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HOUSE BILL NO. 406

House Amendments in [] - February 2, 2010

A *BILL to amend and reenact §§ 54.1-1140, 54.1-1141, 54.1-1142, and 54.1-1143 of the Code of Virginia, relating to the Board for Contractors; elevator mechanics.*

Patron Prior to Engrossment—Delegate Oder

Referred to Committee on General Laws

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 as follows:

§ 54.1-1140. Definitions.

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

"Accessibility mechanic" means an individual who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining wheelchair lifts, incline chairlifts, [~~dumb waiters~~ dumbwaiters] with a capacity limit of 300 pounds, and private residence elevators, in accordance with the Uniform Statewide Building Code (§ 36-97 et seq.).

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

"Elevator mechanic" means an individual who is 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.

"Limited use/limited application endorsement" means an addition to the certification record of a certified accessibility mechanic authorizing the certificate holder to erect, construct, install, alter, service, repair, test, or maintain limited use/limited application elevators as defined by the Uniform Statewide Building Code.

§ 54.1-1141. Certification required; exemption.

A. No person shall engage in, or offer to engage in, work as an elevator mechanic *or accessibility mechanic* in the Commonwealth unless he has been certified under the provisions of this article. Individuals certified as elevator mechanics *or accessibility 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 *or accessibility 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. *Accessibility mechanics desiring to work on limited use/limited application elevators, as defined by the Uniform Statewide Building Code, shall obtain a limited use/limited application endorsement on their certification.*

D. Nothing in this article shall be construed to prevent a person who is not certified as an elevator mechanic *or accessibility 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 an elevator mechanic *or certified accessibility 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 an elevator mechanic *or a certified accessibility mechanic* to any applicant who has a ~~certification from an association~~ completed a training and education program approved by the Board that is equal to or exceeds the requirements established by the Board for all applicants.

§ 54.1-1143. Continuing education.

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HB406E

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

65 B. An elevator mechanic *or a certified accessibility mechanic*, as a condition of recertification and as
66 part of the recertification application, shall attest to the Board that he has completed at least eight hours
67 of continuing education, approved by the Board, in the specialty of elevator/escalator contracting. The
68 Board may establish such requirements for approval of training instructors, the criteria for the continuing
69 education and such other regulations to ensure the protection of the public interest. Such criteria shall
70 include approval of curriculum sponsored by national or state professional elevator industry associations
71 approved by the Board.

72 C. The provisions of this section shall not apply to certifications issued by the Board under
73 § 54.1-1142.1 or 54.1-1142.2.