

Senate File 417 - Reprinted

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

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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 NEW SUBSECTION. 6C. "Helper/apprentice" means a person
1 13 who assists a licensed contractor or mechanic and who works
1 14 under the general supervision of the licensed contractor or
1 15 mechanic.

1 16 Sec. 2. Section 89A.3, Code 2007, is amended by adding the
1 17 following new subsection:

1 18 NEW SUBSECTION. 7. 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 a
1 23 helper/apprentice by January 1, 2008.

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 a
1 29 helper/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 a
2 4 helper/apprentice working under the general supervision of a
2 5 licensed 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 in an amount sufficient to meet the costs
3 16 of administration.

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

4 4 3. In situations where there are no licensed personnel
4 5 available to perform elevator work, the commissioner may issue
4 6 a temporary elevator mechanic license to any person who has a
4 7 combination of documented experience and education which is
4 8 acceptable to the commissioner, to perform elevator work
4 9 without direct and immediate supervision. The person shall
4 10 immediately seek a temporary elevator mechanic license from
4 11 the commissioner and shall pay such fee as the safety board
4 12 shall determine. Each such license shall state that it is
4 13 valid for a period of thirty days from the date of issuance.
4 14 It shall be renewable as long as the shortage of license
4 15 holders continues.

4 16 4. a. The renewal of a permanent elevator mechanic or
4 17 elevator contractor license issued under this section shall be
4 18 conditioned upon the submission of a certificate of completion
4 19 of a course designed to ensure the continuing education of
4 20 licensees on subjects determined by the board in rule. Such
4 21 course shall consist of not less than eight hours of
4 22 instruction that shall be attended and completed within the
4 23 two-year period immediately preceding any such license
4 24 renewal.

4 25 b. The courses shall be taught by instructors through
4 26 continuing education providers that may include but shall not
4 27 be limited to association seminars and labor training
4 28 programs. The commissioner shall approve the continuing

4 29 education providers and instructors. Approved instructors
4 30 shall be exempt from the license renewal requirements of this
4 31 section, provided that such applicant was qualified as an
4 32 instructor at any time during the year immediately preceding
4 33 the scheduled date for such renewal.

4 34 c. A licensee who is unable to complete the continuing
4 35 education course required under this section prior to the
5 1 expiration of the person's license due to a temporary
5 2 disability may apply for a waiver from the safety board. The
5 3 application for such waiver shall be on a form provided by the
5 4 safety board which shall be signed under the penalty of
5 5 perjury and accompanied by a certified statement from a
5 6 competent physician attesting to such temporary disability.
5 7 Upon the termination of such temporary disability, such
5 8 licensee shall submit to the safety board a certified
5 9 statement from the same physician, if practicable, attesting
5 10 to the termination of such temporary disability, at which time
5 11 a waiver sticker, valid for ninety days, shall be issued to
5 12 such licensee and affixed to the person's license.

5 13 d. Approved continuing education providers shall keep
5 14 uniform records, for a period of ten years, of attendance of
5 15 licensees following a format approved by the commissioner and
5 16 such records shall be available for inspection by the
5 17 commissioner. Approved continuing education providers shall
5 18 be responsible for the security of all attendance records and
5 19 certificates of completion. Falsifying or knowingly allowing
5 20 another to falsify attendance records or certificates of
5 21 completion shall constitute grounds for suspension or
5 22 revocation of the approval required under paragraph "b".

5 23 Sec. 6. Section 89A.17, Code 2007, is amended by adding
5 24 the following new subsection:

5 25 NEW SUBSECTION. 3. Anyone other than an elevator
5 26 contractor or elevator mechanic licensed under this chapter
5 27 who installs, repairs, or maintains a conveyance, is guilty of
5 28 a simple misdemeanor. This subsection does not apply to
5 29 emergency personnel acting in the scope of an emergency.

5 30 Sec. 7. NEW SECTION. 89A.23 CIVIL PENALTIES ==
5 31 SUSPENSION AND REVOCATION OF LICENSES.

5 32 1. After conducting an investigation, the commissioner may
5 33 revoke, deny, or suspend a license in accordance with chapter
5 34 17A on any of the following grounds:

5 35 a. Any false statement as to material matter in the
6 1 license application.

6 2 b. Fraud, misrepresentation, or bribery in securing a
6 3 license.

6 4 c. Failure to notify the commissioner and the owner or
6 5 lessee of a conveyance or related mechanisms of any condition
6 6 not in compliance with this chapter.

6 7 d. Violation of any provision of this chapter.

6 8 2. A revocation, denial, or suspension of a license is
6 9 subject to review by the safety board as a contested case
6 10 pursuant to chapter 17A.

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