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HOUSE BILL NO. 1081

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact §§ 54.1-1140, 54.1-1142, 54.1-1142.1, and 54.1-1143 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-1142.2, relating to the Board for Contractors; elevator mechanics.

Patron—Suit

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-1140, 54.1-1142, 54.1-1142.1, 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 54.1-1142.2 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 certified by the Board in accordance with this article to engage in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining elevators, escalators, or related conveyances in accordance with the Uniform Statewide Building Code.

§ 54.1-1142. Issuance of certification.

A. The Board shall issue a certificate to practice as a certified an 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~~ four years in the elevator industry and at least 240 hours of vocational training in the trade; and

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

B. The Board may issue a certificate to practice as a certified an 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. In addition, the Board may issue a certificate to practice as an elevator mechanic to any applicant who has not completed all of the vocational training but has experience in excess of four years. The Board may grant credit towards certification at a ratio of one year of experience more than four years for 40 hours of vocational training. However, any such credits granted by the Board for experience in excess of four years shall not exceed a total of 120 hours of credit towards the 240-hour vocational training requirement.

§ 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 an emergency certificate to practice as a certified an elevator mechanic under the following conditions:

1. A contractor licensed under the provisions of this chapter (a) certifies attests to the Board, in a form prescribed by the Board, that an applicant has an acceptable combination of documented experience and education to perform work as an elevator mechanic without direct and immediate supervision and (b) provides such proof thereof as required by the Board; and

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

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

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

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

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

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

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

73 C. The Board may delegate to the Director of the Department of Professional and Occupational
74 Regulation the authority to issue such emergency certifications. The Director shall inform the Board of
75 the issuance of any such certifications.

76 § 54.1-1142.2. *Certifications in event of shortage of elevator mechanics.*

77 A. Whenever a contractor licensed under the provisions of this chapter demonstrates to the
78 satisfaction of the Board that there is a shortage of elevator mechanics, the Board shall issue temporary
79 certifications under the following conditions:

80 1. The licensed contractor attests to the Board, in a form prescribed by the Board, that after due
81 diligence, the licensed contractor is unable to employ an elevator mechanic from the list of certified
82 elevator mechanics maintained by the Board to perform elevator work;

83 2. The applicant has an acceptable combination of documented experience and education to perform
84 work as an elevator mechanic without direct and immediate supervision and provides such proof thereof
85 as required by the Board;

86 3. The applicant applies for such temporary certification as an elevator mechanic; and

87 4. The applicant pays an application fee as set by the Board.

88 B. Each such temporary certification shall be valid for a period of up to 90 days from the date of
89 issuance provided the applicant continues at all times to be employed by the licensed contractor. The
90 Board shall renew such certification as often as necessary to ensure that there is a sufficient number of
91 certified elevator mechanics to meet the shortage.

92 C. The Board may delegate to the Director of the Department of Professional and Occupational
93 Regulation the authority to issue such temporary certifications or renewals thereof. The Director shall
94 inform the Board of the issuance of any such certifications or renewals.

95 § 54.1-1143. Continuing education.

96 A. The Board shall establish in the regulations requirements for continuing education as a
97 prerequisite to renewal of any certificate issued under this article. The Board shall require evidence of
98 knowledge of the Uniform Statewide Building Code changes as a prerequisite to renewal of any
99 certificate issued under this article. In addition, the Board may require continuing education for any
100 individual who is found to be in violation of law or regulations governing the practice of an elevator
101 mechanic certified under this article.

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

109 C. The provisions of this section shall not apply to certifications issued by the Board under
110 § 54.1-1142.1 or 54.1-1142.2.

111 2. That the provisions of this act shall become effective in due course, except that the provisions of
112 § 54.1-1142 of the Code of Virginia of this act shall become effective on July 1, 2009.