



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

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March 28, 2017

To: The Honorable Jill N. Tokuda, Chair,
The Honorable Donovan M. Dela Cruz, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Tuesday, March 28, 2017

Time: 9:30 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 SD1 Relating to Elevator Mechanics

I. OVERVIEW OF PROPOSED LEGISLATION

HB 1382 HD2 SD1 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 supports the intent of HD2 SD1 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 which the Elevator Union submitted to the House CPC Committee. The revised language in HD2 SD1 addresses all of DLIR's concerns by eliminating inconsistencies between DCCA and DLIR and facilitating DCCA licensing of apprentices who complete their apprenticeship program. DLIR supports the intent of HB 1381 HD2 SD1 but understands that DCCA still has some concerns with the bill's current form. DLIR will defer to DCCA provided that the language affecting DLIR is not revised.

**PRESENTATION OF THE
ELEVATOR MECHANICS LICENSING BOARD**

TO THE SENATE COMMITTEE ON WAYS AND MEANS

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, March 28, 2017
9:30 a.m.

WRITTEN TESTIMONY

TESTIMONY ON HOUSE BILL NO. 1381, H.D. 2, S.D. 1, RELATING TO ELEVATOR MECHANICS.

TO THE HONORABLE JILL N. TOKUDA, CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Elevator Mechanics Licensing Board (“Board”) thanks you for the opportunity to present written testimony on House Bill No. 1381, H.D. 2, S.D. 1.

This measure amends chapter 448H, Hawaii Revised Statutes, by adding an examination requirement, revising the procedure for license renewals, adding a new section regarding scope of practice, adding definitions, requiring board meetings at least four times a year, and revising the qualifications for licensure.

The Board supports the intent of this bill, which is to update the current elevator mechanics law. The Board also appreciates the amendments incorporated in the Senate Draft 1 that eliminates language that was already covered in its rules, as well as the deletion of the apprentice registration language that would have duplicated existing registration at another department.

The Board notes that following the prior hearing on this measure, the board met to again discuss (1) minimum qualifications for licensure, (2) definition of “elevator mechanic”, and (3) scope of practice.

After a lengthy, in-depth discussion of proposed revisions, the Board concluded that such fundamental changes to these long-standing definitions and practices warranted further study by the Board, including a comparative review of the elevator mechanics laws in other jurisdictions. The Board did not have the benefit of reviewing the proposed revisions prior to the start of the legislative session, and requests that it be afforded sufficient time to gather information, conduct further discussions with stakeholders and discuss appropriate changes to the statute. The Board believes that this approach will reduce the possibility of unintended or negative consequences on its licensees and applicants. As such, the Board respectfully requests that this measure be deferred at this time.

Thank you for the opportunity to provide written testimony on House Bill No. 1381, H.D. 2, S.D. 1.

International Union of Elevator Constructors



Senate Committee on Ways and Means
Tuesday, March 28, 9:30 am, Room 211

Aloha Chair Tokuda and members of the committee,

On behalf of the International Union of Elevator Constructors, I am writing to request that your committee support H.B. 1381, a bill relating to the licensing of elevator mechanics.

We always support a minimum state licensing requirement and are always encouraging states to raise the bar to have the best licensed mechanics possible working on the equipment in their state.

We would like to offer our support of H.B. 1381 with a minimum or equal to the National Elevator Industry Educational Program (NEIEP) educational requirements.

*There is some confusion about tasks that are only performed by licensed elevator mechanics, such as updating software, changing parameters and resetting faults, among others, can be completed by few folks working for certain companies.

*There can be software resets, no hard resets, no trouble shooting and no off-site safety switch resets by anyone. The only person to reset any of these will be a licensed onsite elevator mechanic. There can be flexible features when the licensed elevator mechanic calls from the job site needing information and access to features that aren't available to the mechanic on site that is trouble shooting the problem that has called for tech support only.

*The International Union of Elevator Constructors (IUEC) developed a model elevator law 10 years ago, along with NEII that was promoted jointly to some state legislatures across the country that didn't already have laws in place as you all did.

*Parts of this law are not up to date and need to be updated and have been approved by the IUEC but were put aside by NEII when it came to other issues in the elevator industry that have arisen. As we get further along with innovation and technology there has been a lack of safety concerns but, they seem to be acceptable and are being pushed by some companies and are endangering the riding public and the elevator personnel working on the equipment.

*Hawaii has always been ahead of the curve in protecting your conveyance riding public and workers and we support our local union 126 in their efforts to improve safety and training in your state.

We feel these sections below are correct.

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

International Union of Elevator Constructors



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

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