

MAR 8 2005

COMMERCE, REGULATION & LABOR

HOUSE FILE 631

BY WILDERDYKE

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

A BILL FOR

1 An Act providing for the licensure of elevator mechanics and
 2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 631

1 Section 1. Section 89A.1, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. "Elevator mechanic" means any person
4 who installs, alters, repairs, or services an elevator,
5 dumbwaiter, escalator, or moving sidewalk.

6 Sec. 2. Section 89A.3, Code 2005, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 7. The safety board shall adopt the
9 following rules by January 1, 2006:

10 a. Rules devising a complaint procedure that allows a
11 person to notify the board of a possible violation of section
12 89A.23.

13 b. Rules devising an investigation procedure to determine
14 whether a complaint filed for a violation of section 89A.23 is
15 founded.

16 c. A list of approved continuing education programs for
17 elevator mechanics.

18 Sec. 3. NEW SECTION. 89A.20 APPLICATION FOR ELEVATOR
19 MECHANIC LICENSE.

20 1. Any person who performs services as an elevator
21 mechanic shall obtain a license from the safety board pursuant
22 to this section.

23 2. A license shall not be granted to any person who has
24 not demonstrated their qualifications and abilities. An
25 applicant for an elevator mechanic license must demonstrate to
26 the satisfaction of the board any of the following
27 qualifications:

28 a. A certificate of completion and successful passage of
29 the mechanic examination of a nationally recognized training
30 program for the elevator industry such as the national
31 elevator industry educational program or its equivalent.

32 b. A certificate of completion of an apprenticeship
33 program for elevator mechanics having standards substantially
34 equal to those of this chapter, and registered with the
35 apprenticeship training, employer and labor services

1 employment and training administration, United States
2 department of labor.

3 c. Possession of a valid license from a state having
4 standards substantially equal to those of this chapter. An
5 applicant meeting the qualifications of this paragraph shall
6 be issued a license upon application and payment of the
7 license fee without examination.

8 d. Any person who furnishes the board with acceptable
9 proof that the person has worked as an elevator constructor or
10 maintenance or repair person shall, upon making application
11 for a license and paying the license fee, be entitled to
12 receive a license without an examination. The person shall
13 have worked without direct and immediate supervision for an
14 elevator contractor licensed to do business in this state.
15 Such employment shall not have been less than three years
16 immediately prior to the effective date of this Act. The
17 person must make application pursuant to this paragraph within
18 one year of the effective date of this Act.

19 e. A combination of documented experience and education
20 credits which is approved by the board including not less than
21 three years' work experience in the elevator industry, in
22 construction, maintenance, and service or repair, as verified
23 by current and previous employers licensed to do business in
24 this state immediately prior to satisfactory completion of a
25 written examination administered by the safety board on the
26 codes and standards currently in effect.

27 Sec. 4. NEW SECTION. 89A.21 ISSUANCE AND RENEWAL OF
28 LICENSES -- FEES -- CONTINUING EDUCATION.

29 1. Upon approval of an application by the board, the
30 commissioner may issue an elevator mechanic license, which
31 shall be renewable biennially. The fee for such license and
32 for any renewal shall be set by the safety board by rule in an
33 amount sufficient to meet the costs of administration. All
34 fees shall be deposited in the general fund of the state.

35 2. Whenever an emergency exists in the state due to

1 disaster, act of God, or work stoppage and the number of
2 persons in the state holding elevator mechanic licenses
3 granted by the board is insufficient to cope with the
4 emergency, a person who has a combination of documented
5 experience and education to perform elevator work without
6 direct and immediate supervision which is acceptable to the
7 commissioner shall seek an emergency elevator mechanic license
8 from the commissioner within five business days after
9 commencing work requiring a license under this chapter. The
10 commissioner shall issue such emergency temporary elevator
11 mechanic licenses. The person requesting licensure shall
12 furnish proof of competency as the commissioner may require.
13 Each such license shall recite that it is valid for a period
14 of thirty days from the date of issuance and for such
15 particular elevators or geographical areas as the commissioner
16 may designate and otherwise shall entitle the licensee to the
17 rights and privileges of an elevator mechanic license under
18 this chapter. The commissioner shall renew an emergency
19 elevator mechanic license previously issued during the
20 existence of an emergency. No fee shall be charged for an
21 emergency elevator mechanic license or renewal.

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

34 4. The renewal of a permanent license issued under this
35 section shall be conditioned upon the submission of a

1 certificate of completion of a course designed to ensure the
2 continuing education of licensees on subjects determined by
3 the board in rule. Such course shall consist of not less than
4 eight hours of instruction that shall be attended and
5 completed within the two-year period immediately preceding any
6 such license renewal.

7 5. The courses shall be taught by instructors through
8 continuing education providers that may include, but shall not
9 be limited to, association seminars and labor training
10 programs. The safety board shall approve the continuing
11 education providers. All instructors shall be approved by the
12 safety board and exempt from the license renewal requirements
13 of this section, provided that such applicant was qualified as
14 an instructor at any time during the year immediately
15 preceding the scheduled date for such renewal.

16 6. A licensee who is unable to complete the continuing
17 education course required under this section prior to the
18 expiration of the person's license due to a temporary
19 disability may apply for a waiver from the safety board. The
20 application for such waiver shall be on a form provided by the
21 safety board which shall be signed under the penalty of
22 perjury and accompanied by a certified statement from a
23 competent physician attesting to such temporary disability.
24 Upon the termination of such temporary disability, such
25 licensee shall submit to the safety board a certified
26 statement from the same physician, if practicable, attesting
27 to the termination of such temporary disability, at which time
28 a waiver sticker, valid for ninety days, shall be issued to
29 such licensee and affixed to the person's license.

30 7. Approved continuing education providers shall keep
31 uniform records, for a period of ten years, of attendance of
32 licensees following a format approved by the safety board and
33 such records shall be available for inspection by the board at
34 its request. Approved continuing education providers shall be
35 responsible for the security of all attendance records and

1 certificates of completion, provided, however, that falsifying
2 or knowingly allowing another to falsify such attendance
3 records or certificates of completion shall constitute grounds
4 for suspension or revocation of the approval required under
5 subsection 5.

6 Sec. 5. NEW SECTION. 89A.22 CIVIL PENALTIES --
7 SUSPENSION AND REVOCATION OF LICENSES.

8 A licensee under this chapter is subject to license
9 suspension or revocation or assessment of a civil penalty
10 pursuant to chapter 272C by the board upon verification that
11 one or more of the following circumstances exist:

12 1. Any false statement as to material matter in the
13 license application.

14 2. Fraud, misrepresentation, or bribery in securing a
15 license.

16 3. Failure to notify the commissioner and the owner or
17 lessee of an elevator or related mechanisms of any condition
18 not in compliance with this chapter.

19 4. Violation of any provision of this chapter.

20 Sec. 6. NEW SECTION. 89A.23 RESTRICTION ON INSTALLATION,
21 REPAIR, AND MAINTENANCE -- PENALTY.

22 1. Anyone other than an elevator mechanic licensed under
23 this chapter who is found by the safety board to have engaged
24 in the installation, repair, or maintenance of a facility is
25 guilty of a simple misdemeanor.

26 2. This section does not apply to emergency personnel
27 acting in the scope of an emergency.

28 Sec. 7. Section 272C.1, subsection 6, Code 2005, is
29 amended by adding the following new paragraph:

30 NEW PARAGRAPH. ac. The elevator safety board pursuant to
31 section 89A.13.

32 Sec. 8. Section 272C.3, subsection 2, paragraph a, Code
33 2005, is amended to read as follows:

34 a. Revoke a license, or suspend a license either until
35 further order of the board or for a specified period, upon any

1 of the grounds specified in section 89A.22, 147.55, 148.6,
2 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10,
3 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151
4 or 155, as applicable, or upon any other grounds specifically
5 provided for in this chapter for revocation of the license of
6 a licensee subject to the jurisdiction of that board, or upon
7 failure of the licensee to comply with a decision of the board
8 imposing licensee discipline;

9 Sec. 9. Section 272C.4, subsection 6, Code 2005, is
10 amended to read as follows:

11 6. Define by rule acts or omissions that are grounds for
12 revocation or suspension of a license under section 89A.22,
13 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,
14 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or
15 602.3203 or chapter 151 or 155, as applicable, and to define
16 by rule acts or omissions that constitute negligence, careless
17 acts, or omissions within the meaning of section 272C.3,
18 subsection 2, paragraph "b", which licensees are required to
19 report to the board pursuant to section 272C.9, subsection 2;

20 EXPLANATION

21 This bill establishes a licensing process for elevator
22 mechanics. The bill lists the qualifications to obtain an
23 elevator mechanic license, the information required for the
24 application, the duration of the license, and continuing
25 education and renewal requirements.

26 The bill sets up procedures for the suspension or
27 revocation of a license or assessment of a civil penalty, the
28 decision process, and the appeals process.

29 The bill prohibits anyone other than a licensed elevator
30 mechanic from installing, repairing, or maintaining a facility
31 defined under Code chapter 89A. The bill provides an
32 exception for emergency personnel acting in an emergency. Any
33 unlicensed person performing service as an elevator repair
34 person, except in an emergency, is guilty of a simple
35 misdemeanor.