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**Indexes:**

**Attachments:** 1. Summary of Int. No. 788-A, 2. Summary of Int. No. 788, 3. Int. No. 788, 4. April 11, 2018 - Stated Meeting Agenda, 5. Hearing Transcript - Stated Meeting 4-11-18, 6. Minutes of the Stated Meeting - April 11, 2018, 7. Committee Report 4/11/19, 8. Hearing Testimony 4/11/19, 9. Hearing Transcript 4/11/19, 10. Proposed Int. No. 788-A - 1/5/21

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12/31/2021	A	City Council	Filed (End of Session)	

Proposed Int. No. 788-A

By Council Members Cornegy and Ampry-Samuel

A Local Law to amend the administrative code of the city of New York, in relation to elevator maintenance company licenses and elevator maintenance company director licenses

Be it enacted by the Council as follows:

Section 1. Section 28-304.7 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-304.7 Required contract. [The] Each owner of [all] a new [and] or existing [passenger elevators and escalators] elevator or escalator shall have a contract with [an approved agency] an elevator maintenance company complying with section 28-422.1 to perform elevator [repair work and maintenance and escalator maintenance, repair and replacement] and escalator maintenance, repair and replacement work as defined by ASME A17.1 as modified by [Chapter K1 of] Appendix K of the New York city building code. The name,

address and telephone number of such [agency] company shall be maintained at each premises, on the mainline disconnect switch and in a location readily accessible to employees of the department and to maintenance and custodial staff at the premises.

§ 2. Section 28-401.15 of the administrative code of the city of New York is amended by adding two license types to read as follows:

License Type	Initial Fee	Renewal Fee	Additional Fees
<u>Elevator maintenance company.</u>	<u>\$100</u>	<u>\$150</u>	<u>Late-renewal: \$50</u> <u>Reissuance: \$50</u>
<u>Elevator maintenance company director.</u>	<u>\$50</u>	<u>\$75</u>	<u>Late-renewal: \$50</u> <u>Reissuance: \$50</u>

§ 3. Section 28-401.3 of the administrative code of the city of New York is amended by adding new definitions for “ELEVATOR MAINTENANCE COMPANY,” “ELEVATOR MAINTENANCE COMPANY DIRECTOR,” “ELEVATOR MAINTENANCE COMPANY HELPER,” “ELEVATOR MAINTENANCE COMPANY MECHANIC,” “ELEVATOR MAINTENANCE COMPANY APPRENTICE”, and “ELEVATOR WORK” in appropriate alphabetical order to read as follows:

**ELEVATOR MAINTENANCE COMPANY.** An entity or division thereof that performs elevator work.

**ELEVATOR MAINTENANCE COMPANY DIRECTOR.** An individual who is licensed to supervise elevator work under section 28-422.5.

**ELEVATOR MAINTENANCE COMPANY HELPER.** An individual who performs elevator work and meets the requirements of section 28-422.7.

**ELEVATOR MAINTENANCE COMPANY MECHANIC.** An individual who performs elevator work and meets the requirements of section 28-422.6.

**ELEVATOR MAINTENANCE COMPANY APPRENTICE.** An individual who performs elevator work and meets the requirements under Section 28-422.9.

**ELEVATOR WORK.** Maintenance, repair, replacement, modernization or alteration work, as defined by ASME A17.1 as modified by appendix K of the New York city building code, performed on an elevator or

escalator regulated by this code or other applicable laws or rules. Elevator work does not include material hoists, platform lifts, stair chair lifts, personnel hoists or incidental work traditionally performed by non-elevator trades or occupations including but not limited to elevator entrance ways, doors, cab designs or interior cabs or machine work.

§ 4. Article 421 of Chapter 4 of title 28 of the administrative code of the city of New York is amended to read as follows:

ARTICLE 421 PRIVATE ELEVATOR INSPECTION AGENCY [DIRECTOR LICENSE] LICENSES

§ 5. Article 422 of Chapter 4 of title 28 of the administrative code of the city of New York is renumbered and amended to read as follows:

[ARTICLE 422 PRIVATE ELEVATOR INSPECTION AGENCY INSPECTOR LICENSE]

§ [28-422.1] 28-421.5 Private elevator inspection agency inspector license required. Individuals who witness and/or perform inspections and tests on behalf of a private elevator inspection agency pursuant to article 304 of chapter 3 of this code shall be licensed pursuant to this article. Licensed inspectors shall perform such work under the direct and continuing supervision of a designated director in responsible charge licensed pursuant to this article [421 of this chapter].

§ [28-422.2] 28-421.6 Qualifications. Applicants for a private elevator agency inspector license shall submit satisfactory proof establishing that the applicant:

1. Has at least seven years of practical experience in the assembly, installation, repair, design, or inspection of elevators, or as an elevator mechanic within the ten years prior to application.

§ [28-422.3] 28-421.7 Inspector restriction. Each private elevator inspection agency inspector shall perform work pursuant to article 304 of chapter 3 of this code for only one private elevator inspection agency, and shall not witness and/or perform inspections and/or test elevators or related devices as an inspector or director for any other private elevator inspection agency.

§ 6. Article 422 of chapter 4 of title 28 of the administrative code of the city of New York is REPEALED and a new article 422 is added to read as follows:

**ARTICLE 422**

**ELEVATOR MAINTENANCE COMPANY LICENSE/REGISTRATION AND ELEVATOR MAINTENANCE COMPANY DIRECTOR LICENSE**

**§ 28-422.1 General.**

**§ 28-422.2 Requirements for Elevator Maintenance Companies before January 1, 2022.**

**§ 28-422.3 Requirements for Elevator Maintenance Companies on and after January 1, 2022**

**§ 28-422.4 Designated individual in responsible charge.**

**§ 28-422.5 Requirements for elevator maintenance company director license.**

**§ 28-422.6 Elevator maintenance company mechanic qualifications.**

**§ 28-422.7 Elevator maintenance company helper qualifications.**

**§ 28-422.8 Prohibition on working for more than one elevator maintenance company.**

**§ 28-422.9 Initial training.**

**§ 28-422.10 Continuing education.**

**§ 28-422.11 Examination required.**

**§ 28-422.12 Licensing exemptions.**

**§ 28-422.13 Term of license.**

**§ 28-422.14 Fees.**

**§ 28-422.15 Elevator work performed by the department.**

**§ 28-422.1 General.** Elevator maintenance companies shall comply with this article.

**§ 28-422.2 Requirements for Elevator Maintenance Companies before January 1, 2022.** Until January 1, 2022, elevator maintenance companies shall comply with this section or section 28-422.3.

**§ 28-422.2.1 Designated individual in responsible charge.** The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-422.4.

**§ 28-422.2.2 Elevator work.** All elevator work for an elevator maintenance company shall be performed by individuals who are directly employed by such company and working under the supervision of the individual designated for such company in accordance with section 28-422.4.

**§ 28-422.3 Requirements for Elevator Maintenance Companies on and after January 1, 2022.** On and after January 1, 2022, elevator maintenance companies shall be licensed in accordance with this section.

**§ 28-422.3.1 Requirements for elevator maintenance company license; renewals.** In addition to the general licensing requirements of article 401 of this chapter, applicants for an elevator maintenance company license shall:

1. Designate an individual in responsible charge in accordance with section 28-422.4;

2. Submit satisfactory proof to the department that all elevator mechanics and elevator helpers performing or supervising elevator work on behalf of the applicant have successfully completed the initial training set forth in section 28-422.9.

3. For license renewal applications, submit satisfactory proof that all elevator mechanics and elevator helpers performing or supervising elevator work on behalf of the applicant have successfully completed the continuing education set forth in section 28-422.10 within the three years preceding submission of such application.

4. Certify to the truth and accuracy of all submissions to the department.

**§ 28-422.3.2 Elevator work.** All elevator work for an elevator maintenance company shall comply with the following:

1. Such work shall be performed by or under the supervision of the individual designated in responsible charge in accordance with section 28-422.4; and

2. Such work shall be performed by one or more of the following individuals:

2.1. An elevator maintenance company director directly employed by such company;

2.2. An elevator maintenance company mechanic directly employed by such company;

2.3. An elevator maintenance company helper directly employed by such company or

2.4. An apprentice currently enrolled in a recognized federal, state, local, or regional apprenticeship training program including but not limited to the Joint Apprenticeship Training Program of the Elevator Industry and Local 3, IBEW and the National Elevator Industry Elevator Education Program.

**§ 28-422.4 Designated individual in responsible charge.** Where required by this article, an elevator maintenance company shall designate an individual directly employed by such company to be in responsible charge of all elevator work and related operations for such company. Such individual shall:

1. Satisfy the requirements for an elevator maintenance company director license set forth in Section 28-

422.5

2. Submit the following to the department before exercising supervision over elevator work performed by such company:

2.1. Such individual's full name, home address and home telephone number;

2.2. Such company's name, address and telephone number;

2.3. A certification by such individual stating that all elevator work performed by such company will be performed under the supervision of such individual and will comply with the requirements of this article;

**§ 28-422.5 Requirements for elevator maintenance company director license.** In addition to the general licensing requirements of article 401 of this chapter, applicants for an elevator maintenance company director license shall submit satisfactory proof to the department that:

1. The applicant is a New York state licensed professional engineer or registered architect who has at least five years of full time work experience supervising elevator work or inspecting, testing or witnessing the inspection or testing of passenger elevators or escalators within the seven years preceding submission of such application; or

2. The applicant has at least ten years of full time work experience supervising elevator work within the fifteen years preceding submission of such application and meets one or more of the following requirements:

2.1. The applicant has at least five additional years of full time work experience performing or supervising elevator work; or

2.2. The applicant has earned a certification upon completion of a vocational, trade or apprenticeship program for elevator mechanic or technician from an institution approved by a Federal, state or local government agency.

3. The applicant demonstrates to the commissioner's satisfaction that the applicant is of good moral

character so as not to adversely impact upon his or her fitness to conduct a private elevator inspection agency.

**§ 28-422.6 Elevator maintenance company mechanic qualifications on and after January 1, 2022.** No individual may work as an elevator maintenance company mechanic for an elevator maintenance company until he or she submits satisfactory proof to such company that he or she has

1. Either
  - a. At least five years of full time work experience performing or supervising elevator work within the ten years; and
  - b. Complies with the initial training requirements of § 28-422.9, or
2. Completed 3 years of an apprenticeship program that includes instruction covering all of the initial training requirements of § 28-422.9,

**§ 28-422.7 Elevator maintenance company helper qualifications.** An individual not meeting the requirements of section 28-422.6 may work as an elevator maintenance company helper if he or she complies with the initial training requirements of §28-422.9 or completes classes in an apprenticeship training program that meet the initial training requirements.

**§ 28-422.8 Prohibition on working for more than one elevator maintenance company.** No individual may:

1. Perform or supervise elevator maintenance work for an elevator maintenance company while directly employed by another elevator maintenance company; or
2. Inspect, test or witness the inspection or testing of any passenger elevator or escalator that underwent elevator work performed by an elevator maintenance company that directly employed such individual at any time within the one year preceding such inspecting, testing or witnessing thereof.

**§ 28-422.9 Initial training.** Where required by this article, individuals performing or supervising elevator work

for an elevator maintenance company shall submit proof of having previously completed or shall complete at least thirty-six hours of initial training courses within 6 months of beginning employment within an elevator maintenance company covered by this Article. Such courses shall be approved by the department and shall cover:

1. Twenty hours of instruction on safe work practices and related topics that shall include, but shall not be limited to, the elevator industry field employees' safety handbook (FESH) topics of the proper and safe use of jumpers and potential hazards of jumpers, fall protection, electrical safety and lock out and tag out procedures and product-specific safety applications or procedures;

2. Ten hours on the New York city construction codes, chapter 3 of title 27 of the administrative code and adopted standards, rules, commissioner's orders/bulletins and topics related to elevators and escalators. The applicable edition of the following standards shall be included:

2.1. ASME A17.1;

2.2. ASME A17.2;

2.3. ASME A17.3;

2.4. ICC/ANSI A117.1; and

3. Six hours on new technology related to the elevator industry, which may include cross- discipline training, manufacturer's training or other technical training pertaining to new technology to enhance safety and reliable service and to provide a sustainable environment. Content shall be relevant to the attendees and their specific certificate classification.

**§ 28-422.10 Continuing education.** Where required by this article, individuals performing or supervising elevator work for an elevator maintenance company shall complete at least seven hours of continuing education courses every three years. To qualify under this section, such courses must be approved by the department and must cover the subject areas set forth in section 28-422.9.

**§ 28-422.12 Exemptions.** Whenever an emergency exists in the city due to a disaster or act of God, which

imperils the health, safety or welfare of an individual or individuals and placing such individual or individuals in imminent danger of injury or death and the number of qualified individuals who can perform work under this Article are insufficient to cope with such emergency, any person certified by the elevator maintenance company covered by this Article to have an acceptable combination of documented experience and education to perform elevator work without supervision shall seek an emergency elevator mechanic's certification from the commissioner of buildings within five business days after commencing work covered by this Article. The commissioner shall issue emergency elevator mechanic's certification to address the emergency that exists. Such elevator maintenance company shall furnish proof of competency as the commissioner may require. Each such certification shall recite that it is valid for a period of sixty days from the date thereof and for such particular elevators or geographical areas as the commissioner may designate to address the emergency situation and otherwise shall entitle the holder of the mechanic's certification to the rights and privileges of an elevator mechanic who would otherwise meet the requirements of this Article issued under this article. The commissioner shall renew an emergency elevator mechanic's certification during the existence of an emergency as needed. No fee shall be charged for any emergency elevator mechanic's certification or renewal thereof.

§ 28-422.13 Term of license. The term of the elevator maintenance company and elevator maintenance company director licenses shall be three years.

§ 28-422.14 Fees. Applicants for elevator maintenance company and elevator maintenance company director licenses shall pay the fees set forth in the rules of the department.

§ 28-422.15 Elevator work performed by the department. Notwithstanding any other provision in this article, the department may perform accessibility and elevator work.

§ 7. This local law takes effect 1 year after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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