 be issued a license upon application and payment of the
2 24 license fee without examination.

2 25 d. Any person who furnishes the commissioner with
2 26 acceptable proof that the person has worked as an elevator
2 27 constructor or maintenance or repair person shall, upon making
2 28 application for a license and paying the license fee, be
2 29 entitled to receive a license without an examination. The
2 30 person shall have worked without direct and immediate
2 31 supervision for an elevator contractor licensed to do business
2 32 in this state. Such employment shall not have been for less
2 33 than three years immediately prior to the effective date of
2 34 this Act. The person must make application pursuant to this
2 35 paragraph within one year of the effective date of this Act.

3 1 e. A combination of documented experience and education
3 2 credits which is approved by the commissioner including not
3 3 less than three years' work experience in the elevator
3 4 industry, in construction, maintenance, and service or repair,
3 5 as verified by current and previous employers licensed to do
3 6 business in this state immediately prior to satisfactory
3 7 completion of a written examination administered by the
3 8 commissioner on the codes and standards currently in effect.

3 9 Sec. 5. NEW SECTION. 89A.22 ISSUANCE AND RENEWAL OF
3 10 LICENSES == FEES == CONTINUING EDUCATION.

3 11 1. Upon submission of an appropriate application, the
3 12 commissioner may issue an elevator contractor or elevator
3 13 mechanic license, which shall be renewable biennially. The
3 14 fee for such license and for any renewal shall be set by the
3 15 safety board by rule.

3 16 2. Whenever an emergency exists in the state due to
3 17 disaster, act of God, or work stoppage and the number of
3 18 persons in the state holding elevator mechanic licenses is
3 19 insufficient to cope with the emergency, a person who has a
3 20 combination of documented experience and education to perform
3 21 elevator work without direct and immediate supervision shall
3 22 seek an emergency elevator mechanic license from the
3 23 commissioner within five business days after commencing work
3 24 requiring a license under this chapter. The commissioner
3 25 shall issue such emergency temporary elevator mechanic
3 26 licenses if the combination of experience and education is
3 27 acceptable. The person requesting licensure shall furnish
3 28 proof of competency as the commissioner may require. Each
3 29 such license shall state that it is valid for a period of
3 30 forty-five days from the date of issuance and for such
3 31 particular elevators or geographical areas as the commissioner
3 32 may designate and otherwise shall entitle the licensee to the
3 33 rights and privileges of an elevator mechanic licensed under
3 34 this chapter. The commissioner may renew an emergency
3 35 elevator mechanic license previously issued during the
4 1 existence of an emergency. A fee shall not be charged for an
4 2 emergency elevator mechanic license or renewal.

4 3 3. In situations where there are no licensed personnel
4 4 available to perform elevator work, the commissioner may issue
4 5 a temporary elevator mechanic license to any person who has a
4 6 combination of documented experience and education which is
4 7 acceptable to the commissioner, to perform elevator work
4 8 without direct and immediate supervision. The person shall
4 9 immediately seek a temporary elevator mechanic license from
4 10 the commissioner and shall pay such fee as the safety board
4 11 shall determine. It shall be valid as long as the shortage of
4 12 license holders continues.

4 13 4. a. The renewal of a permanent elevator mechanic or
4 14 elevator contractor license issued under this section shall be
4 15 conditioned upon the submission of a certificate of completion
4 16 of a course designed to ensure the continuing education of
4 17 licensees on subjects determined by the board in rule. Such
4 18 course shall consist of not less than eight hours of
4 19 instruction that shall be attended and completed within the
4 20 two-year period immediately preceding any such license
4 21 renewal.

4 22 b. The courses shall be taught by instructors through
4 23 continuing education providers that may include but shall not
4 24 be limited to association seminars and labor training
4 25 programs. The commissioner shall approve the continuing
4 26 education providers and instructors. Approved instructors
4 27 shall be exempt from the license renewal requirements of this
4 28 section, provided that such applicant was qualified as an
4 29 instructor at any time during the year immediately preceding

4 30 the scheduled date for such renewal.
4 31 c. A licensee who is unable to complete the continuing
4 32 education course required under this section prior to the
4 33 expiration of the person's license due to a temporary
4 34 disability may apply for a waiver from the safety board. The
4 35 application for such waiver shall be on a form provided by the
5 1 safety board which shall be signed under the penalty of
5 2 perjury and accompanied by a certified statement from a
5 3 competent physician attesting to such temporary disability.
5 4 Upon the termination of such temporary disability, such
5 5 licensee shall submit to the safety board a certified
5 6 statement from the same physician, if practicable, attesting
5 7 to the termination of such temporary disability, at which time
5 8 a waiver sticker, valid for ninety days, shall be issued to
5 9 such licensee and affixed to the person's license.

5 10 d. Approved continuing education providers shall keep
5 11 uniform records, for a period of ten years, of attendance of
5 12 licensees following a format approved by the commissioner and
5 13 such records shall be available for inspection by the
5 14 commissioner. Approved continuing education providers shall
5 15 be responsible for the security of all attendance records and
5 16 certificates of completion. Falsifying or knowingly allowing
5 17 another to falsify attendance records or certificates of
5 18 completion shall constitute grounds for suspension or
5 19 revocation of the approval required under paragraph "b".

5 20 Sec. 6. NEW SECTION. 89A.23 CIVIL PENALTIES ==
5 21 SUSPENSION AND REVOCATION OF LICENSES.

5 22 1. After conducting an investigation, the commissioner may
5 23 revoke, deny, or suspend a license in accordance with chapter
5 24 17A on any of the following grounds:

5 25 a. Any false statement as to material matter in the
5 26 license application.

5 27 b. Fraud, misrepresentation, or bribery in securing a
5 28 license.

5 29 c. Failure to notify the commissioner and the owner or
5 30 lessee of a conveyance or related mechanisms of any condition
5 31 not in compliance with this chapter.

5 32 d. Violation of any provision of this chapter.

5 33 2. A revocation, denial, or suspension of a license is
5 34 subject to review by the safety board as a contested case
5 35 pursuant to chapter 17A.

6 1 3. In addition to any other penalties provided for in this
6 2 chapter, the commissioner may, by order, impose a civil
6 3 penalty upon a person violating any provision of this chapter.
6 4 Each day of a continuing violation constitutes a separate
6 5 offense, except that offenses resulting from the same or
6 6 common facts or circumstances shall be considered a single
6 7 offense. Before issuing an order under this section, the
6 8 commissioner shall provide the person written notice and the
6 9 opportunity to request a hearing on the record. The hearing
6 10 must be requested within thirty days of the issuance of the
6 11 notice.

6 12 a. A person aggrieved by the imposition of a civil penalty
6 13 under this section may seek judicial review in accordance with
6 14 section 17A.19.

6 15 b. If a person fails to pay a civil penalty within thirty
6 16 days after entry of an order under subsection 1, or if the
6 17 order is stayed pending an appeal within ten days after the
6 18 court enters a final judgment in favor of the commissioner,
6 19 the commissioner shall notify the attorney general. The
6 20 attorney general may commence an action to recover the amount
6 21 of the penalty, including reasonable attorney fees and costs.

6 22 c. An action to enforce an order under this section may be
6 23 joined with an action for an injunction.

6 24 EXPLANATION

6 25 This bill establishes a licensing process for elevator
6 26 contractors and elevator mechanics. The bill lists the
6 27 qualifications to obtain each license, the information
6 28 required for the application, the duration of the license, and
6 29 continuing education and renewal requirements.

6 30 The bill sets up procedures for the suspension or
6 31 revocation of a license or assessment of a civil penalty and a
6 32 judicial action for an injunction, the decision process, and
6 33 the appeals process.

6 34 The bill prohibits anyone other than a licensed elevator
6 35 contractor or elevator mechanic from installing, repairing, or
7 1 maintaining a facility defined under Code chapter 89A. The
7 2 bill provides an exception for emergency personnel acting in
7 3 an emergency.

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