

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 54.1-1140, 54.1-1141, 54.1-1142, and 54.1-1143 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-1142.1, relating to the Board for Contractors; certification of elevator mechanics.

[H 3162]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-1140, 54.1-1141, 54.1-1142, and 54.1-1143 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-1142.1 as follows:

§ 54.1-1140. Definitions.

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

"Certified elevator mechanic" means an individual who is certified by the Board in accordance with this article to engage in work as an elevator mechanic.

"Elevator mechanic" means an individual who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining elevators, escalators, 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, or related conveyance, as provided in the regulations of the Board.

§ 54.1-1141. Certification required; exemption.

A. Effective July 1, 2005, no individual shall present himself as a certified elevator mechanic as defined in § 54.1-1140. No person shall engage in, or offer to engage in, work as an elevator mechanic in the Commonwealth 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 more than one professional or occupational license or certification.

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

C. Nothing in this article shall be construed to prevent a person who is not certified as an elevator mechanic from performing maintenance that is not related to the operating integrity of an elevator, escalator, or related conveyance.

§ 54.1-1142. Issuance of certification; emergency certification.

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

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

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

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

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

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

§ 54.1-1142.1. Certifications in event of declared emergency or work stoppage.

A. Whenever the Governor declares a state of emergency in accordance with § 44-146.17 or in the event of a work stoppage by elevator mechanics and the Board determines that the number of certified elevator mechanics is insufficient to meet the demands of the emergency or work stoppage, the Board shall issue a certificate to practice as a certified elevator mechanic under the following conditions:

1. A contractor licensed under the provisions of this chapter (a) certifies to the Board, in a form

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57 *prescribed by the Board, that an applicant has an acceptable combination of documented experience*
 58 *and education to perform work as an elevator mechanic without direct and immediate supervision and*
 59 *(b) provides such proof thereof as required by the Board; and*

60 *2. The applicant certified to the Board by the licensed contractor applies to the Board for*
 61 *certification as an emergency certified elevator mechanic.*

62 *B. Each such certification shall be valid for a period of 30 days from the date of issuance and for*
 63 *such geographic areas or such elevators, escalators, or related conveyances as the Board may*
 64 *designate. Such certification shall entitle the certificate holder to engage in work as a certified elevator*
 65 *mechanic. The Board shall renew such certification as often as necessary to ensure that there is a*
 66 *sufficient number of certified elevator mechanics to meet the demands of the emergency. No fee shall be*
 67 *charged for application for such certification or any renewal thereof.*

68 *C. In addition, when notified by a contractor licensed under the provisions of this section that there*
 69 *is a shortage of certified personnel to perform elevator work, the Board may issue temporary elevator*
 70 *mechanic certifications under the following conditions:*

71 *1. The licensed contractor certifies to the Board, in a form prescribed by the Board, that an*
 72 *applicant has an acceptable combination of documented experience and education to perform work as*
 73 *an elevator mechanic without direct and immediate supervision and provide such proof thereof as*
 74 *required by the Board;*

75 *2. The applicant certified to the Board by the licensed contractor applies to the Board for such*
 76 *temporary certification as an elevator mechanic; and*

77 *3. The applicant pays an application fee as set by the Board.*

78 *D. Each such certification shall be valid for a period of 30 days from the date of issuance provided*
 79 *the applicant is employed by the licensed contractor. The Board shall renew such certification as often*
 80 *as necessary to ensure that there is a sufficient number of certified elevator mechanics to meet the*
 81 *shortage.*

82 *§ 54.1-1143. Continuing education.*

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

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

96 *C. The provisions of this section shall not apply to certifications issued by the Board under*
 97 *§ 54.1-1142.1.*