

**PRESENTATION OF THE
ELEVATOR MECHANICS LICENSING BOARD**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Wednesday, February 22, 2017
2:01 p.m.

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

TO THE HONORABLE, ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Constance Cabral, Executive Officer of the Elevator Mechanics Licensing Board (“Board”) within the Professional and Vocational Licensing Division (“PVL”), Department of Commerce and Consumer Affairs (“Department”), testifying on behalf of the Board regarding House Bill No. 1381, House Draft 1. The Board supports the intent of this bill but has concerns about some the specific proposals as set forth in this testimony.

This measure amends chapter 448H, Hawaii Revised Statutes, by adding an examination requirement, requiring apprentice elevator mechanics to register at the Department in addition to registering at the Department of Labor and Industrial Relations (“DLIR”) Registered Apprenticeship Program., revising the procedure for license renewals, adding a new section regarding scope of practice, adding definitions, requiring monthly board meetings, expanding the duties of the board, revising the qualifications for licensure, and creating criteria for the issuance of temporary permits for apprentices.

The Board has had an opportunity to confer with DLIR and a representative of the International Union of Elevator Constructors (IUEC) and it is the Board's understanding that there is consensus between the Board, DLIR and IUEC regarding the following revisions of the H.D.1:

Regarding the new examination section of the bill, the Board recommends deleting subsection (b) and paragraphs (1), (2) and (3) (page 1 lines 6-13). Since PVL provides for the elevator mechanic fees (as well as the fees for all other boards, commissions and programs) in Chapter 53, Hawaii Administrative Rules, paragraph (1) is unnecessary. Paragraph (2) is also unnecessary as the passing score is currently provided for in section 448H-5, relating to the powers and duties of the Board. While this bill proposes to remove the provision on passing score in paragraph 448H-5(3) (page 7, lines 15-17), the Board prefers and recommends retaining the current language and removing the proposed paragraph (2). Paragraph (3) is too restrictive and therefore, should be removed.

Regarding the new apprentice registration section of the bill (page 1, line 16- page 2, line 19), the Board agrees with DLIR's recommendation to remove the section on apprentice registration with the Board as apprentices register with DLIR when entering DLIR's apprenticeship program. This being the case, the Board also recommends that the definition for apprentice elevator mechanic on page 5, lines 3-14 and page 8, line 19-page 9, line 4 be removed since it would be unnecessary.

Regarding section 4 of the H.D.1, the Board recommends amending the number of meetings to at least 4 a year, which is its current schedule, finding that quarterly

meetings are sufficient in attending to Board business. More meetings may be scheduled on an as needed basis.

Regarding section 5 of the H.D.1, the Board recommends removing the language on page 9, lines 18-20. The board holds an important adjudicatory role that is distinct from the prosecutorial role of the Regulated Industries Complaints Office (“RICO”), and board members cannot provide advice to RICO on matters that may come before the board for discipline. Further, the Board has already approved and sent to RICO, a list of licensed elevator mechanics to serve on RICO’s advisory committee pursuant to section 26-9(s), Hawaii Revised Statutes.

The Board does not agree with the following and therefore, recommends that it be removed.

On page 11, line 9 –page 12, line 3, the bill proposes to allow the Board to issue temporary licenses to apprentices. The Board is not in favor of this as it is potentially harmful. Currently, a temporary permit is given to elevator mechanics licensed in other states for the purpose of engaging in elevator mechanic services in Hawaii due to shortage issues. Allowing apprentices who are in training programs to perform as licensed elevator mechanics puts the public at risk.

The Board was unable to take a position on the proposed subsection (b), page 5, lines 5-14 and the proposed minimum qualifications for licensure, page 10, lines 6-18. Should the bill be moved out of Committee, the Board will meet again to discuss these issues.

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



LOCAL UNION NO. 126

LATE

OF THE

International Union of Elevator Constructors

AFFILIATED WITH THE AFL-CIO

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The Twenty-Ninth Legislature
Regular Session of 2017
Hawaii State House of Representatives
Committee On Consumer Protection & Commerce

Wednesday, February 22, 2017
2:01 PM, Conference Room 329

House Bill No. 1381 – Relating to Elevator Mechanics

The Honorable Angus L. K. McKelvey, Chair, Linda Ichiyama, Vice-Chair, and Esteemed Members of the House Committee On Consumer Protection & Commerce

The International Union of Elevator Constructors, Local 126 represents the men and women installing, repairing, and maintaining all elevators, escalators, and other vertical transportation in the State of Hawaii. The Elevator Constructor is a highly skilled craft with some of the most stringent and extensive education within the elevator industry and the construction industry as a whole. However, the current State of Hawaii licensing requirements for elevator mechanics does not coincide with the standards and the level of technology that are currently being introduced and installed.

HB 1381 proposes to amend the current statutes that govern the licensing of elevator mechanics within the State of Hawaii. It has been numerous years since the statute has been updated and during this same period technology has advanced exponentially. In order for elevator mechanics to keep pace with this technology they need to show and exhibit continued competence in their craft. Not only does this hone the skillset of the elevator mechanic but it will necessitate the elevator mechanic to stay current with the latest codes and technology.

The proposed amendments to HRS 448H are meant to strengthen the licensing law and help to discourage unlicensed activity by adding continued competency, increasing and defining the qualifications to become licensed, removing the responsibility of registering apprentices from the DCCA, better defining an elevator mechanic's scope of work, and better defining the powers and duties of the elevator mechanic's licensing board.

Some of the mechanisms that are currently in place are redundant and has outgrown its usefulness and purpose. For instance, apprenticeship registration is currently done through the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs and through the Workforce Development Division of the Department of Labor and Industrial Relations. However, the responsibility of apprentice registration should be done solely by the Department of Labor, which certifies the apprenticeship standards for the elevator apprenticeship program. The reason the Department of Commerce and Consumer Affairs is registering apprentices is because the law was instituted before there was a bonafide elevator apprenticeship program and there was a need to keep track of the experience quota of elevator workers who were not journeyworkers so they could qualify for licensure.

Licensing is in place for the safety and protection of the consumer and to strengthen the elevator mechanic's licensing laws can only serve to benefit our industry as a whole by raising the bar for elevator mechanics which in turn will provide a better and safer product to the riding public. When it comes to safety there is no compromise and for these reasons the International Union of Elevator Constructors, Local 126 is in **strong support** of HB 1381.

Respectfully submitted,

Marc Yamane

Business Representative

International Union of Elevator Constructors, Local 126