

HB 1381

RELATING TO ELEVATOR MECHANICS.

LAB, CPC

HB1381



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Measure Title: RELATING TO ELEVATOR MECHANICS.
Report Title: Elevator Mechanics; Licensing; Apprentices
Description: Expands or clarifies various aspects of statutes regarding elevator mechanic licensing and apprentice registration.
Companion:
Package: None
Current Referral: LAB, CPC
Introducer(s): JOHANSON

| Sort by Date | | Status Text |
|------------------------------|---|---|
| 1/25/2017 | H | Introduced and Pass First Reading. |
| 1/30/2017 | H | Referred to LAB, CPC, referral sheet 6 |
| 2/6/2017 | H | Bill scheduled to be heard by LAB on Thursday, 02-09-17 10:00AM in House conference room 309. |

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment
Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

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 four new sections to be appropriately
3 designated and to read as follows:

4 "§448H- Examination. (a) Every applicant for a
5 license shall pass a licensing examination.

6 (b) In addition, every applicant for a license under
7 subsection (a) shall also:

8 (1) Pay an examination fee as provided in rules adopted by
9 the board under chapter 91;

10 (2) Pass the examination with an examination score of not
11 less than seventy per cent;

12 (3) Refrain from taking an examination less than three
13 months after failing a previous examination;

14 (4) Not be allowed to review the applicant's answers to an
15 examination that the applicant failed to pass.

16 §448H- Apprenticeship registration. (a) All apprentices
17 shall register with the board and the department of labor and



1 industrial relations within sixty days of entering into an
2 apprenticeship program or upon arrival in the State, whichever
3 occurs earlier. Failure to register within sixty days shall
4 constitute a violation of this chapter and may result in
5 expulsion from the apprenticeship program.

6 (b) In order to be eligible for registration, an applicant
7 shall:

8 (1) Not be registered in any other apprenticeship program
9 that is certified by the State or the United States
10 Department of Labor;

11 (2) Be employed by a licensed contractor with a C-16
12 classification; and

13 (3) Be enrolled in, and actively participating in, an
14 elevator mechanic apprenticeship program approved by
15 the State or the United States Department of Labor.

16 (c) All apprentices shall be subject to an annual renewal
17 fee of not less than one hundred dollars, subject to revision by
18 the board through rules adopted pursuant to chapter 91.

19 §448H- License renewals. (a) Licenses shall expire on
20 June 30 of each even-numbered year. Licensees seeking renewal



1 shall pay all applicable fees and pass the competency
2 requirements under subsection (b).

3 (b) Prior to each license renewal, a licensed elevator
4 mechanic shall furnish the board with proof of attendance in an
5 educational course:

6 (1) Related to the construction, installation,
7 modernization, repair, and maintenance of elevators
8 and other similar conveyances; or

9 (2) Offered by a certified elevator inspection entity such
10 as the National Association of Elevator Safety
11 Authorities - Qualified Elevator Inspector
12 certification program;

13 provided that course work or proof of attendance thereof shall
14 total not less than ten hours per cycle.

15 **§448H- Elevator mechanics; scope of work.** (a) All
16 construction, reconstruction, alteration, maintenance, repair,
17 troubleshooting, mechanical, or electrical work or adjustments,
18 which include the updating of software, the changing of
19 parameters, the resetting of faults, and the operation of all
20 systems and functions, of any conveyance, including any
21 reconstruction, alteration, or adjustment of the structure or



1 facility of which the same may be a part or to which the same
2 may be attached, necessary for proper completion of the work on
3 the conveyance shall be performed by an elevator mechanic who is
4 licensed by the board.

5 (b) Unless a licensed elevator mechanic is performing work
6 for a licensed C-16 elevator contractor, the licensed elevator
7 mechanic may not dismantle or remove a conveyance from a
8 building or structure until the building or structure is fully
9 secure from unauthorized public access and:

10 (1) The entire building or structure is completely
11 demolished down to, and including, its foundation; or

12 (2) The entire building or structure is provided with
13 basic supporting walls, floors, and a roof."

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

16 1. By adding a new definition to be appropriately inserted
17 and to read:

18 "Conveyance" means any elevator, dumbwaiter, stage lift,
19 mechanized parking garage elevator, escalator, moving walk or
20 ramp, or lift."



1 2. By amending the definitions of "apprentice elevator
2 mechanic" and "elevator mechanic" to read:

3 "Apprentice elevator mechanic" means any person who is [~~is~~
4 ~~training~~] registered with the department of labor and industrial
5 relations or the board, is enrolled in a state-registered
6 apprenticeship program, and is actively training to acquire the
7 skill to become an elevator mechanic and who is required to work
8 [~~for at least four years~~] at full-time or its equivalent for not
9 less than four and one-half years, but not less than nine
10 thousand hours, under the supervision of an elevator mechanic
11 duly licensed under section 448H-6.

12 "Elevator mechanic" means any person who engages in the
13 construction, reconstruction, alteration, maintenance, repair,
14 troubleshooting, mechanical, or electrical work or adjustments,
15 which includes updating of software, the changing of parameters,
16 the resetting of faults, and the operation of all systems and
17 functions, of any [~~elevator, dumbwaiter, stage lift, mechanized~~
18 ~~parking garage elevator, escalator, moving walk or ramp, lift~~]
19 conveyance, including any construction, reconstruction,
20 alteration, or adjustment of the structure or facility of which
21 the same may be a part or to which the same may be attached,



1 necessary for proper completion of the work on the [~~elevator,~~
2 ~~dumbwaiter, stage lift, mechanized parking garage elevator,~~
3 ~~escalator, moving walk or ramp, or lift.~~] conveyance."

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

6 "[~~+~~§448H-2[~~+~~] **License required.** No person shall operate
7 or practice as an elevator mechanic in the State unless the
8 person is licensed under this chapter."

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

11 "~~§~~448H-4 **Meetings.** The board shall meet not less than
12 [~~twice~~] twelve times a year at a time and place as determined by
13 the board. The board shall also meet but not later than thirty
14 days prior to the licensing examination pursuant to section
15 448H-5(2) in order to evaluate applications therefor. Any board
16 member who misses two consecutive meetings of the board or fifty
17 per cent of the meetings in a year shall be removed from the
18 board."

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



- 1 **"§448H-5 Powers and duties of the board.** In addition to
2 any other powers and duties authorized by law, the board shall:
- 3 (1) Adopt rules in accordance with chapter 91 to carry out
4 the purposes of this chapter;
- 5 (2) Develop, apply, review and upgrade appropriate
6 techniques, including examinations and investigations
7 for determining whether a person meets the
8 requirements of this chapter and standards to insure
9 that elevator mechanics will be persons qualified to
10 serve as such;
- 11 (3) . Prescribe, at a minimum, that a nationally recognized
12 examination, augmented with locally developed
13 material, be used in testing for licensure[~~the~~
14 ~~passing grade for the examination to be not less than~~
15 ~~seventy per cent~~];
- 16 (4) Issue licenses to persons determined, after
17 application of those techniques, to have met the
18 required qualifications and revoke or suspend
19 licenses, previously issued by the board pursuant to
20 hearings held in accordance with chapter 91, in any
21 case where the individual holding any license is



- 1 determined substantially to have failed to conform to
2 the required qualifications, this chapter, or the
3 rules of the board;
- 4 (5) Establish and carry out procedures designed to insure
5 that persons licensed as elevator mechanics will,
6 during any period they serve as such, comply with the
7 requirements of this chapter, the rules of the board,
8 and chapter 397 and rules adopted thereunder;
- 9 (6) Receive, investigate, and take appropriate action with
10 respect to, any charge or complaint filed with the
11 board to the effect that any individual licensed as an
12 elevator mechanic has failed to comply with the
13 requirements of this chapter regarding any complaint
14 regarding job performance by mechanics, the rules of
15 the board, or chapter 397 and the rules adopted
16 thereunder;
- 17 (7) Register apprentice elevator mechanics;
- 18 (8) Review apprentice applications prior to the acceptance
19 of applicants;
- 20 (9) Develop and maintain a list of all registered
21 apprentices;



1 (10) Review and purge lists of registered apprentices every
2 two years;

3 [~~8~~] (11) Maintain a record of its proceedings;

4 [~~9~~] (12) Assist and advise the department of labor and
5 industrial relations in the adoption of rules relating
6 to the conditions of work for elevator mechanics
7 including requirements related to equipment or
8 facilities essential for the safe installation,
9 repair, maintenance, or alteration of any elevator,
10 dumbwaiter, escalator, moving walk or ramp, and lift;
11 [~~and~~

12 ~~(10)~~ (13) Notify the department of labor and industrial
13 relations of any fact or situation that, in the
14 opinion of the board, constitutes a violation of
15 chapter 397 or of any rule adopted thereunder~~[-]~~; and

16 (14) Serve as an advisor to the regulated industries
17 complaints office; provided that the board member is a
18 licensed elevator mechanic."

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



1 **"§448H-6 Qualifications for license.** No person shall be
2 licensed as an elevator mechanic unless the person has
3 satisfactorily passed the examination administered by the board
4 and [~~satisfactorily completed at least four years of training~~
5 ~~under the supervision of a licensed elevator mechanic.~~] has met
6 the following minimum qualifications:

- 7 (1) Obtaining a certificate of completion and successfully
8 passing the mechanic examination of a nationally
9 recognized training program for the elevator industry
10 such as the National Elevator Industry Educational
11 Program; and
- 12 (2) Satisfactorily completing not less than four and one
13 half years of full-time or equivalent elevator
14 mechanic training; provided that not less than nine
15 thousand hours of training were received under the
16 supervision of a licensed elevator mechanic."

17 SECTION 7. Section 448H-7, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§448H-7 Temporary permit.** (a) The board may issue a
20 temporary permit to any person who has qualified as an elevator
21 mechanic in another state with standards substantially equal to



1 those of this chapter and who possesses skills or training not
2 available in the State; provided that the board shall not
3 register any such person as an apprentice elevator mechanic.
4 The board shall, by rules and regulations, establish the terms
5 of the temporary permit.

6 (b) A temporary permit may be issued to an apprentice if
7 the following conditions are met:

8 (1) An application for the permit is submitted for the
9 board's approval;

10 (2) The permit shall be for a three-month period or for
11 the duration of time required to complete the
12 particular job for which the permit was issued,
13 whichever is longer;

14 (3) The applicant presents proof of not less than three
15 years of work experience; provided that not less than
16 six thousand hours were spent under the supervision of
17 an elevator mechanic licensed under section 448H-6;
18 and

19 (4) The applicant is registered with the board and the
20 department of labor and industrial relations as an
21 apprentice elevator mechanic."



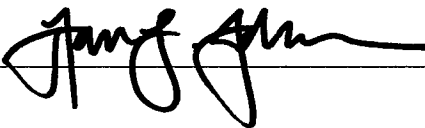
H.B. NO. 1381

1 SECTION 8. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 9. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 10. This Act shall take effect upon its approval.

7

INTRODUCED BY: 
JAN 24 2017



H.B. NO. 1381

Report Title:

Elevator Mechanics; Licensing; Apprentices

Description:

Expands or clarifies various aspects of statutes regarding elevator mechanic licensing and apprentice registration.

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 HOUSE COMMITTEE ON
LABOR AND PUBLIC EMPLOYMENT

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Thursday, February 9, 2017
10:00 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON HOUSE BILL NO. 1381, RELATING TO ELEVATOR MECHANICS.

TO THE HONORABLE AARON LING JOHANSON, 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, Department of Commerce and Consumer Affairs. The Board has not had an opportunity to review this bill, but will be discussing it at its next Board meeting on February 17, 2017. Therefore, it is not able to offer comments or take a position on the proposed amendments at this time.

Thank you for the opportunity to provide written testimony on House Bill No. 1381.



LOCAL UNION NO. 126



OF THE

International Union of Elevator Constructors

AFFILIATED WITH THE AFL-CIO

SUITE 215, 707 ALAKEA STREET • HONOLULU, HI 96813 • TELEPHONE (808) 536-8653 • FAX (808) 537-3779

The Twenty-Ninth Legislature
Regular Session of 2017
Hawaii State House of Representatives
Committee On labor and Public Employment

Thursday, February 9, 2017
10:00 AM, Conference Room 309

House Bill No. 1381 – Relating to Elevator Mechanics

The Honorable Aaron Ling Johanson, Chair, Daniel Holt, Vice-Chair, and Esteemed Members of the House Committee On Labor and Public Employment

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 must 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 technologies.


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 do not coincide with the standards and level of technology that are currently being introduced and installed.

The proposed amendments to Chapter 448H, Hawaii Revised Statutes, are meant to strengthen the licensing law and discourage unlicensed activity by adding continued competency requirements, increasing and defining the qualifications to become licensed, registering apprentices (which we are currently working on with the Department of Labor and Industrial Relations), adding a fee to register as an apprentice and a yearly fee to maintain the apprentice's registration, clarifying 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 are already in place. 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.

Licensing is in place for the safety and protection of the consumer. Strengthening the elevator mechanic's licensing laws can only serve to benefit our industry as a whole by raising the competency of 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

holt1 - Joyleanne

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:26 PM
To: LABtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1381 on Feb 9, 2017 10:00AM*

HB1381

Submitted on: 2/6/2017

Testimony for LAB on Feb 9, 2017 10:00AM in Conference Room 309

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Javier Mendez-Alvarez | Individual | 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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HB 1381

Late testimony

DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LIEUTENANT GOVERNOR

LATE



LATE

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LATE

February 9, 2017

To: The Honorable Aaron Ling Johanson, Chair,
The Honorable Daniel Holt, Vice-Chair, and
Members of the House Committee on Labor & Public Employment

Date: Thursday, February 9, 2017
Time: 10:00 a.m.
Place: Conference Room 309 State Capitol

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

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

I. OVERVIEW OF PROPOSED LEGISLATION

This bill adds four new sections [Examination; Apprentice Registration; License Renewals and Scope of Work for Elevator Mechanics] to chapter 448H, Hawaii Revised Statutes (HRS), which will result in concurrent registration of elevator mechanic apprentices with the Department of Commerce and Consumer Affairs (DCCA) and DLIR's Registered Apprenticeship program.

The Department supports the intent of the bill but has concerns about the language and potential issues affecting implementation.

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, HRS. The law does not require concurrent registration of the apprentice with DCCA and DLIR's Registered Apprenticeship Program, which has led to discrepancies for some individuals in either qualifying for licensure or completing their apprenticeship program.

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III. COMMENTS ON THE HOUSE BILL

This measure would help ensure consistency between DCCA licensing requirements and DLIR's Registered Apprenticeship Program and would facilitate attainment of DCCA licensing upon an individual's completion of their Registered Apprenticeship Program.

DLIR supports the intent of this bill and is willing to work with the International Union of Elevator Constructors, Local 126 staff and DCCA on the mechanics and language of the bill to address any issues and concerns of the parties involved if the bill continues to move through the legislative process.