

046718296

HOUSE BILL NO. 829

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 54.1-1100 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 11 of Title 54.1 an article numbered 4, consisting of sections numbered 54.1-1140, 54.1-1141 and 54.1-1142, relating to the Board for Contractors; certification of elevator mechanics.

 Patron—Drake

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-1100 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 11 of Title 54.1 an article numbered 4, consisting of sections numbered 54.1-1140, 54.1-1141 and 54.1-1142, as follows:

§ 54.1-1100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Contractors.

"Class A contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is \$70,000 or more, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any twelve-month period is \$500,000 or more.

"Class B contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is \$7,500 or more, but less than \$70,000, or (ii) the total value of all such construction, removal, repair or improvements undertaken by such person within any twelve-month period is \$150,000 or more, but less than \$500,000.

"Class C contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is over \$1,000 but less than \$7,500, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any twelve-month period is less than \$150,000. The Board shall require a master tradesmen license as a condition of licensure for electrical, plumbing and heating, ventilation and air conditioning contractors.

"Contractor" means any person, that for a fixed price, commission, fee, or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing, managing, or superintending in whole or in part, the construction, removal, repair or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by him or another person or any other improvements to such real property.

"Department" means the Department of Professional and Occupational Regulation.

"Designated employee" means the contractor's full-time employee who is at least eighteen years of age and who has successfully completed the oral or written examination required by the Board on behalf of the contractor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Elevator mechanic" means an individual who is certified by the Board in accordance with this article who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining elevators, escalators, dumbwaiters, or related conveyances in accordance with the Uniform Statewide Building Code. However, a person not certified as an elevator mechanic may perform maintenance that is not related to the operating integrity of an elevator, escalator, dumbwaiter or related conveyance, as provided in the regulations of the Board.

"Person" means any individual, firm, corporation, association, partnership, joint venture, or other legal entity.

"Value" means fair market value. When improvements are performed or supervised by a contractor, the contract price shall be prima facie evidence of value.

Article 4.**Certification of Elevator Mechanics.**

§ 54.1-1140. Requirements for certification.

A. Effective July 1, 2005, no individual shall present himself as a certified elevator mechanic as defined in § 54.1-1100 unless he has been certified under the provisions of this article. Individuals certified as elevator mechanics shall not be required to hold any other professional or occupational license or certification; however, nothing in this subsection shall prohibit an individual from holding

INTRODUCED

HB829

59 *more than one professional or occupational license or certification.*

60 *B. Any individual desiring to be certified as an elevator mechanic shall file a written application on*
61 *a form prescribed by the Board. The application shall be accompanied by a fee set by the Board*
62 *pursuant to § 54.1-201. The application shall contain, at a minimum, the applicant's name, place of*
63 *employment, and business address, and information on the knowledge, skills, abilities and education or*
64 *training of the applicant.*

65 *§ 54.1-1141. Issuance of certification.*

66 *A. The Board shall issue a certificate to practice as an elevator mechanic in the Commonwealth to*
67 *any applicant who has submitted satisfactory evidence that he has successfully:*

68 *1. Completed the educational requirements as required by the Board, which shall at a minimum*
69 *include such requirements as the Board determines will establish minimum competency on the part of*
70 *the applicant;*

71 *2. Completed the experience requirements as required by the Board, which shall at a minimum*
72 *consist of at least three years in the elevator industry; and*

73 *3. Passed an examination offered or approved by the Board.*

74 *B. The Board may issue a certificate to practice as a certified elevator mechanic to any applicant*
75 *who has a certification from an association approved by the Board that is equal to or exceeds the*
76 *requirements established by the Board for all applicants.*

77 *C. Any individual who applies for certification as an elevator mechanic between July 1, 2004, and*
78 *July 1, 2005, shall be deemed to have fulfilled the examination requirement if he is able to demonstrate*
79 *that he has at least five years experience as a mechanic in the elevator industry.*

80 *§ 54.1-1142. Continuing education.*

81 *A. The Board shall establish in the regulations requirements for continuing education as a*
82 *prerequisite to renewal of any certificate issued under this article. The Board shall require evidence of*
83 *knowledge of the Uniform Statewide Building Code changes as a prerequisite to renewal of any*
84 *certificate issued under this article. In addition, the Board may require continuing education for any*
85 *individual who is found to be in violation of law or regulations governing the practice of an elevator*
86 *mechanic certified under this article.*

87 *B. An elevator mechanic, as a condition of recertification and as part of the recertification*
88 *application, shall certify to the Board that he has completed at least eight hours of continuing*
89 *education, approved by the Board, in the specialty of elevator/escalator contracting. The Board may*
90 *establish such requirements for approval of training instructors, the criteria for the continuing education*
91 *and such other regulations to ensure the protection of the public interest. Such criteria shall include*
92 *approval of curriculum sponsored by national or state professional elevator industry associations*
93 *approved by the Board.*