



## Legislation Text

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Int. No. 1053

By Council Members Vacca, Johnson, Crowley, Torres and Menchaca

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 28-423.1 to perform passenger elevator [repair work and maintenance and escalator maintenance, repair and replacement work]and escalator maintenance, repair and replacement, 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
Elevator maintenance company.	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
Elevator maintenance company director.	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.

§ 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” 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 28-423.7.

**ELEVATOR MAINTENANCE COMPANY HELPER.** An individual who performs elevator work and meets the requirements of section 28-423.9.

**ELEVATOR MAINTENANCE COMPANY MECHANIC.** An individual who performs elevator work and meets the requirements of section 28-423.8.

**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 a passenger elevator or escalator regulated by this code or other applicable laws or rules.

§ 4. Chapter 4 of title 28 of the administrative code of the city of New York is amended to add a new article 423 to read as follows:

#### **ARTICLE 423**

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

**§ 28-423.1 General.**

**§ 28-423.2 Elevator work performed before January 1, 2018.**

**§ 28-423.3 Elevator work performed on and after January 1, 2018 and before January 1, 2021.**

**§ 28-423.4 Elevator work performed on and after January 1, 2021.**

**§ 28-423.5 Designated individual in responsible charge.**

**§ 28-423.6 Prohibition on working for more than one elevator maintenance company.**

**§ 28-423.7 Requirements for elevator maintenance company director license.**

**§ 28-423.8 Elevator maintenance company mechanic qualifications.**

**§ 28-423.9 Elevator maintenance company helper qualifications.**

**§ 28-423.10 Initial training.**

**§ 28-423.11 Continuing education.**

**§ 28-423.12 No examination required.**

**§ 28-423.13 Term of license.**

**§ 28-423.14 Fees.**

**§ 28-423.15 Elevator work performed by the department.**

**§ 28-423.1 General.** Elevator maintenance companies shall comply with this article.

**§ 28-423.2 Elevator work performed before January 1, 2018.** Until January 1, 2018, elevator maintenance companies shall comply with this section or section 28-423.4.

**§ 28-423.2.1 Designated individual in responsible charge.** The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-423.5.

**§ 28-423.2.2 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 direct and continuing supervision of the individual designated for such company in accordance with section 28-423.5.

**§ 28-423.3 Elevator work performed on and after January 1, 2018 and before January 1, 2021.** On and after January 1, 2018 and until January 1, 2021, elevator maintenance companies shall comply with this section or section 28-423.4.

**§ 28-423.3.1 Designated individual in responsible charge.** The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-423.5. In addition to the requirements of section 28-423.5 and prior to such company performing elevator work, such individual shall submit satisfactory proof to the department that all individuals directly employed by such company to perform or supervise elevator work have successfully completed the initial training set forth in section 28-423.10.

**§ 28-423.3.2 Elevator work.** All elevator work for an elevator maintenance company shall be performed by individuals who:

1. Are directly employed by such company;
2. Are working under the direct and continuing supervision of the individual designated for such

company in accordance with section 28-423.5; and

3. Have successfully completed the initial training set forth in section 28-423.10.

**§ 28-423.4 Elevator work performed on and after January 1, 2021.** On and after January 1, 2021, elevator maintenance companies shall be licensed in accordance with this section.

**§ 28-423.4.1 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 28-423.5;

2. Submit satisfactory proof to the department that all individuals performing or supervising elevator work on behalf of the applicant have successfully completed the initial training set forth in section 28-423.10; and

3. For license renewal applications, submit satisfactory proof that all individual performing or supervising elevator work on behalf of the applicant have successfully completed the continuing education set forth in section 28-423.11 within the three years preceding submission of such application.

**§ 28-423.4.2 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 direct and continuing supervision of the individual designated in responsible charge in accordance with section 28-423.5; 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; or

2.3. An elevator maintenance company helper directly employed by such company and working under the personal and immediate supervision of an elevator maintenance company director or mechanic without intermediate supervisors or other intervening levels of supervision.

**§ 28-423.5 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. Submit the following to the department before exercising direct and continuing supervision over elevator work performed by such company:

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

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

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

2. Maintain and make available to the department the following records upon request of the department:

2.1. A log of all elevator work performed by such company, including the locations where such work was performed, for seven years; provided further that, where an elevator maintenance company employs individuals who inspect, test or witness the inspection or testing of passenger elevators or escalators, whether on behalf of such company or otherwise, such log shall include the locations of such inspecting, testing or witnessing thereof;

2.2. All records submitted to such company in accordance with sections 28-423.8 and 28-423.9;

2.3. All records related to initial training as set forth in section 28-423.10 and continuing education as set forth in section 28-423.11 for employees of such company; and

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

**§ 28-423.6 Prohibition on working for more than one elevator maintenance company.** No individual may:

1. Perform or supervise elevator 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.

**§ 28-423.7 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 two 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 five 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 registered by the New York state or the United States department of labor.

**§ 28-423.8 Elevator maintenance company mechanic qualifications.** 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:

1. Has at least five years of full time work experience performing or supervising elevator work within the ten years preceding such submission; or

2. Has earned a certification upon completion of a vocational, trade or apprenticeship program for elevator mechanic or technician from an institution registered by the New York state or the United States department

of labor.

**§ 28-423.9 Elevator maintenance company helper qualifications.** No individual may work as an elevator maintenance company helper for an elevator maintenance company until he or she submits satisfactory proof to such company that he or she is enrolled in a vocational, trade or apprenticeship program for elevator mechanic or technician of an institution registered by the New York state or the United States department of labor at the time of such submission.

**§ 28-423.10 Initial training.** Where required by this article, individuals performing or supervising elevator work for an elevator maintenance company shall complete at least thirty-six hours of initial training courses. Such courses shall be developed or 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.

**§ 28-423.11 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. To qualify under this section, such courses must be approved by the department and must cover the subject areas set forth in section 28-423.10.

**§ 28-423.12 No examination required.** No examination shall be required for an elevator maintenance company license or an elevator maintenance company director license.

**§ 28-423.13 Term of license.** The term of the elevator maintenance company and elevator maintenance company director licenses shall be three years.

**§ 28-423.14 Fees.** Applicants for elevator maintenance company and elevator maintenance company director licenses shall pay the fees set forth in the rules of the department.

**§ 28-423.15 Elevator work performed by the department.** Notwithstanding any other provision in this article, the department may perform elevator work.

§ 5. This local law takes effect 180 days 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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