

HB1381 HD2

Measure Title: RELATING TO ELEVATOR MECHANICS.

Report Title: Elevator Mechanics; Licensing

Description: Clarifies the scope of work for elevator mechanics. Amends the licensing requirements for elevator mechanics, and the powers and duties of the Elevator Mechanics Licensing Board. (HB1381 HD2)

Companion:

Package: None

Current Referral: CPH, WAM

Introducer(s): JOHANSON



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 14, 2017

To: The Honorable Rosalyn Baker, Chair,
The Honorable Clarence K. Nishihara, Vice Chair, and
Members of the Senate Committee on Commerce, Consumer Protection,
and Health

Date: Tuesday, March 14, 2017

Time: 9:00 a.m.

Place: Conference Room 229, State Capitol

From: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 1381 HD2 Relating to Elevator Mechanics

I. OVERVIEW OF PROPOSED LEGISLATION

HB 1382 HD2 amends chapter 448H, Hawaii Revised Statutes (HRS), relating to elevator mechanics. The amendments include deletion of the requirement for Department of Commerce and Consumer Affairs (DDCA) to register elevator mechanic apprentices.

DLIR strongly supports HD2 because it removes inconsistencies between chapter 448H and chapter 372, relating to apprenticeship.

II. CURRENT LAW

The current law defines an apprentice elevator mechanic as any person who is in training to acquire the skill to become an elevator mechanic and who is required to work for at least four years under the supervision of an elevator mechanic duly licensed under section 448H-6.

This law preceded the enactment of chapter 372, HRS, which has authorized DLIR to approve and monitor apprenticeship programs since 1941. The U.S. Department of Labor recognizes DLIR as the State Apprenticeship Agency for the State of Hawaii and requires DLIR to ensure that all apprenticeship programs comply with

federal regulations and state requirements before they are approved. The Elevator Apprenticeship Program was approved by DLIR in 2003.

III. COMMENTS ON THE HOUSE BILL

To better align chapters 448 and 372, HRS, DLIR worked with staff from the Elevator Union and DCCA in drafting revised language that the Elevator Union submitted to the House CPC Committee. The revised language in HD2 addresses all of DLIR's concerns by eliminating inconsistencies between DCCA and DLIR and facilitating DCCA licensing of apprentices who complete their apprenticeship program. On this basis, DLIR strongly supports HD2.

National Elevator Industry, Inc.



Government Affairs Office

5537 SW Urish Road • Topeka Kansas 66610 • Office: 785.286.7599 • Cell: 785.580.5070

March 13, 2017

Senator Rosalyn Baker
Senate Committee on Commerce, Consumer Protection & Health
Hawaii State Capitol, Room 230
Honolulu, HI 96813

Aloha Chairman Baker:

On behalf of the National Elevator Industry Inc (NEII®), I am writing to request that your committee modify H.B. 1381, a bill relating to the licensing of elevator mechanics, at your hearing tomorrow.

NEII® member companies have significant operations across Hawaii, and we support state licensing requirements which set minimum standards for the training, education and experience of elevator mechanics. We would like to offer our support of H.B. 1381 once these important changes are made.

Specifically, NEII® is very concerned about the mechanics scope of work and definition of “elevator mechanic” as outlined in current version of H.B. 1381 (see highlighted language in Attachment). There are numerous functions in the bill that are beyond the scope of work solely undertaken by mechanics. Certain tasks, such as updating software, changing parameters and resetting faults, among others, can be completed by a variety of personnel including engineers, building security, facility staff and/or other operational employees. The bill as written could have a significant impact on the business operations of elevator maintenance providers and impose unnecessary costs on building owners and managers in the state of Hawaii.

NEII® and the International Union of Elevator Constructors (IUEC) have developed a model elevator law that is promoted jointly to state legislatures across the country. We request that your committee modifies H.B. 1381 as follows to ensure consistency with industry practices and the model language promoted by our industry:

H.B 1381 Page 2

§448H- Elevator mechanics; scope of work. All

11 construction, reconstruction, wrecking, dismantling, demolition
12 when an elevator is to be replaced in the same hoistway,
13 alteration, maintenance, repair, ~~troubleshooting, mechanical, or~~
14 ~~electrical work or adjustments, which includes but is not~~
15 ~~limited to the accessing of the hoistway, the updating of~~
16 ~~software, the changing of parameters, the resetting of faults,~~
17 ~~and the operation of all systems and functions, of any~~
18 conveyance, ~~including any reconstruction, alteration, or~~
19 ~~adjustment of the structure or facility of which the same may be~~
20 ~~a part or to which the same may be attached, necessary for~~

H.B. 1381 Page 3

~~1 proper completion of the work on the conveyance shall be
2 performed by an elevator mechanic who is licensed by the board.”~~

H.B. 1381 Page 3

12 ““Elevator mechanic” means any person who **ADD: “possesses an
elevator mechanic license issued by the Board and who is engaged in
erecting, constructing, installing, altering, servicing, repairing or
maintaining elevators or related conveyances covered by this chapter.”**”

12...engages in the

~~13 construction, reconstruction, wrecking, dismantling, demolition~~

~~14 when an elevator is to be replaced in the same hoistway,~~

~~15 alteration, maintenance, repair, troubleshooting, mechanical, or~~

~~16 electrical work or adjustments, which include but are not~~

~~17 limited to the accessing of the hoistway, updating of software,~~

~~18 changing of parameters, and resetting of faults, and the~~

~~19 operation of all systems and functions of any [elevator,~~

~~20 dumbwaiter, stage lift, mechanized parking garage elevator,~~

~~21 escalator, moving walk or ramp, lift] conveyance, including any~~

H.B. 1381 Page 4

~~1 construction, reconstruction, alteration, or adjustment of the~~

~~2 structure or facility of which the same may be a part or to~~

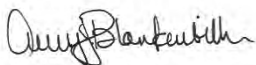
~~3 which the same may be attached, necessary for proper completion~~

~~4 of the work~~

Thank you for your consideration of these important comments. The recommended changes to H.B. 1381 put forth in this letter are vital to ensure that Hawaii requirements do not conflict with industry standards, disrupt business operations or impose unnecessary costs on building owners and managers in the state of Hawaii.

I am available to discuss any questions or provide additional information as needed. Please do not hesitate to contact me at the NEII® Government Affairs office at 785-286-7599 or via e-mail at ajblankenbiller@neii.org.

Sincerely,



Amy J. Blankenbiller
Vice President, Government Affairs

Attachment

A BILL FOR AN ACT

RELATING TO ELEVATOR MECHANICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 448H, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§448H- Examination. Every applicant for a license
5 shall:

- 6 (1) Be at least eighteen years of age;
7 (2) Pass the licensing examination with an examination
8 score of not less than seventy per cent; and
9 (3) Not be allowed to review the applicant's answers to an
10 examination that the applicant failed to pass.

11 §448H- License renewals. (a) Licenses shall expire on
12 June 30 of each even-numbered year. Licensees seeking renewal
13 shall pay all applicable fees and pass the competency
14 requirements under subsection (b).

15 (b) Prior to each license renewal, a licensed elevator
16 mechanic shall furnish the board with proof of completion of:



- 1 (1) An educational course related to the construction,
2 installation, wrecking, dismantling, demolition,
3 modernization, repair, and maintenance of elevators
4 and other similar conveyances; or
- 5 (2) A qualified elevator inspector continuing education
6 course offered by an American National Standards
7 Institute accredited certifying organization;
8 provided that course work or proof of attendance thereof shall
9 total not less than ten hours per license renewal cycle.

10 §448H- Elevator mechanics; scope of work. All
11 construction, reconstruction, wrecking, dismantling, demolition
12 when an elevator is to be replaced in the same hoistway,
13 alteration, maintenance, repair, troubleshooting, mechanical, or
14 electrical work or adjustments, which includes but is not
15 limited to the accessing of the hoistway, the updating of
16 software, the changing of parameters, the resetting of faults,
17 and the operation of all systems and functions, of any
18 conveyance, including any reconstruction, alteration, or
19 adjustment of the structure or facility of which the same may be
20 a part or to which the same may be attached, necessary for



1 proper completion of the work on the conveyance shall be
2 performed by an elevator mechanic who is licensed by the board."

3 SECTION 2. Section 448H-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding a new definition to be appropriately inserted
6 and to read:

7 "Conveyance" means any elevator, dumbwaiter, stage lift,
8 mechanized parking garage elevator, escalator, moving walk or
9 ramp, or lift."

10 2. By amending the definition of "elevator mechanic" to
11 read:

12 "Elevator mechanic" means any person who engages in the
13 construction, reconstruction, wrecking, dismantling, demolition
14 when an elevator is to be replaced in the same hoistway,
15 alteration, maintenance, repair, troubleshooting, mechanical, or
16 electrical work or adjustments, which include but are not
17 limited to the accessing of the hoistway, updating of software,
18 changing of parameters, and resetting of faults, and the
19 operation of all systems and functions of any [elevator,
20 dumbwaiter, stage lift, mechanized parking garage elevator,
21 escalator, moving walk or ramp, lift] conveyance, including any



1 construction, reconstruction, alteration, or adjustment of the
2 structure or facility of which the same may be a part or to
3 which the same may be attached, necessary for proper completion
4 of the work on the [elevator, dumbwaiter, stage lift, mechanized
5 parking garage elevator, escalator, moving walk or ramp, or
6 lift.] conveyance."

7 SECTION 3. Section 448H-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[~~§~~§448H-2[~~§~~] License required. No person shall operate
10 or practice as an elevator mechanic in the State unless the
11 person is licensed under this chapter."

12 SECTION 4. Section 448H-4, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§448H-4 Meetings. The board shall meet not less than
15 [~~twice~~] four times a year at a time and place as determined by
16 the board. The board shall also meet [~~but not~~] no later than
17 thirty days prior to the licensing examination pursuant to
18 section 448H-5(2) in order to evaluate applications therefor.
19 Any board member who misses two consecutive meetings of the
20 board or fifty per cent of the meetings in a year shall be
21 removed from the board."



1 SECTION 5. Section 448H-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§448H-5 Powers and duties of the board. In addition to
4 any other powers and duties authorized by law, the board shall:

5 (1) Adopt rules in accordance with chapter 91 to carry out
6 the purposes of this chapter;

7 (2) Develop, apply, review and upgrade appropriate
8 techniques, including examinations and investigations
9 for determining whether a person meets the
10 requirements of this chapter and standards to insure
11 that elevator mechanics will be persons qualified to
12 serve as such;

13 (3) Prescribe, at a minimum, that a nationally recognized
14 examination, augmented with locally developed
15 material, be used in testing for licensure[, the
16 ~~passing grade for the examination to be not less than~~
17 ~~seventy per cent~~];

18 (4) Issue licenses to persons determined, after
19 application of those techniques, to have met the
20 required qualifications and revoke or suspend
21 licenses, previously issued by the board pursuant to



1 hearings held in accordance with chapter 91, in any
2 case where the individual holding any license is
3 determined substantially to have failed to conform to
4 the required qualifications, this chapter, or the
5 rules of the board;

6 (5) Establish and carry out procedures designed to insure
7 that persons licensed as elevator mechanics will,
8 during any period they serve as such, comply with the
9 requirements of this chapter, the rules of the board,
10 and chapter 397 and rules adopted thereunder;

11 (6) Receive, investigate, and take appropriate action with
12 respect to, any charge or complaint filed with the
13 board to the effect that any individual licensed as an
14 elevator mechanic has failed to comply with the
15 requirements of this chapter regarding any complaint
16 regarding job performance by mechanics, the rules of
17 the board, or chapter 397 and the rules adopted
18 thereunder;

19 ~~[(7) Register apprentice elevator mechanics;~~

20 ~~-(8)]~~ (7) Maintain a record of its proceedings;



1 ~~[-9-]~~ (8) Assist and advise the department of labor and
2 industrial relations in the adoption of rules relating
3 to the conditions of work for elevator mechanics
4 including requirements related to equipment or
5 facilities essential for the safe installation,
6 repair, maintenance, or alteration of any elevator,
7 dumbwaiter, escalator, moving walk or ramp, and lift;
8 and

9 ~~[-10-]~~ (9) Notify the department of labor and industrial
10 relations of any fact or situation that, in the
11 opinion of the board, constitutes a violation of
12 chapter 397 or of any rule adopted thereunder."

13 SECTION 6. Section 448H-6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§448H-6 Qualifications for license.** No person shall be
16 licensed as an elevator mechanic unless the person has
17 satisfactorily passed the examination administered by the board
18 and ~~[satisfactorily completed at least four years of training~~
19 ~~under the supervision of a licensed elevator mechanic.]~~ has met
20 the following minimum qualifications:



- 1 (1) Obtained a certificate of completion and successfully
- 2 passed the mechanic examination of a nationally
- 3 recognized training program for the elevator industry
- 4 such as the National Elevator Industry Educational
- 5 Program; and
- 6 (2) Satisfactorily completed not less than four and one
- 7 half years of full-time or equivalent elevator
- 8 mechanic training; provided that not less than nine
- 9 thousand hours of training were received under the
- 10 supervision of a licensed elevator mechanic."

11 SECTION 7. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 9. This Act shall take effect on July 1, 2112.



Report Title:

Elevator Mechanics; Licensing

Description:

Clarifies the scope of work for elevator mechanics. Amends the licensing requirements for elevator mechanics, and the powers and duties of the Elevator Mechanics Licensing Board. (HB1381 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



**PRESENTATION OF THE
ELEVATOR MECHANICS LICENSING BOARD**

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, March 14, 2017
9:00 a.m.

**TESTIMONY ON HOUSE BILL NO. 1381, H.D. 2, RELATING TO ELEVATOR
MECHANICS.**

TO THE HONORABLE, ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Constance Cabral, Executive Officer of the Elevator Mechanics Licensing Board (“Board”), testifying on behalf of the Board regarding House Bill No. 1381, House Draft 2.

This measure amends chapter 448H, Hawaii Revised Statutes, by adding an examination requirement, revising the procedure and standards for license renewals, adding a new section regarding scope of work, adding a definition for “conveyance”, revising the definition of “elevator mechanic”, revising the current board meeting requirement from two times to at least four times a year, revising the powers of the board, and revising the minimum qualifications for licensure.

The Board discussed this bill at its last meeting and supports the intent of it. However, it was unable to take a position with regard to the proposed minimum qualifications for licensure, page 8, lines 1-10. The bill proposes that all applicants complete a nationally recognized training program such as the National Elevator Industry Educational Program in addition to the current requirement that the applicant satisfactorily pass an examination administered by the board and satisfactorily complete

four years of training under the supervision of a licensed elevator mechanic. Currently, applicants may either complete a formal training program or obtain training under a licensed elevator mechanic. As proposed, the bill would eliminate one avenue of training. The Board would like to make sure that all applicants receive the same training and obtaining it in a formal program would accomplish that. However, it would not want to prevent qualified individuals from being licensed nor would it want to inadvertently exacerbate the shortage of licensed elevator mechanics in Hawaii. As such, it will be discussing the proposed minimum qualifications and reviewing the bill further at its next meeting on March 20.

Thank you for the opportunity to provide testimony on House Bill No. 1381,
H.D. 2.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 10:57 AM
To: CPH Testimony
Cc: jmas808@gmail.com
Subject: *Submitted testimony for HB1381 on Mar 14, 2017 09:00AM*

HB1381

Submitted on: 3/13/2017

Testimony for CPH on Mar 14, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Masatsugu	Painting Industry of Hawaii Labor Management Cooperation Trust Fund	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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