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Int. No. 736

By Council Member, Sears, Avella, James, Koppell, Nelson, Vacca and Gerson

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to licensing elevator inspectors.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 28 of the administrative code of the city of New York shall be amended to add a new Article 418 to read as follows:

ARTICLE 418 ELEVATOR INSPECTOR LICENSE

§28-418.1 Elevator inspector license required. It shall be unlawful to inspect or test an elevator or escalator in the city of New York unless such inspection is performed by a person employed by a private elevator inspection agency and licensed as a private elevator inspector. It shall be unlawful to operate a private elevator inspection agency without a license as a private elevator inspection agency director.

Exception: The provisions of this article shall not apply to elevator inspectors employed by the department who meet the qualifications prescribed by rule of the department.

§28-418.2 Classification. Such licenses shall be classified as follows:

1. Private elevator inspector. Authorizes the holder thereof to inspect and test elevators, escalators and other conveying equipment regulated by this code; and

2. Private elevator inspection agency director. Authorizes the holder thereof to conduct business as an independent contractor that inspects and tests elevators, escalators and other conveying equipment regulated by this code.

§28-418.3 Additional qualifications for private elevator inspectors. All applicants for a private elevator inspector license shall:

1. Submit satisfactory proof establishing that the applicant has a minimum of five years of satisfactory experience within the last seven years immediately preceding the date of application in the assembly, installation, repair, design, maintenance or inspection of elevators and escalators;

2. Pass a written examination to verify his or her knowledge of the construction and maintenance of elevators and escalators within the provisions of chapter 30 and appendix K of the New York building code;

3. Provide satisfactory proof that the applicant is certified as an inspector by an organization accredited by the American Society of Mechanical Engineers in accordance with the standard of the American Society of Mechanical Engineers/American National Standards Institute for the qualification of elevator inspectors; and

§28-418.4 Additional qualifications for private elevator inspection agency directors. All applicants for a private elevator inspection agency director license shall:

1. Submit satisfactory proof establishing that the applicant has a minimum of ten years of experience within the last fifteen years immediately preceding the date of application, or a minimum of five years within the last seven years immediately preceding the date of application if the applicant is a registered architect or licensed professional engineer, in the supervision of the design, assembly, installation, repair, maintenance or inspection of elevators and escalators;

2. Pass a written examination to verify his or her knowledge of the construction and maintenance of elevators and escalators within the provisions of chapter 30 and appendix K of the New York building code;

3. Provide satisfactory proof that the applicant is certified as an inspector by an organization accredited by the American Society of Mechanical Engineers in accordance with the standard of the American Society of Mechanical Engineers/American National Standards Institute for the qualification of elevator inspectors; and

4. Provide satisfactory proof of a general liability insurance policy for the amount of one million dollars, with coverage provided for the term of the license, naming the New York city department of buildings, licensing division as an additional insured on said insurance certificate;

5. Provide satisfactory documentation indicating compliance with the provisions of the New York state workers'

compensation law and a current business address and telephone number which the applicant is responsible for keeping current.

§28-418.5 Background investigation. The department shall conduct a background investigation on each applicant, the cost of which shall be furnished by the applicant.

Exception: The background examination shall be waived upon proof that the applicant was certified by the department as a private elevator inspector or private elevator inspection service director after November twenty-third nineteen hundred ninety-eight and successfully completed a background investigation pursuant to such certification.

§2. Section 401.3 of title 28 of the administrative code of the city of New York is amended to read as follows:

PRIVATE ELEVATOR INSPECTION AGENCY. An [approved] agency [authorized] licensed by the commissioner to operate as an independent contractor for the purpose of inspecting and testing elevators, escalators and other conveying equipment regulated by this code and shall include but shall not be limited to an insurance company, elevator maintenance company, elevator manufacturer or elevator inspection company.

§3. Section 401.15 of title 28 of the administrative code of the city of New York is amended to add:

License Type	Initial Fee	Renewal Fee	Additional Fees
<u>Private Elevator Inspector</u>	<u>\$15</u>	<u>\$10</u>	<u>Late renewal fee: \$10</u>
<u>Private Elevator Inspection agency</u>	<u>\$100</u>	<u>\$50</u>	<u>Late renewal fee: \$50</u>
<u>Director</u>			

§4. Section 8.11.1.1 of appendix K of the New York city building code shall be amended to read as follows:

§8.11.1.1 Persons Authorized to Make Inspections and Tests. The inspector shall be [a special inspector] an elevator inspector employed by the department who meets the qualifications prescribed by rule of the department, or a private elevator inspector employed by a private elevator inspection agency and licensed by the department in accordance with article 418 of this code.

§5. This local law shall take effect on July 1, 2008.