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LAW/KR

Title 45.
Subtitle 1.
Chapter 14H.
(New)
Elevator,
Escalator and
Moving Walkway
Mechanics
§§1-12 -
C.45:14H-1 to
45:14H-12
§18 - Note

P.L.2012, CHAPTER 71, *approved December 3, 2012*
Senate, No. 612 (*Second Reprint*)

1 **AN ACT** concerning the licensing of persons responsible for the
2 installation, repair, or maintenance of elevators, escalators, and
3 moving walkways, supplementing chapter 14 of Title 45 of the
4 Revised Statutes and amending various parts of the statutory law.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) The Legislature finds and declares that the
10 citizens and residents of the State of New Jersey are entitled to the
11 maximum protection practicable when using elevator, escalator, and
12 moving walkway devices, and that the protection can be increased
13 by requiring appropriate training and experience for persons
14 installing, repairing, and maintaining those devices. It is therefore
15 necessary for the public good to establish standards of education,
16 training, and experience for these installers and mechanics and to
17 provide for their appropriate examination and certification.

18

19 2. (New section) There is created within the Division of
20 Consumer Affairs in the Department of Law and Public Safety the
21 Elevator, Escalator, and Moving Walkway ²[Contractors]
22 Mechanics² Licensing Board. Members of the board shall be
23 appointed by the Governor. The board shall consist of seven
24 members who are residents of the State of New Jersey. In addition
25 to the two public members appointed to represent the interests of
26 the public pursuant to the provisions of subsection b. of section 2 of
27 P.L.1971, c.60 (C.45:1-2.2) and who shall be representatives of
28 municipal government, one member shall be from a department in
29 the Executive Branch of State Government, who shall serve without

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 25, 2012.

²Assembly AAP committee amendments adopted September 24, 2012.

1 compensation at the pleasure of the Governor, and the remaining
2 four members shall consist of the following:

3 One individual who represents the interests of a major elevator,
4 escalator, or moving walkway manufacturing company;

5 One individual who is primarily engaged in the business of
6 elevator, escalator, or moving walkway installation, alteration,
7 repair, or maintenance of those devices;

8 One individual who represents the interests of the elevator
9 architectural design community; and

10 One representative from a major labor organization that
11 represents elevator service ²~~contractors~~ mechanics².

12 The Governor shall appoint each member, other than the State
13 executive department member, for a term of four years, except that
14 of the members first appointed, other than the State executive
15 department member, three shall serve for a term of four years, two
16 shall serve for a term of three years, and one shall serve for a term
17 of two years, as determined by the Governor. Any vacancy in the
18 membership shall be filled for the unexpired term in the manner
19 provided for the original appointment. No member of the board
20 may serve more than two successive terms in addition to any
21 unexpired term to which he has been appointed. The Governor may
22 remove any member of the board, other than the State executive
23 department member, for cause.

24 The board shall meet at such times as the board deems necessary,
25 and may form such committees as is deemed necessary for the
26 purpose of conducting disciplinary proceedings, or otherwise.

27
28 3. (New section) The Elevator, Escalator, and Moving
29 Walkway ²~~Contractors~~ Mechanics² Licensing Board shall, in
30 addition to other powers and duties that it may possess by law:

31 a. Examine and pass on the qualifications of all applicants for
32 license subject to its jurisdiction, and issue a license to each
33 qualified successful applicant;

34 b. Examine, evaluate and supervise all examinations and
35 procedures;

36 c. Adopt a seal which shall be affixed to all licenses issued by
37 it;

38 d. Adopt rules and regulations pursuant to the "Administrative
39 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it may
40 deem necessary to enable it to perform its duties under, and to
41 enforce, the provisions of this act;

42 e. Annually publish a list of the names and addresses of all
43 persons who are licensed under this act;

44 f. Establish standards for continuing education, which at a
45 minimum shall include eight hours of instruction to be completed
46 within one year immediately preceding any license renewal; and

1 g. Prescribe or change the charges for examinations, licensures,
2 renewals, and other services performed pursuant to P.L.1974, c.46
3 (C.45:1-3.1 et seq.).
4

5 4. (New section) Any person desiring to obtain an elevator,
6 escalator, and moving walkway ²**[contractor's]** mechanic's²
7 license, which shall authorize such licensee to install, ¹construct,¹
8 alter, maintain, service, repair, or test elevators, escalators, and
9 moving walkways, shall make application for licensure to the
10 Elevator, Escalator, and Moving Walkway ²**[Contractors]**
11 Mechanics² Licensing Board, pay all the fees required in connection
12 with the application, and be examined as required by section 6 of
13 ¹**[P.L. , c. (C.) (pending before the Legislature as this bill)]**
14 this act¹.

15 ¹No such license shall be required for any person who installs,
16 ²constructs,² alters, ²**[maintains,]**² services, repairs, ²**[or]**² tests,
17 ²or maintains² a chair lift device or stair lift device in a dwelling
18 unit.¹
19

20 5. (New section) a. On or after the ²**[effective]**² date ²sections
21 5, 10, and 12² of ¹**[P.L. , c. (C.) (pending before the**
22 **Legislature as this bill)]** this act¹ ²become operative², a person
23 shall not:

- 24 (1) install;
- 25 (2) construct;
- 26 (3) alter;
- 27 (4) service;
- 28 (5) repair;
- 29 (6) test; or
- 30 (7) maintain

31 elevator, escalator, or moving walkway devices, or use the title or
32 designation of "licensed" in any manner concerning these activities,
33 unless licensed as an elevator, escalator, and moving walkway
34 ²**[contractor]** mechanic² pursuant to the provisions of
35 ¹**[P.L. , c. (C.) (pending before the Legislature as this bill)]**
36 this act¹, or working under the supervision of a person so licensed,
37 such as an apprentice. ¹No such license shall be required for any
38 person who installs, constructs, alters, ²**[maintains,]**² services,
39 repairs, ²**[or]**² tests, ²or maintains² a chair lift device or stair lift
40 device in a dwelling unit.¹

41 b. No person shall engage in the business of contracting or
42 advertise in any manner as an elevator, escalator, and moving
43 walkway ²**[contractor]** mechanic² or use the title or designation of
44 "licensed elevator ²**[contractor]** mechanic²," "licensed escalator
45 ²**[contractor]** mechanic²," or "licensed moving walkway

1 ²**[contractor]** mechanic²," unless duly licensed to act as such. ¹The
2 provisions of this subsection shall not apply to any person who
3 installs, constructs, alters, ²**[maintains,]**² services, repairs, ²**[or]**²
4 tests, ²or maintains² a chair lift device or stair lift device in a
5 dwelling unit.¹

6 c. A license issued pursuant to ¹**[P.L. , c. (C.)** (pending
7 before the Legislature as this bill)] this act¹ shall not be
8 transferable.

9 d. Not less than 30 days and not more than 60 days prior to the
10 date set for the examination for a license as an elevator, escalator,
11 and moving walkway ²**[contractor]** mechanic², every person
12 desiring to apply for a license, who meets the qualifications as set
13 forth in this act, shall deliver to the board, personally or by certified
14 mail, return receipt requested, postage prepaid, a certified check or
15 money order payable to the Treasurer of the State of New Jersey in
16 the required amount, together with a written application required by
17 the board, completed as described in the application, and together
18 with proof that the applicant qualifies in accordance with this act.

19 The qualifications for a ²**[contractor's]** mechanic's² license
20 under this act shall be as follows: The person shall be 21 or more
21 years of age and shall have been employed within the State in the
22 capacity of at least one of the elevator, escalator, and moving
23 walkway trade businesses set forth in subsection a. of this section
24 for a period of three years next preceding the application date for
25 the license.

26 The applicant, if registered as a builder with the Department of
27 Community Affairs, shall not be in any negative standing on the
28 registration list. An applicant shall be afforded an opportunity to
29 correct a negative standing, either by remedial action or by
30 reporting any inaccuracies for correction.

31 Proof of compliance with the qualifications, or those in lieu
32 thereof, shall be submitted to the board in writing, sworn to by the
33 applicant, and accompanied by two recent passport size color
34 photographs of the applicant.

35
36 6. (New section) a. Every elevator, escalator, and moving
37 walkway ²**[contractor's]** mechanic's² license examination shall be
38 substantially uniform and shall be designed so as to establish the
39 competence and qualifications of the applicant to perform the type
40 of work for which licensure is sought. The examination may be
41 theoretical or practical in nature, or both, and may be based on an
42 examination promulgated by a professional organization. Proof of
43 passage of the National Elevator Industry Educational Program
44 (NEIEP), or its successor organization's, examination shall be
45 sufficient to satisfy the examination requirement of this section. The
46 examination may be waived if the applicant provides adequate

1 proof to the board of employment as an elevator, escalator, ¹[or]
2 and¹ moving walkway ²[contractor] mechanic² within the State for
3 at least three years immediately prior to the date of application
4 without the direct and immediate supervision of an elevator,
5 escalator, and moving walkway ²[contractor] mechanic² licensed to
6 do business within the State.

7 b. The examination shall be held at least four times a year, at
8 Trenton or other place the board deems necessary. Public notice of
9 the time and place of the examination shall be given by the board in
10 accordance with the "Senator Byron M. Baer Open Public Meetings
11 Act," P.L.1975, c.231 (C.10:4-6 et seq.).

12 c. No person who has failed the examination shall be eligible
13 to be reexamined for a period of six months from the date of the
14 examination failed by that person.

15 d. All applicants for elevator, escalator, and moving walkway
16 ²[contractor's] mechanic's² licenses, renewals or reexaminations
17 shall pay a fee, established pursuant to regulation, for each license
18 issuance or renewal, or reexamination as determined by the board.

19

20 7. (New section) Elevator ²[contractors'] mechanics'² licenses
21 shall be renewed biennially by the board upon written application of
22 the holder and payment of the prescribed fee and renewal of the
23 bond required by section 12 of ¹[P.L. , c. (C.) (pending
24 before the Legislature as this bill)] this act¹. A license may be
25 renewed without reexamination, if the application for renewal is
26 made within 30 days next preceding or following the scheduled
27 expiration date. Any applicant for renewal making application at
28 any time subsequent to the 30th day next following the scheduled
29 expiration date may be required by the board to be re-examined,
30 and that person shall not continue to act as a licensed ²[contractor]
31 mechanic² in the elevator trade, as described in this act, and no
32 firm, corporation or other legal entity for which the person is the
33 bona fide representative shall operate under a license in the elevator
34 trade, as described in this act, until a valid license has been secured
35 or is held by a bona fide representative.

36 Any license expiring while the holder is outside the continental
37 limits of the United States in connection with any project
38 undertaken by the government of the United States, or while in the
39 services of the Armed Forces of the United States, shall be renewed
40 without the holder being required to be reexamined, upon payment
41 of the prescribed fee at any time within four months after the
42 person's return to the United States or discharge from the armed
43 forces, whichever is later.

44

45 8. (New section) The board may in its discretion grant licenses
46 without examination to applicants so licensed by other states;
47 provided that equal reciprocity is provided for New Jersey licensed

1 ²**[contractors]** mechanics² by the law of the applicant's domiciliary
2 state and provided further that the domiciliary state's standards are
3 equal to or comparable to those of this State.
4

5 9. (New section) Notwithstanding any other provision of this
6 act to the contrary, the board shall, upon application to it and
7 submission of satisfactory proof and the payment of the prescribed
8 fee within 12 months following the ²**[effective]**² date ²sections 5,
9 10, and 12² of this act ²become operative², issue an elevator,
10 escalator, and moving walkway ²**[contractor]** mechanic² license
11 without examination to any person, provided proof of one of the
12 following subsections is provided:

13 a. ¹**[proof]** Proof¹ of acceptable work experience in the
14 elevator, escalator, and moving walkway industry in the
15 installation, construction, alteration, repair, maintenance, ¹service,¹
16 or testing, or any combination thereof, as verified through previous
17 and current employers and copies of filed income tax returns or W-
18 2 or 1099 forms, and proof of successful passage of an examination
19 for elevator mechanics offered by a nationally recognized training
20 program for the elevator, escalator, and moving walkway industry,
21 such as the National Elevator Industry Educational Program or an
22 equivalent program; or

23 b. Proof of acceptable work experience by the applicant in the
24 elevator, escalator, and moving walkway industry in the
25 installation, construction, alteration, repair, maintenance, ¹service,¹
26 or testing, or any combination thereof, without direct and immediate
27 supervision, ¹within the State for at least three years,¹ as verified by
28 previous and current employers or through building permits
29 reflecting the applicant's name, or a company for which the
30 applicant was an agent, or through proof of insurance or bonds
31 issued covering the applicant, or letters of reference from
32 construction code officials who have examined the applicant's work.
33

34 10. (New section) A contractor shall subcontract all elevator,
35 escalator, and moving walkway installation work, unless the
36 contractor holds an elevator, escalator, and moving walkway
37 ²**[contractor's]** mechanic's² license to install those devices.
38

39 11. (New section) a. The license of an elevator ²**[contractor]**
40 mechanic² may be suspended for a fixed period, or may be revoked,
41 or the licensee may be censured, reprimanded or otherwise
42 disciplined, in accordance with the provisions and procedures
43 defined in ¹**[P.L. , c. (C.) (pending before the Legislature as**
44 **this bill)]** this act¹, if after due hearing it is determined that the
45 licensee:

1 (1) Is guilty of any fraud or deceit in the licensee's activities as
2 an elevator ²[contractor] mechanic², including making false
3 statements as to a material matter in the application for the license,
4 or has been guilty of any fraud, deceit, or bribery in procuring his
5 license;

6 (2) Has failed to notify the board or the owner or lessee of an
7 elevator of a condition not in compliance with the elevator subcode
8 of the State Uniform Construction Code;

9 (3) Has aided and abetted a person who is not a licensed
10 elevator ²[contractor] mechanic² to engage in the activities of a
11 licensed elevator ²[contractor] mechanic², other than an approved
12 apprenticeship program;

13 (4) Has been guilty of unethical conduct as defined by rules
14 promulgated by the ¹[commission] board¹; or

15 (5) Has continued to practice without obtaining a license
16 renewal as required by this act.

17 b. (1) The charges may be referred by any person, corporation,
18 association or public officer, or by the board in the first instance. A
19 copy thereof, together with a report of the investigation, shall be
20 referred to the board for a recommendation. The board shall review
21 the information, and determine whether action may be necessary. If
22 action may be considered against a licensee, the board shall provide
23 a hearing, and provide written notice thereof, either by registered
24 mail or personal service, at least 10 days prior to the date set for
25 such hearing, to the address of record of the licensee. The notice
26 shall set forth the time, date and location of the hearing, and shall
27 set forth a statement of the allegations constituting the grounds for
28 the charges against the licensee. The board shall make a
29 determination within 48 hours of the hearing whether the licensee
30 will be sanctioned.

31 (2) Any person whose license is revoked, suspended, or subject
32 to a civil penalty, may appeal the matter to the Office of
33 Administrative Law for a hearing before an administrative law
34 judge, pursuant to the "Administrative Procedure Act," P.L.1968, c.
35 410 (C.52:14B-1 et seq.). For the purpose of this section, the
36 administrative law judge shall have power to issue subpoenas for
37 the appearance of witnesses, and to take testimony under oath.
38 Upon review of the record of the hearing, the reviewing entity may
39 affirm, modify or reject the written report and recommendation of
40 the board.

41 c. When the license of any person has been revoked or
42 annulled, as herein provided, the board may, after the expiration of
43 three years, accept an application for restoration of the license.
44

45 12. (New section) In addition to any other bonds that may be
46 required pursuant to contract, no elevator ²[contractor] mechanic²
47 licensed under this act shall undertake to do any construction work

1 in the State unless and until ²[he] the mechanic² shall have first
2 entered into a bond in favor of the State of New Jersey in a sum
3 established by the board executed by a surety company authorized
4 to transact business in this State¹[,] and¹ approved by the
5 Department of Banking and Insurance^{1,1} and to be conditioned on
6 the faithful performance of the provisions of this act. No
7 municipality shall require any similar bond from any ²[construction
8 contractor] elevator mechanic² licensed under this act. The board
9 shall by rule and regulation provide who shall be eligible to receive
10 the financial protection afforded by the bond required to be filed by
11 this section. The bond shall be for the term of 12 months and shall
12 be renewed at each expiration for a similar period.

13

14 13. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
15 as follows:

16 1. The provisions of this act shall apply to the following boards
17 and commissions: the New Jersey State Board of Accountancy, the
18 New Jersey State Board of Architects, the New Jersey State Board
19 of Cosmetology and Hairstyling, the Board of Examiners of
20 Electrical Contractors, the New Jersey State Board of Dentistry, the
21 State Board of Mortuary Science of New Jersey, the State Board of
22 Professional Engineers and Land Surveyors, the State Board of
23 Marriage and Family Therapy Examiners, the State Board of
24 Medical Examiners, the New Jersey Board of Nursing, the New
25 Jersey State Board of Optometrists, the State Board of Examiners of
26 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
27 Pharmacy, the State Board of Professional Planners, the State Board
28 of Psychological Examiners, the State Board of Examiners of
29 Master Plumbers, the New Jersey Real Estate Commission, the
30 State Board of Court Reporting, the State Board of Veterinary
31 Medical Examiners, the Radiologic Technology Board of
32 Examiners, the Acupuncture Examining Board, the State Board of
33 Chiropractic Examiners, the State Board of Respiratory Care, the
34 State Real Estate Appraiser Board, the State Board of Social Work
35 Examiners, the State Board of Examiners of Heating, Ventilation,
36 Air Conditioning and Refrigeration Contractors, the Elevator,
37 Escalator, and Moving Walkway ²[Contractors] Mechanics²
38 Licensing Board. ¹[and]¹ the State Board of Physical Therapy
39 Examiners, the Orthotics and Prosthetics Board of Examiners, the
40 New Jersey Cemetery Board, the State Board of Polysomnography,
41 the New Jersey Board of Massage and Bodywork Therapy, the
42 Genetic Counseling Advisory Committee and any other entity
43 hereafter created under Title 45 to license or otherwise regulate a
44 profession or occupation.
45 (cf: P.L.2009, c.41, s.11)

1 14. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
2 as follows:

3 2. a. All members of the several professional boards and
4 commissions shall be appointed by the Governor in the manner
5 prescribed by law; except in appointing members other than those
6 appointed pursuant to subsection b. or subsection c., the Governor
7 shall give due consideration to, but shall not be bound by,
8 recommendations submitted by the appropriate professional
9 organizations of this State.

10 b. In addition to the membership otherwise prescribed by law,
11 the Governor shall appoint in the same manner as presently
12 prescribed by law for the appointment of members, two additional
13 members to represent the interests of the public, to be known as
14 public members, to each of the following boards and commissions:
15 the New Jersey State Board of Accountancy, the New Jersey State
16 Board of Architects, the New Jersey State Board of Cosmetology
17 and Hairstyling, the New Jersey State Board of Dentistry, the State
18 Board of Mortuary Science of New Jersey, the State Board of
19 Professional Engineers and Land Surveyors, the State Board of
20 Medical Examiners, the New Jersey Board of Nursing, the New
21 Jersey State Board of Optometrists, the State Board of Examiners of
22 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
23 Pharmacy, the State Board of Professional Planners, the State Board
24 of Psychological Examiners, the New Jersey Real Estate
25 Commission, the State Board of Court Reporting, the State Board of
26 Social Work Examiners, the Elevator, Escalator, and Moving
27 Walkway ²**[Contractors]** Mechanics² Licensing Board, and the
28 State Board of Veterinary Medical Examiners, and one additional
29 public member to each of the following boards: the Board of
30 Examiners of Electrical Contractors, the State Board of Marriage
31 and Family Therapy Examiners, the State Board of Examiners of
32 Master Plumbers, and the State Real Estate Appraiser Board. Each
33 public member shall be appointed for the term prescribed for the
34 other members of the board or commission and until the
35 appointment of his successor. Vacancies shall be filled for the
36 unexpired term only. The Governor may remove any such public
37 member after hearing, for misconduct, incompetency, neglect of
38 duty or for any other sufficient cause.

39 No public member appointed pursuant to this section shall have
40 any association or relationship with the profession or a member
41 thereof regulated by the board of which he is a member, where such
42 association or relationship would prevent such public member from
43 representing the interest of the public. Such a relationship includes
44 a relationship with members of one's immediate family; and such
45 association includes membership in the profession regulated by the
46 board. To receive services rendered in a customary client
47 relationship will not preclude a prospective public member from

1 appointment. This paragraph shall not apply to individuals who are
2 public members of boards on the effective date of this act.

3 It shall be the responsibility of the Attorney General to insure
4 that no person with the aforementioned association or relationship
5 or any other questionable or potential conflict of interest shall be
6 appointed to serve as a public member of any board regulated by
7 this section.

8 Where a board is required to examine the academic and
9 professional credentials of an applicant for licensure or to test such
10 applicant orally, no public member appointed pursuant to this
11 section shall participate in such examination process; provided,
12 however, that public members shall be given notice of and may be
13 present at all such examination processes and deliberations
14 concerning the results thereof, and, provided further, that public
15 members may participate in the development and establishment of
16 the procedures and criteria for such examination processes.

17 c. The Governor shall designate a department in the Executive
18 Branch of the State Government which is closely related to the
19 profession or occupation regulated by each of the boards or
20 commissions designated in section 1 of P.L.1971, c.60 (C.45:1-2.1)
21 and shall appoint the head of such department, or the holder of a
22 designated office or position in such department, to serve without
23 compensation at the pleasure of the Governor as a member of such
24 board or commission.

25 d. A majority of the voting members of such boards or
26 commissions shall constitute a quorum thereof and no action of any
27 such board or commission shall be taken except upon the
28 affirmative vote of a majority of the members of the entire board or
29 commission.

30 (cf: P.L.2005, c. 308, s.9)

31

32 15. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
33 as follows:

34 1. The provisions of this act shall apply to the following boards
35 and commissions: the New Jersey State Board of Accountancy, the
36 New Jersey State Board of Architects, the New Jersey State Board
37 of Cosmetology and Hairstyling, the Board of Examiners of
38 Electrical Contractors, the New Jersey State Board of Dentistry, the
39 State Board of Mortuary Science of New Jersey, the State Board of
40 Professional Engineers and Land Surveyors, the State Board of
41 Marriage and Family Therapy Examiners, the State Board of
42 Medical Examiners, the New Jersey Board of Nursing, the New
43 Jersey State Board of Optometrists, the State Board of Examiners of
44 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
45 Pharmacy, the State Board of Professional Planners, the State Board
46 of Psychological Examiners, the State Board of Examiners of
47 Master Plumbers, the State Board of Court Reporting, the State

1 Board of Veterinary Medical Examiners, the Radiologic
 2 Technology Board of Examiners, the Acupuncture Examining
 3 Board, the State Board of Chiropractic Examiners, the State Board
 4 of Respiratory Care, the State Real Estate Appraiser Board, the New
 5 Jersey Cemetery Board, the State Board of Social Work Examiners,
 6 the State Board of Examiners of Heating, Ventilating, Air
 7 Conditioning and Refrigeration Contractors, the Elevator, Escalator,
 8 and Moving Walkway ² [Contractors] Mechanics ² Licensing Board,
 9 ¹ [and] ¹ the State Board of Physical Therapy Examiners, the State
 10 Board of Polysomnography, the Orthotics and Prosthetics Board of
 11 Examiners, the New Jersey Board of Massage and Bodywork
 12 Therapy, the Genetic Counseling Advisory Committee and any
 13 other entity hereafter created under Title 45 to license or otherwise
 14 regulate a profession or occupation.
 15 (cf: P.L.2009, c.41, s.12)

16
 17 16. Section 2 of P.L.1973, c.254 (C.45:1-9) is amended to read
 18 as follows:

19 2. Any contractor licensed by the State shall indicate his
 20 license or certificate number on all contracts, subcontracts, bids,
 21 construction permits, and all forms of advertising as a contractor.
 22 (cf: P.L.1973, c.254, s.2)

23
 24 17. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
 25 as follows:

26 2. The provisions of this act shall apply to the following boards
 27 and all professions or occupations regulated by, through or with the
 28 advice of those boards: the New Jersey State Board of
 29 Accountancy, the New Jersey State Board of Architects, the New
 30 Jersey State Board of Cosmetology and Hairstyling, the Board of
 31 Examiners of Electrical Contractors, the New Jersey State Board of
 32 Dentistry, the State Board of Mortuary Science of New Jersey, the
 33 State Board of Professional Engineers and Land Surveyors, the
 34 State Board of Marriage and Family Therapy Examiners, the State
 35 Board of Medical Examiners, the New Jersey Board of Nursing, the
 36 New Jersey State Board of Optometrists, the State Board of
 37 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
 38 the Board of Pharmacy, the State Board of Professional Planners,
 39 the State Board of Psychological Examiners, the State Board of
 40 Examiners of Master Plumbers, the State Board of Court Reporting,
 41 the State Board of Veterinary Medical Examiners, the State Board
 42 of Chiropractic Examiners, the State Board of Respiratory Care, the
 43 State Real Estate Appraiser Board, the State Board of Social Work
 44 Examiners, the State Board of ²Examiners of ² Heating, Ventilating,
 45 Air Conditioning and Refrigeration Contractors, the Elevator,
 46 Escalator, and Moving Walkway ² [Contractors] Mechanics ²
 47 Licensing Board, the State Board of Physical Therapy Examiners,

1 the State Board of Polysomnography, the Professional Counselor
2 Examiners Committee, the New Jersey Cemetery Board, the
3 Orthotics and Prosthetics Board of Examiners, the Occupational
4 Therapy Advisory Council, the Electrologists Advisory Committee,
5 the Acupuncture Advisory Committee, the Alcohol and Drug
6 Counselor Committee, the Athletic Training Advisory Committee,
7 the Certified Psychoanalysts Advisory Committee, the Fire Alarm,
8 Burglar Alarm, and Locksmith Advisory Committee, the Home
9 Inspection Advisory Committee, the Interior Design Examination
10 and Evaluation Committee, the Hearing Aid Dispensers Examining
11 Committee, the Landscape Architect Examination and Evaluation
12 Committee, ¹[the Massage, Bodywork and Somatic Therapy
13 Examining Committee,]¹ the Perfusionists Advisory Committee,
14 the Physician Assistant Advisory Committee, ²[and]² the
15 Audiology and Speech-Language Pathology Advisory Committee,
16 the New Jersey Board of Massage and Bodywork Therapy, the
17 Genetic Counseling Advisory Committee and any other entity
18 hereafter created under Title 45 to license or otherwise regulate a
19 profession or occupation.
20 (cf: P.L.2009, c.41, s.13)

21

22 18. This act shall take effect immediately²; provided however,
23 that sections 5, 10, and 12 shall remain inoperative until the first
24 day of the seventh month next following the date of enactment².

25

26

27

28

29 Provides for licensure of elevator, escalator, and moving
30 walkway mechanics by State board.

SENATE, No. 612

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Provides for licensure of elevator, escalator, and moving sidewalk contractors by State board.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the licensing of persons responsible for the
2 installation, repair, or maintenance of elevators, escalators, and
3 moving walkways, supplementing chapter 14 of Title 45 of the
4 Revised Statutes and amending various parts of the statutory law.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. (New section) The Legislature finds and declares that the
10 citizens and residents of the State of New Jersey are entitled to the
11 maximum protection practicable when using elevator, escalator, and
12 moving walkway devices, and that the protection can be increased
13 by requiring appropriate training and experience for persons
14 installing, repairing, and maintaining those devices. It is therefore
15 necessary for the public good to establish standards of education,
16 training, and experience for these installers and mechanics and to
17 provide for their appropriate examination and certification.

18

19 2. (New section) There is created within the Division of
20 Consumer Affairs in the Department of Law and Public Safety the
21 Elevator, Escalator, and Moving Walkway Contractors Licensing
22 Board. Members of the board shall be appointed by the Governor.
23 The board shall consist of seven members who are residents of the
24 State of New Jersey. In addition to the two public members
25 appointed to represent the interests of the public pursuant to the
26 provisions of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-
27 2.2) and who shall be representatives of municipal government, one
28 member shall be from a department in the Executive Branch of
29 State Government, who shall serve without compensation at the
30 pleasure of the Governor, and the remaining four members shall
31 consist of the following:

32 One individual who represents the interests of a major elevator,
33 escalator, or moving walkway manufacturing company;

34 One individual who is primarily engaged in the business of
35 elevator, escalator, or moving walkway installation, alteration,
36 repair, or maintenance of those devices;

37 One individual who represents the interests of the elevator
38 architectural design community; and

39 One representative from a major labor organization that
40 represents elevator service contractors.

41 The Governor shall appoint each member, other than the State
42 executive department member, for a term of four years, except that
43 of the members first appointed, other than the State executive
44 department member, three shall serve for a term of four years, two
45 shall serve for a term of three years, and one shall serve for a term

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of two years, as determined by the Governor. Any vacancy in the
2 membership shall be filled for the unexpired term in the manner
3 provided for the original appointment. No member of the board
4 may serve more than two successive terms in addition to any
5 unexpired term to which he has been appointed. The Governor may
6 remove any member of the board, other than the State executive
7 department member, for cause.

8 The board shall meet at such times as the board deems necessary,
9 and may form such committees as is deemed necessary for the
10 purpose of conducting disciplinary proceedings, or otherwise.

11

12 3. (New section) The Elevator, Escalator, and Moving
13 Walkway Contractors Licensing Board shall, in addition to other
14 powers and duties that it may possess by law:

15 a. Examine and pass on the qualifications of all applicants for
16 license subject to its jurisdiction, and issue a license to each
17 qualified successful applicant;

18 b. Examine, evaluate and supervise all examinations and
19 procedures;

20 c. Adopt a seal which shall be affixed to all licenses issued by
21 it;

22 d. Adopt rules and regulations pursuant to the "Administrative
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it may
24 deem necessary to enable it to perform its duties under, and to
25 enforce, the provisions of this act;

26 e. Annually publish a list of the names and addresses of all
27 persons who are licensed under this act;

28 f. Establish standards for continuing education, which at a
29 minimum shall include eight hours of instruction to be completed
30 within one year immediately preceding any license renewal; and

31 g. Prescribe or change the charges for examinations, licensures,
32 renewals, and other services performed pursuant to P.L.1974, c.46
33 (C.45:1-3.1 et seq.).

34

35 4. (New section) Any person desiring to obtain an elevator,
36 escalator, and moving walkway contractor's license, which shall
37 authorize such licensee to install, alter, maintain, service, repair, or
38 test elevators, escalators, and moving walkways, shall make
39 application for licensure to the Elevator, Escalator, and Moving
40 Walkway Contractors Licensing Board, pay all the fees required in
41 connection with the application, and be examined as required by
42 section 6 of P.L. , c. (C.) (pending before the Legislature as
43 this bill).

44

45 5. (New section) a. On or after the effective date of
46 P.L. , c. (C.) (pending before the Legislature as this bill), a
47 person shall not:

- 1 (1) install;
- 2 (2) construct;
- 3 (3) alter;
- 4 (4) service;
- 5 (5) repair;
- 6 (6) test; or
- 7 (7) maintain

8 elevator, escalator, or moving walkway devices, or use the title or
9 designation of "licensed" in any manner concerning these activities,
10 unless licensed as an elevator, escalator, and moving walkway
11 contractor pursuant to the provisions of P.L. , c. (C.)
12 (pending before the Legislature as this bill), or working under the
13 supervision of a person so licensed, such as an apprentice.

14 b. No person shall engage in the business of contracting or
15 advertise in any manner as an elevator, escalator, and moving
16 walkway contractor or use the title or designation of "licensed
17 elevator contractor," "licensed escalator contractor," or "licensed
18 moving walkway contractor," unless duly licensed to act as such.

19 c. A license issued pursuant to P.L. , c. (C.) (pending
20 before the Legislature as this bill) shall not be transferable.

21 d. Not less than 30 days and not more than 60 days prior to the
22 date set for the examination for a license as an elevator, escalator,
23 and moving walkway contractor, every person desiring to apply for
24 a license, who meets the qualifications as set forth in this act, shall
25 deliver to the board, personally or by certified mail, return receipt
26 requested, postage prepaid, a certified check or money order
27 payable to the Treasurer of the State of New Jersey in the required
28 amount, together with a written application required by the board,
29 completed as described in the application, and together with proof
30 that the applicant qualifies in accordance with this act.

31 The qualifications for a contractor's license under this act shall
32 be as follows: The person shall be 21 or more years of age and
33 shall have been employed within the State in the capacity of at least
34 one of the elevator, escalator, and moving walkway trade businesses
35 set forth in subsection a. of this section for a period of three years
36 next preceding the application date for the license.

37 The applicant, if registered as a builder with the Department of
38 Community Affairs, shall not be in any negative standing on the
39 registration list. An applicant shall be afforded an opportunity to
40 correct a negative standing, either by remedial action or by
41 reporting any inaccuracies for correction.

42 Proof of compliance with the qualifications, or those in lieu
43 thereof, shall be submitted to the board in writing, sworn to by the
44 applicant, and accompanied by two recent passport size color
45 photographs of the applicant.

1 6. (New section) a. Every elevator, escalator, and moving
2 walkway contractor's license examination shall be substantially
3 uniform and shall be designed so as to establish the competence and
4 qualifications of the applicant to perform the type of work for
5 which licensure is sought. The examination may be theoretical or
6 practical in nature, or both, and may be based on an examination
7 promulgated by a professional organization. Proof of passage of the
8 National Elevator Industry Educational Program (NEIEP), or its
9 successor organization's, examination shall be sufficient to satisfy
10 the examination requirement of this section. The examination may
11 be waived if the applicant provides adequate proof to the board of
12 employment as an elevator, escalator, or moving walkway
13 contractor within the State for at least three years immediately prior
14 to the date of application without the direct and immediate
15 supervision of an elevator, escalator, and moving walkway
16 contractor licensed to do business within the State.

17 b. The examination shall be held at least four times a year, at
18 Trenton or other place the board deems necessary. Public notice of
19 the time and place of the examination shall be given by the board in
20 accordance with the "Senator Byron M. Baer Open Public Meetings
21 Act," P.L.1975, c.231 (C.10:4-6 et seq.).

22 c. No person who has failed the examination shall be eligible
23 to be reexamined for a period of six months from the date of the
24 examination failed by that person.

25 d. All applicants for elevator, escalator, and moving walkway
26 contractor's licenses, renewals or reexaminations shall pay a fee,
27 established pursuant to regulation, for each license issuance or
28 renewal, or reexamination as determined by the board.

29
30 7. (New section) Elevator contractors' licenses shall be
31 renewed biennially by the board upon written application of the
32 holder and payment of the prescribed fee and renewal of the bond
33 required by section 12 of P.L. , c. (C.) (pending before the
34 Legislature as this bill). A license may be renewed without
35 reexamination, if the application for renewal is made within 30 days
36 next preceding or following the scheduled expiration date. Any
37 applicant for renewal making application at any time subsequent to
38 the 30th day next following the scheduled expiration date may be
39 required by the board to be re-examined, and that person shall not
40 continue to act as a licensed contractor in the elevator trade, as
41 described in this act, and no firm, corporation or other legal entity
42 for which the person is the bona fide representative shall operate
43 under a license in the elevator trade, as described in this act, until a
44 valid license has been secured or is held by a bona fide
45 representative.

46 Any license expiring while the holder is outside the continental
47 limits of the United States in connection with any project

1 undertaken by the government of the United States, or while in the
2 services of the Armed Forces of the United States, shall be renewed
3 without the holder being required to be reexamined, upon payment
4 of the prescribed fee at any time within four months after the
5 person's return to the United States or discharge from the armed
6 forces, whichever is later.

7
8 8. (New section) The board may in its discretion grant licenses
9 without examination to applicants so licensed by other states;
10 provided that equal reciprocity is provided for New Jersey licensed
11 contractors by the law of the applicant's domiciliary state and
12 provided further that the domiciliary state's standards are equal to or
13 comparable to those of this State.

14
15 9. (New section) Notwithstanding any other provision of this
16 act to the contrary, the board shall, upon application to it and
17 submission of satisfactory proof and the payment of the prescribed
18 fee within 12 months following the effective date of this act, issue
19 an elevator, escalator, and moving walkway contractor license
20 without examination to any person, provided proof of one of the
21 following subsections is provided:

22 a. proof of acceptable work experience in the elevator, escalator,
23 and moving walkway industry in the installation, construction,
24 alteration, repair, maintenance, or testing, or any combination
25 thereof, as verified through previous and current employers and
26 copies of filed income tax returns or W-2 or 1099 forms, and proof
27 of successful passage of an examination for elevator mechanics
28 offered by a nationally recognized training program for the elevator,
29 escalator, and moving walkway industry, such as the National
30 Elevator Industry Educational Program or an equivalent program; or

31 b. Proof of acceptable work experience by the applicant in the
32 elevator, escalator, and moving walkway industry in the
33 installation, construction, alteration, repair, maintenance, or testing,
34 or any combination thereof, without direct and immediate
35 supervision, as verified by previous and current employers or
36 through building permits reflecting the applicant's name, or a
37 company for which the applicant was an agent, or through proof of
38 insurance or bonds issued covering the applicant, or letters of
39 reference from construction code officials who have examined the
40 applicant's work.

41
42 10. (New section) A contractor shall subcontract all elevator,
43 escalator, and moving walkway installation work, unless the
44 contractor holds an elevator, escalator, and moving walkway
45 contractor's license to install those devices.

1 11. (New section) a. The license of an elevator contractor may
2 be suspended for a fixed period, or may be revoked, or the licensee
3 may be censured, reprimanded or otherwise disciplined, in
4 accordance with the provisions and procedures defined in
5 P.L. , c. (C.) (pending before the Legislature as this bill), if
6 after due hearing it is determined that the licensee:

7 (1) Is guilty of any fraud or deceit in the licensee's activities as
8 an elevator contractor, including making false statements as to a
9 material matter in the application for the license, or has been guilty
10 of any fraud, deceit, or bribery in procuring his license;

11 (2) Has failed to notify the board or the owner or lessee of an
12 elevator of a condition not in compliance with the elevator subcode
13 of the State Uniform Construction Code;

14 (3) Has aided and abetted a person who is not a licensed
15 elevator contractor to engage in the activities of a licensed elevator
16 contractor, other than an approved apprenticeship program;

17 (4) Has been guilty of unethical conduct as defined by rules
18 promulgated by the commission; or

19 (5) Has continued to practice without obtaining a license
20 renewal as required by this act.

21 b. (1) The charges may be referred by any person, corporation,
22 association or public officer, or by the board in the first instance. A
23 copy thereof, together with a report of the investigation, shall be
24 referred to the board for a recommendation. The board shall review
25 the information, and determine whether action may be necessary. If
26 action may be considered against a licensee, the board shall provide
27 a hearing, and provide written notice thereof, either by registered
28 mail or personal service, at least 10 days prior to the date set for
29 such hearing, to the address of record of the licensee. The notice
30 shall set forth the time, date and location of the hearing, and shall
31 set forth a statement of the allegations constituting the grounds for
32 the charges against the licensee. The board shall make a
33 determination within 48 hours of the hearing whether the licensee
34 will be sanctioned.

35 (2) Any person whose license is revoked, suspended, or subject
36 to a civil penalty, may appeal the matter to the Office of
37 Administrative Law for a hearing before an administrative law
38 judge, pursuant to the "Administrative Procedure Act," P.L.1968, c.
39 410 (C.52:14B-1 et seq.). For the purpose of this section, the
40 administrative law judge shall have power to issue subpoenas for
41 the appearance of witnesses, and to take testimony under oath.
42 Upon review of the record of the hearing, the reviewing entity may
43 affirm, modify or reject the written report and recommendation of
44 the board.

45 c. When the license of any person has been revoked or
46 annulled, as herein provided, the board may, after the expiration of
47 three years, accept an application for restoration of the license.

1 12. (New section) In addition to any other bonds that may be
2 required pursuant to contract, no elevator contractor licensed under
3 this act shall undertake to do any construction work in the State
4 unless and until he shall have first entered into a bond in favor of
5 the State of New Jersey in a sum established by the board executed
6 by a surety company authorized to transact business in this State,
7 approved by the Department of Banking and Insurance and to be
8 conditioned on the faithful performance of the provisions of this
9 act. No municipality shall require any similar bond from any
10 construction contractor licensed under this act. The board shall by
11 rule and regulation provide who shall be eligible to receive the
12 financial protection afforded by the bond required to be filed by this
13 section. The bond shall be for the term of 12 months and shall be
14 renewed at each expiration for a similar period.

15

16 13. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
17 as follows:

18 1. The provisions of this act shall apply to the following boards
19 and commissions: the New Jersey State Board of Accountancy, the
20 New Jersey State Board of Architects, the New Jersey State Board
21 of Cosmetology and Hairstyling, the Board of Examiners of
22 Electrical Contractors, the New Jersey State Board of Dentistry, the
23 State Board of Mortuary Science of New Jersey, the State Board of
24 Professional Engineers and Land Surveyors, the State Board of
25 Marriage and Family Therapy Examiners, the State Board of
26 Medical Examiners, the New Jersey Board of Nursing, the New
27 Jersey State Board of Optometrists, the State Board of Examiners of
28 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
29 Pharmacy, the State Board of Professional Planners, the State Board
30 of Psychological Examiners, the State Board of Examiners of
31 Master Plumbers, the New Jersey Real Estate Commission, the
32 State Board of Court Reporting, the State Board of Veterinary
33 Medical Examiners, the Radiologic Technology Board of
34 Examiners, the Acupuncture Examining Board, the State Board of
35 Chiropractic Examiners, the State Board of Respiratory Care, the
36 State Real Estate Appraiser Board, the State Board of Social Work
37 Examiners, the State Board of Examiners of Heating, Ventilation,
38 Air Conditioning and Refrigeration Contractors, the Elevator,
39 Escalator, and Moving Walkway Contractors Licensing Board, and
40 the State Board of Physical Therapy Examiners, the Orthotics and
41 Prosthetics Board of Examiners, the New Jersey Cemetery Board,
42 the State Board of Polysomnography, the New Jersey Board of
43 Massage and Bodywork Therapy, the Genetic Counseling Advisory
44 Committee and any other entity hereafter created under Title 45 to
45 license or otherwise regulate a profession or occupation.

46 (cf: P.L.2009, c.41, s.11.)

1 14. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
2 as follows:

3 2. a. All members of the several professional boards and
4 commissions shall be appointed by the Governor in the manner
5 prescribed by law; except in appointing members other than those
6 appointed pursuant to subsection b. or subsection c., the Governor
7 shall give due consideration to, but shall not be bound by,
8 recommendations submitted by the appropriate professional
9 organizations of this State.

10 b. In addition to the membership otherwise prescribed by law,
11 the Governor shall appoint in the same manner as presently
12 prescribed by law for the appointment of members, two additional
13 members to represent the interests of the public, to be known as
14 public members, to each of the following boards and commissions:
15 the New Jersey State Board of Accountancy, the New Jersey State
16 Board of Architects, the New Jersey State Board of Cosmetology
17 and Hairstyling, the New Jersey State Board of Dentistry, the State
18 Board of Mortuary Science of New Jersey, the State Board of
19 Professional Engineers and Land Surveyors, the State Board of
20 Medical Examiners, the New Jersey Board of Nursing, the New
21 Jersey State Board of Optometrists, the State Board of Examiners of
22 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
23 Pharmacy, the State Board of Professional Planners, the State Board
24 of Psychological Examiners, the New Jersey Real Estate
25 Commission, the State Board of Court Reporting, the State Board of
26 Social Work Examiners, the Elevator, Escalator, and Moving
27 Walkway Contractors Licensing Board, and the State Board of
28 Veterinary Medical Examiners, and one additional public member
29 to each of the following boards: the Board of Examiners of
30 Electrical Contractors, the State Board of Marriage and Family
31 Therapy Examiners, the State Board of Examiners of Master
32 Plumbers, and the State Real Estate Appraiser Board. Each public
33 member shall be appointed for the term prescribed for the other
34 members of the board or commission and until the appointment of
35 his successor. Vacancies shall be filled for the unexpired term only.
36 The Governor may remove any such public member after hearing,
37 for misconduct, incompetency, neglect of duty or for any other
38 sufficient cause.

39 No public member appointed pursuant to this section shall have
40 any association or relationship with the profession or a member
41 thereof regulated by the board of which he is a member, where such
42 association or relationship would prevent such public member from
43 representing the interest of the public. Such a relationship includes
44 a relationship with members of one's immediate family; and such
45 association includes membership in the profession regulated by the
46 board. To receive services rendered in a customary client
47 relationship will not preclude a prospective public member from

1 appointment. This paragraph shall not apply to individuals who are
2 public members of boards on the effective date of this act.

3 It shall be the responsibility of the Attorney General to insure
4 that no person with the aforementioned association or relationship
5 or any other questionable or potential conflict of interest shall be
6 appointed to serve as a public member of any board regulated by
7 this section.

8 Where a board is required to examine the academic and
9 professional credentials of an applicant for licensure or to test such
10 applicant orally, no public member appointed pursuant to this
11 section shall participate in such examination process; provided,
12 however, that public members shall be given notice of and may be
13 present at all such examination processes and deliberations
14 concerning the results thereof, and, provided further, that public
15 members may participate in the development and establishment of
16 the procedures and criteria for such examination processes.

17 c. The Governor shall designate a department in the Executive
18 Branch of the State Government which is closely related to the
19 profession or occupation regulated by each of the boards or
20 commissions designated in section 1 of P.L.1971, c.60 (C.45:1-2.1)
21 and shall appoint the head of such department, or the holder of a
22 designated office or position in such department, to serve without
23 compensation at the pleasure of the Governor as a member of such
24 board or commission.

25 d. A majority of the voting members of such boards or
26 commissions shall constitute a quorum thereof and no action of any
27 such board or commission shall be taken except upon the
28 affirmative vote of a majority of the members of the entire board or
29 commission.

30 (cf: P.L.2005, c. 308, s.9)

31

32 15. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
33 as follows:

34 1. The provisions of this act shall apply to the following boards
35 and commissions: the New Jersey State Board of Accountancy, the
36 New Jersey State Board of Architects, the New Jersey State Board
37 of Cosmetology and Hairstyling, the Board of Examiners of
38 Electrical Contractors, the New Jersey State Board of Dentistry, the
39 State Board of Mortuary Science of New Jersey, the State Board of
40 Professional Engineers and Land Surveyors, the State Board of
41 Marriage and Family Therapy Examiners, the State Board of
42 Medical Examiners, the New Jersey Board of Nursing, the New
43 Jersey State Board of Optometrists, the State Board of Examiners of
44 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
45 Pharmacy, the State Board of Professional Planners, the State Board
46 of Psychological Examiners, the State Board of Examiners of
47 Master Plumbers, the State Board of Court Reporting, the State

1 Board of Veterinary Medical Examiners, the Radiologic
2 Technology Board of Examiners, the Acupuncture Examining
3 Board, the State Board of Chiropractic Examiners, the State Board
4 of Respiratory Care, the State Real Estate Appraiser Board, the New
5 Jersey Cemetery Board, the State Board of Social Work Examiners,
6 the State Board of Examiners of Heating, Ventilating, Air
7 Conditioning and Refrigeration Contractors, the Elevator, Escalator,
8 and Moving Walkway Contractors Licensing Board, and the State
9 Board of Physical Therapy Examiners, the State Board of
10 Polysomnography, the Orthotics and Prosthetics Board of
11 Examiners, the New Jersey Board of Massage and Bodywork
12 Therapy, the Genetic Counseling Advisory Committee and any
13 other entity hereafter created under Title 45 to license or otherwise
14 regulate a profession or occupation.

15 (cf: P.L.2009, c.41, s.12)

16

17 16. Section 2 of P.L.1973, c.254 (C.45:1-9) is amended to read
18 as follows:

19 2. Any contractor licensed by the State shall indicate his
20 license or certificate number on all contracts, subcontracts, bids,
21 construction permits, and all forms of advertising as a contractor.

22 (cf: P.L.1973, c.254, s.2)

23

24 17. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
25 as follows:

26 2. The provisions of this act shall apply to the following boards
27 and all professions or occupations regulated by, through or with the
28 advice of those boards: the New Jersey State Board of
29 Accountancy, the New Jersey State Board of Architects, the New
30 Jersey State Board of Cosmetology and Hairstyling, the Board of
31 Examiners of Electrical Contractors, the New Jersey State Board of
32 Dentistry, the State Board of Mortuary Science of New Jersey, the
33 State Board of Professional Engineers and Land Surveyors, the
34 State Board of Marriage and Family Therapy Examiners, the State
35 Board of Medical Examiners, the New Jersey Board of Nursing, the
36 New Jersey State Board of Optometrists, the State Board of
37 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
38 the Board of Pharmacy, the State Board of Professional Planners,
39 the State Board of Psychological Examiners, the State Board of
40 Examiners of Master Plumbers, the State Board of Court Reporting,
41 the State Board of Veterinary Medical Examiners, the State Board
42 of Chiropractic Examiners, the State Board of Respiratory Care, the
43 State Real Estate Appraiser Board, the State Board of Social Work
44 Examiners, the State Board of Heating, Ventilating, Air
45 Conditioning and Refrigeration Contractors, the Elevator, Escalator,
46 and Moving Walkway Contractors Licensing Board, the State Board
47 of Physical Therapy Examiners, the State Board of

1 Polysomnography, the Professional Counselor Examiners
2 Committee, the New Jersey Cemetery Board, the Orthotics and
3 Prosthetics Board of Examiners, the Occupational Therapy
4 Advisory Council, the Electrologists Advisory Committee, the
5 Acupuncture Advisory Committee, the Alcohol and Drug Counselor
6 Committee, the Athletic Training Advisory Committee, the
7 Certified Psychoanalysts Advisory Committee, the Fire Alarm,
8 Burglar Alarm, and Locksmith Advisory Committee, the Home
9 Inspection Advisory Committee, the Interior Design Examination
10 and Evaluation Committee, the Hearing Aid Dispensers Examining
11 Committee, the Landscape Architect Examination and Evaluation
12 Committee, the Massage, Bodywork and Somatic Therapy
13 Examining Committee, the Perfusionists Advisory Committee, the
14 Physician Assistant Advisory Committee, and the Audiology and
15 Speech-Language Pathology Advisory Committee, the New Jersey
16 Board of Massage and Bodywork Therapy, the Genetic Counseling
17 Advisory Committee and any other entity hereafter created under
18 Title 45 to license or otherwise regulate a profession or occupation.
19 (cf: P.L.2009, c.41, s.13)

20

21 18. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill would establish the Elevator Contractors Licensing
27 Board for the purposes of granting licenses to those persons
28 engaged in the business of installing, constructing, altering,
29 servicing, repairing, testing, or maintaining elevator devices. The
30 term, "elevator device" is defined under current law to include
31 elevators, dumbwaiters, wheelchair lifts, manlifts, stairway
32 chairlifts, and other devices with moving cars or platforms. The
33 term does not include escalators or moving walks.

34 Current law does not require licensure to install an elevator,
35 escalator, or moving walkway in any type of building, be it
36 residential or commercial. In addition, persons that are employed
37 by firms which are contracted to perform maintenance on elevators
38 are eligible to be qualified by the Department of Community Affairs
39 to inspect elevators for certain inspections. This bill would
40 eliminate the certification by the Department of Community
41 Affairs, and would instead require all mechanical and maintenance
42 work on elevators to be performed by persons licensed by a State
43 board, as having the requisite skill, experience and knowledge to
44 perform these critical jobs where the public safety could be in
45 jeopardy. The bill prohibits a person from advertising as a licensed
46 elevator contractor if the individual has not been licensed by the
47 State.

1 The elevator, escalator, and moving walkway contractor's
2 license examination will be substantially uniform and designed so
3 as to establish the competence and qualifications of the applicant to
4 perform the type of work for which licensure is sought. The bill
5 permits the examination to mimic an examination promulgated by a
6 national organization. The examination may be waived if the
7 applicant provides adequate proof to the board of employment as an
8 elevator, escalator, or moving walkway contractor within the State
9 for at least three years immediately prior to the date of application
10 without the direct and immediate supervision of an elevator,
11 escalator, or moving walkway contractor licensed to do business
12 within the State. The bill also allows licensing without a current
13 examination under the following circumstances:

- 14 • proof of acceptable work experience in the elevator,
15 escalator, and moving walkway industry in the installation,
16 construction, alteration, repair, maintenance or testing, or
17 any combination thereof, as verified through previous and
18 current employers and copies of filed income tax returns or
19 W-2 or 1099 forms, and proof of successful passage of an
20 examination for elevator mechanics offered by a nationally
21 recognized training program for the elevator industry, such
22 as the national Elevator Educational Program or an
23 equivalent program;
- 24 • Proof of acceptable work experience by the applicant in the
25 elevator, escalator, and moving walkway industry in the
26 installation, construction, alteration, repair, maintenance or
27 testing, or any combination thereof, without direct and
28 immediate supervision, as verified by previous and current
29 employers or through building permits reflecting the
30 applicant's name, or a company for which the applicant was
31 an agent, or through proof of insurance or bonds issued
32 covering the applicant, or letters of reference from
33 construction code officials who have examined the
34 applicant's work.

35 The bill also grants reciprocity to those persons licensed in other
36 states in the elevator trades covered under the bill.

[Corrected Copy]

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 612

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 612.

This bill would establish the Elevator Contractors Licensing Board for the purposes of granting licenses to those persons engaged in the business of installing, constructing, altering, servicing, repairing, testing, or maintaining elevators, escalators, and moving walkways.

Current law does not require licensure to install an elevator, escalator, or moving walkway in any type of building, be it residential or commercial. In addition, persons that are employed by firms which are contracted to perform maintenance on elevators are eligible to be qualified by the Department of Community Affairs to inspect elevators for certain inspections. This bill would require all mechanical and maintenance work on elevators, escalators, and moving walkways to be performed by persons licensed by a State board, as having the requisite skill, experience and knowledge to perform these critical jobs where the public safety could be in jeopardy. The bill prohibits a person from advertising as a licensed elevator, escalator, and moving walkway contractor if the individual has not been licensed by the State.

The elevator, escalator, and moving walkway contractor's license examination will be substantially uniform and designed so as to establish the competence and qualifications of the applicant to perform the type of work for which licensure is sought. The bill permits the examination to mimic an examination promulgated by a national organization. The examination may be waived if the applicant provides adequate proof to the board of employment as an elevator, escalator, or moving walkway contractor within the State for at least three years immediately prior to the date of application without the direct and immediate supervision of an elevator, escalator, or moving walkway contractor licensed to do business within the State. The bill also allows licensing without a current examination under the following circumstances:

- proof of acceptable work experience in the elevator, escalator, and moving walkway industry in the installation, construction, alteration,

repair, maintenance or testing, or any combination thereof, as verified through previous and current employers and copies of filed income tax returns or W-2 or 1099 forms, and proof of successful passage of an examination for elevator mechanics offered by a nationally recognized training program for the elevator industry, such as the national Elevator Educational Program or an equivalent program;

- Proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance or testing, or any combination thereof, without direct and immediate supervision, as verified by previous and current employers or through building permits reflecting the applicant's name, or a company for which the applicant was an agent, or through proof of insurance or bonds issued covering the applicant, or letters of reference from construction code officials who have examined the applicant's work.

The bill also grants reciprocity to those persons licensed in other states in the elevator trades covered under the bill.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

[Corrected Copy]

STATEMENT TO

SENATE, No. 612

with Senate Floor Amendments
(Proposed by Senator SWEENEY)

ADOPTED: JUNE 25, 2012

These amendments:

amend sections 5 and 6 of the bill to require that no elevator, escalator, and moving walkway contractor's license shall be required for any person who installs, alters, maintains, services, repairs, or tests, a chair lift device or stair lift device in a dwelling unit;

amend section 9 of the bill to require that the Elevator, Escalator, and Moving Walkway Contractors Licensing Board shall, upon application to it and submission of satisfactory proof and the payment of the prescribed fee within 12 months following the effective date of the bill, issue an elevator, escalator, and moving walkway contractor license without examination to any person who submits verified proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, or testing, or any combination thereof, without direct and immediate supervision, within the State for at least three years; and

amend section 17 of the bill to remove the Massage, Bodywork and Somatic Therapy Examining Committee from section 1 of P.L.1974, c.46 (C.45:1-3.1), as that reference was deleted by section 12 of P.L.2007, c.337.

The amendments also make technical language corrections to various sections of the bill.

An elevator, escalator, and moving walkway contractor's license shall not permit licensees to perform electrical work other than on elevators, escalators and moving walkways.

FISCAL NOTE
 [First Reprint]
SENATE, No. 612
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JULY 17, 2012

SUMMARY

Synopsis: Provides for licensure of elevator, escalator, and moving sidewalk contractors by State board.

Type of Impact: Indeterminate Expenditure Offset by Licensure Revenues.

Agencies Affected: Department of Law and Public Safety; Division of Consumer Affairs.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost And Revenue	Indeterminate- See Comments Below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate. The costs of newly established boards through the Division of Consumer Affairs (DCA) are often offset by the new licensing revenue. The OLS notes that the application and license fees estimated by the division, however, are based on an estimate of the number of potential licensure and are subject to change.
- Creates an Elevator, Escalator and Moving Walkway Contractors Licensing Board which would be responsible for licensing contractors who install, construct, alter, maintain, service, repair, or test elevators, escalator, and moving walkways.
- Permits the board to charge fees for license application, examination, and renewal.
- Grants reciprocity to those persons licensed in other states in the elevator trades covered under the bill.
- Notes that certain members of the board shall serve without compensation; however, the bill is unclear regarding the compensation or reimbursement for reasonable expenses of the other board members.

BILL DESCRIPTION

Senate Bill No. 612 (1R) of 2012 would establish the Elevator Contractors Licensing Board for the purpose of granting licenses to those persons engaged in the business of installing, constructing, altering, servicing, repairing, testing, or maintaining elevator devices.

The term, "elevator device" is defined under current law to include elevators, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts, and other devices with moving cars or platforms. Current law does not require licensure to install an elevator, escalator, or moving walkway in any type of building, be it residential or commercial. In addition, persons that are employed by firms which are contracted to perform maintenance on elevators are eligible to be qualified by the DCA to inspect elevators for certain inspections. This bill would eliminate the certification by the DCA, and would instead require all mechanical and maintenance work on elevators to be performed by persons licensed by a State board, as having the requisite skill, experience and knowledge to perform these critical jobs where the public safety could be in jeopardy. The bill prohibits a person from advertising as a licensed elevator contractor if the individual has not been licensed by the State.

The elevator, escalator, and moving walkway contractor's license examination will be substantially uniform and designed so as to establish the competence and qualifications of the applicant to perform the type of work for which licensure is sought. The bill permits the examination to mimic an examination promulgated by a national organization.

The license examination may be waived if the applicant provides the following:

- Proof of acceptable work experience in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance or testing, or any combination thereof, as verified through previous and current employers and copies of filed income tax returns or W-2 or 1099 forms, and proof of successful passage of an examination for elevator mechanics offered by a nationally recognized training program for the elevator industry, such as the national Elevator Educational Program or an equivalent program; or
- Proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance or testing, or any combination thereof, without direct and immediate supervision, within the State for at least three years, as verified by previous and current employers or through building permits reflecting the applicant's name, or a company for which the applicant was an agent, or through proof of insurance or bonds issued covering the applicant, or letters of reference from construction code officials who have examined the applicant's work.

The bill also grants reciprocity to those persons licensed in other states in the elevator trades covered under the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DCA, in the Department of Law and Public Safety, estimated the cost to the State would be \$176,000 annually, with minimal annual inflationary increases, and an initial start-up amount to be later determined.

The division noted that there are under 40 companies in New Jersey advertising elevator services and the International Union of Elevator Constructors (IUEC) Elevator Contractors Local 1 in New York lists approximately 2,600 members in New York and New Jersey. Based on this information, the division noted that it would be reasonable to estimate that the costs will be similar to an existing board which has approximately 1,000 licensees.

As licensing will be on a biennial basis, the division determined that the license fee must be set at a level sufficient enough to cover the expenditures of the board for a two-year period. The division estimated that based on the projected costs for this board, the license fee should cover at least \$360,000 for a two year time period. If the number of licensees are 1,000, the biennial license fee per person would be \$360.

During the start-up phase, the Division of Law legal services and board meeting costs are generated with no revenue to offset these expenditures. The division noted that an initial appropriation would be requested to support the board prior to licensee revenue collection.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate. The costs of newly established boards through the DCA are often offset by the new licensing revenue. The OLS notes that the application and license fees estimated by the division, however, are based on an estimate of the number of potential licensure and are subject to change. The OLS, similarly to the executive, does not have a confirmation of the number of new applicants who would apply for this new license.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 612

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 2012

The Assembly Appropriations Committee reports favorably Senate Bill No. 612 (1R), with committee amendments.

As amended, this bill provides for the licensing of persons engaged in the business of installing, constructing, altering, servicing, repairing, testing, or maintaining elevators, escalators, and moving walking devices, and establishes the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board to oversee the licensure of those persons.

The bill provides that the board is created within the Division of Consumer Affairs in the Department of Law and Public Safety, and will consist of seven members, appointed by the Governor, as follows: one individual who represents the interests of a major elevator, escalator, or moving walkway manufacturing company; one individual who is primarily engaged in the business of elevator, escalator, or moving walkway installation, alteration, repair or maintenance of these devices; one individual who represents the interests of the elevator architectural design community; one representative from a major labor organization that represents elevator service mechanics; two public members; and one member who is from a department in the Executive Branch of State Government.

The bill prohibits a person from installing, constructing, altering, servicing, repairing, testing, or maintaining elevator, escalator, or moving walkway devices or using the title or designation of “licensed” in any manner concerning these activities, unless licensed as an elevator, escalator, and moving walkway mechanic in accordance with the bill or working under the supervision of a licensee. The bill prohibits a person from engaging in the business of contracting or advertising in any manner as an elevator, escalator, and moving walkway mechanic or from using the title or designation of “licensed elevator mechanic,” “licensed escalator mechanic,” or “licensed moving walkway mechanic,” unless duly licensed in that capacity.

The bill provides that to qualify for a mechanic’s license a person applying for the license must be 21 years of age or older and have been employed within the State in the capacity of at least one of the

elevator, escalator, and moving walkway trade businesses set forth in the bill for a period of three years next preceding the application date for the license. Additionally, the bill provides that to qualify for a license each applicant must take an examination.

The bill provides that each elevator, escalator, and moving walkway mechanic's license examination must be substantially uniform and must be designed to establish the competence and qualifications of the applicant. The bill provides that the examination may be theoretical or practical in nature, or both, and may be based on an examination promulgated by a professional organization. The bill provides that proof of passage of the National Elevator Industry Educational Program, or its successor organization's examination, will be sufficient to satisfy the examination requirement.

The bill provides that the requirement for examination may be waived if the applicant provides to the board adequate proof of employment as an elevator, escalator, and moving walkway mechanic within the State for at least three years immediately prior to the date of application without the direct and immediate supervision of an elevator, escalator, and moving walkway mechanic licensed to do business within the State. The bill requires the examination to be held at least four times each year, and stipulates that a person who has failed the examination will not be eligible to be reexamined for a period of six months from the date of the failed examination.

The bill requires elevator, escalator, and moving walkway mechanic licenses to be renewed biennially. The bill specifies licenses may be renewed without reexamination if application for renewal is made within 30 days next preceding or following the scheduled expiration date.

The bill permits the board to issue licenses without examination to applicants licensed by other states, provided equal reciprocity is granted to New Jersey licensed mechanics by the laws of the applicant's domiciliary state and provided that the domiciliary state's standards are equal to or comparable to the standards of this State.

The bill permits the board to issue licenses to applicants without examination, upon application to it and submission of satisfactory proof and the payment of the prescribed fee within 12 months of the date the licensing requirements become operative, provided one of the following is provided by the applicant:

- proof of acceptable work experience in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, service, or testing, or any combination thereof, as verified through previous and current employers and copies of filed income tax returns, or W-2, or 1099 forms, and proof of successful passage of an examination for elevator mechanics offered by a nationally recognized training program for the elevator industry;
- or

-- proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, service, or testing, or any combination thereof, without direct and immediate supervision, within the State for at least three years, as verified by previous and current employers or through building permits reflecting the applicant's name, or a company for which the applicant was an agent, or through proof of insurance or bonds issued covering the applicant, or letters of reference from construction code officials who have examined the applicant's work.

The bill provides that a contractor must subcontract all elevator, escalator, and moving walkway installation work, unless the contractor holds an elevator, escalator, and moving walkway mechanic's license to install those devices.

The bill provides that the license of an elevator mechanic may be suspended for a fixed period, or may be revoked, or the licensee may be censured, reprimanded or otherwise disciplined, if after due hearing it is determined that the licensee:

-- is guilty of any fraud or deceit in the licensee's activities as an elevator mechanic, including making false statements as to a material matter in the application for the license, or has been guilty of any fraud, deceit, or bribery in procuring his license;

-- has failed to notify the board or the owner or lessee of an elevator of a condition not in compliance with the elevator subcode of the State Uniform Construction Code;

-- has aided and abetted a person who is not a licensed elevator mechanic to engage in the activities of a licensed elevator mechanic;

-- has been guilty of unethical conduct as defined by rules promulgated by the board; or

-- has continued to practice without obtaining a license renewal as required by this bill.

The bill provides that an elevator mechanic is prohibited from undertaking to do any construction work in the State unless and until that mechanic has entered into a bond in favor of the State, in a sum established by the board and executed by a surety company authorized to transact business in this State. The bill specifies that municipalities are prohibited from requiring any similar bond from any elevator mechanic.

The bill authorizes the board to establish and set, charge and collect fees for license application, examination, and renewal.

The bill authorizes the board to adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to perform its duties and enforce the provisions of the bill.

The bill provides that persons who install, construct, alter, service, repair, test, or maintain chair lift devices or stair lift devices in a dwelling unit are excluded from the licensing requirements.

The bill takes effect immediately, but provides that the bill's licensing requirements, requirements regarding the securing of bonds, and mandate that contractors must subcontract all elevator, escalator, and moving installation work (unless the contractor holds an elevator mechanic's license) will remain inoperative until the first day of the seventh month next following the date of enactment.

It is the understanding of the committee that the bill does not permit elevator mechanics licensed under its provisions to engage in the work of licensed electrical contractors.

As amended and reported, this bill is identical to Assembly Bill No. 1519 (ACS), as also amended and reported by the committee.

FISCAL IMPACT:

The Executive has estimated that the State will incur certain one-time and recurring costs associated with the implementation and administration of the bill.

According to its analysis, these costs are expected to be minimal and are expected to be offset by revenues generated from the establishment of fees for license application, examination, and renewal.

The Office of Legislative Services (OLS) notes, however, that the amount of each fee is determined by the board based, in part, on the expected number of new licenses. The OLS is unaware of data that permits it to predict the number of individuals who will apply for and be granted a license or to predict the amount of any one fee prior to the enactment of the bill and the establishment of a board and, therefore, cannot independently verify if the additional costs will be offset by the establishment of new fees.

COMMITTEE AMENDMENTS:

The amendments to the bill rename the Elevator, Escalator, and Moving Walkway Contractors Licensing Board as the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board, and make similar changes, throughout the bill, to revise references to elevator, escalator, and moving walkway contractor's license, contractor's license, and contractor in certain instances in which contractor is used to refer to an individual mechanic.

The amendments delay the implementation of the bill's licensing requirements, requirements regarding the securing of bonds, and mandate that contractors must subcontract all elevator, escalator, and moving installation work (unless the contractor holds an elevator mechanic's license) for a period of at least six months following the effective date of the bill.

The amendments to the bill make certain other technical changes to ensure the bill is identical to Assembly Bill No. 1519 (ACS).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 612

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: OCTOBER 18, 2012

SUMMARY

Synopsis: Provides for licensure of elevator, escalator, and moving sidewalk mechanics by the State board.

Type of Impact: Indeterminate Expenditure Offset by Licensure Revenues.

Agencies Affected: Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost And Revenue	Indeterminate Expenditure Offset by Licensure		

- The Office of Legislative Services (OLS) notes that newly established boards through the Division of Consumer Affairs are often offset by the new licensing revenue.
- Creates an Elevator, Escalator and Moving Walkway Mechanics Licensing Board which would be responsible for licensing mechanics who install, construct, alter, maintain, service, repair, or test elevators, escalator, and moving walkways.
- Permits the board to charge fees for license application, examination, and renewal.
- Grants reciprocity to those persons licensed in other states in the elevator trades covered under the bill.
- Notes that certain members of the board shall serve without compensation; however, the bill is silent regarding the compensation or reimbursement for reasonable expenses of the other board members.
- Provides a delayed effective date of six months for the implementation of the bill's licensing requirements, requirements regarding the securing of bonds, and mandates that contractors must subcontract all elevator, escalator, and certain moving installation work.

BILL DESCRIPTION

Senate Bill No. 612 (2R) of 2012 would establish the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board for the purpose of granting licenses to those persons engaged in the business of installing, constructing, altering, servicing, repairing, testing, or maintaining elevator devices.

This bill would require all mechanical and maintenance work on elevators to be performed by persons licensed by a State board, as having the requisite skill, experience, and knowledge to perform these critical jobs where the public safety could be in jeopardy. The bill prohibits a person from advertising as a licensed elevator mechanic if the individual has not been licensed by the State.

The elevator, escalator, and moving walkway mechanic's license examination will be substantially uniform and designed so as to establish the competence and qualifications of the applicant to perform the type of work for which licensure is sought. The bill permits the examination to mimic an examination promulgated by a national organization.

The license examination may be waived if the applicant provides the following:

- Proof of acceptable work experience in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, or testing, or any combination thereof, as verified through previous and current employers and copies of filed income tax returns or W-2 or 1099 forms, and proof of successful passage of an examination for elevator mechanics offered by a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or an equivalent program; or
- Proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, or testing, or any combination thereof, without direct and immediate supervision, within the State for at least three years, as verified by previous and current employers or through building permits reflecting the applicant's name, or a company for which the applicant was an agent, or through proof of insurance or bonds issued covering the applicant, or letters of reference from construction code officials who have examined the applicant's work.

The bill also grants reciprocity to those persons licensed in other states in the elevator trades covered under the bill.

FISCAL ANALYSIS

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that newly established boards through the Division of Consumer Affairs are often offset by the new licensing revenue.

In the prior version of this bill, Senate Bill No. 612 (1R), the Division of Consumer Affairs, in the Department of Law and Public Safety noted that there was not an approximate figure available for the number of mechanics who would apply for licensure; however, the division did provide an estimate based on the history of boards in which a board's expenditures were offset by board revenues. In the prior version of this bill, the Office of Management and Budget (OMB) concurred with the Division of Consumer Affairs that boards are historically self-

sufficient. The OMB noted further, however, that although costs may be incurred, these expenditures would need to be offset using revenue generated by the new board and typically would not receive an appropriation during the start-up phase.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 1519

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman VINCENT PRIETO
District 32 (Bergen and Hudson)
Assemblyman THOMAS P. GIBLIN
District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblyman Diegnan

SYNOPSIS

Provides for licensure of elevator, escalator, and moving sidewalk contractors by State board.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/19/2012)

1 AN ACT concerning the licensing of persons responsible for the
2 installation, repair, or maintenance of elevators, escalators, and
3 moving walkways, supplementing chapter 14 of Title 45 of the
4 Revised Statutes and amending P.L.1997, c.336.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. (New section) The Legislature finds and declares that the
10 citizens and residents of the State of New Jersey are entitled to the
11 maximum protection practicable when using elevator, escalator, and
12 moving walkway devices, and that the protection can be increased
13 by requiring appropriate training and experience for persons
14 installing, repairing, and maintaining those devices. It is therefore
15 necessary for the public good to establish standards of education,
16 training, and experience for these installers and mechanics and to
17 provide for their appropriate examination and certification.

18

19 2. (New section) There is created within the Division of
20 Consumer Affairs in the Department of Law and Public Safety the
21 Elevator, Escalator, and Moving Walkway Contractors Licensing
22 Board. Members of the board shall be appointed by the Governor.
23 The board shall consist of seven members who are residents of the
24 State of New Jersey. In addition to the two public members
25 appointed to represent the interests of the public pursuant to the
26 provisions of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-
27 2.2) and who shall be representatives of municipal government, one
28 member shall be from a department in the Executive Branch of
29 State Government, who shall serve without compensation at the
30 pleasure of the Governor, and the remaining four members shall
31 consist of the following:

32 One individual who represents the interests of a major elevator,
33 escalator, or moving walkway manufacturing company;

34 One individual who is primarily engaged in the business of
35 elevator, escalator, or moving walkway installation, alteration,
36 repair, or maintenance of those devices;

37 One individual who represents the interests of the elevator
38 architectural design community; and

39 One representative from a major labor organization that
40 represents elevator service contractors.

41 The Governor shall appoint each member, other than the State
42 executive department member, for a term of four years, except that
43 of the members first appointed, other than the State executive
44 department member, three shall serve for a term of four years, two
45 shall serve for a term of three years, and one shall serve for a term

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of two years, as determined by the Governor. Any vacancy in the
2 membership shall be filled for the unexpired term in the manner
3 provided for the original appointment. No member of the board
4 may serve more than two successive terms in addition to any
5 unexpired term to which he has been appointed. The Governor may
6 remove any member of the board, other than the State executive
7 department member, for cause.

8 The board shall meet at such times as the board deems necessary,
9 and may form such committees as is deemed necessary for the
10 purpose of conducting disciplinary proceedings, or otherwise.

11

12 3. (New section) The Elevator, Escalator, and Moving
13 Walkway Contractors Licensing Board shall, in addition to other
14 powers and duties that it may possess by law:

15 a. Examine and pass on the qualifications of all applicants for
16 license subject to its jurisdiction, and issue a license to each
17 qualified successful applicant;

18 b. Examine, evaluate and supervise all examinations and
19 procedures;

20 c. Adopt a seal which shall be affixed to all licenses issued by
21 it;

22 d. Adopt rules and regulations pursuant to the "Administrative
23 Procedure Act," P.L.1968, c.410 (C.52:14B 1 et seq.) as it may
24 deem necessary to enable it to perform its duties under, and to
25 enforce, the provisions of this act;

26 e. Annually publish a list of the names and addresses of all
27 persons who are licensed under this act;

28 f. Establish standards for continuing education, which at a
29 minimum shall include eight hours of instruction to be completed
30 within one year immediately preceding any license renewal; and

31 g. Prescribe or change the charges for examinations, licensures,
32 renewals, and other services performed pursuant to P.L.1974, c.46
33 (C.45:1-3.1 et seq.).

34

35 4. (New section) Any person desiring to obtain an elevator,
36 escalator, and moving walkway contractor's license, which shall
37 authorize such licensee to install, alter, maintain, service, repair, or
38 test elevators, escalators, and moving walkways, shall make
39 application for licensure to the Elevator, Escalator, and Moving
40 Walkway Contractors Licensing Board, pay all the fees required in
41 connection with the application, and be examined as required by
42 section 6 of P.L. , c. (C.) (pending before the Legislature as
43 this bill).

44

45 5. (New section) a. On or after the effective date of
46 P.L. , c. (C.) (pending before the Legislature as this bill), a
47 person shall not:

1 (1) install;
2 (2) construct;
3 (3) alter;
4 (4) service;
5 (5) repair;
6 (6) test; or
7 (7) maintain
8 elevator, escalator, or moving walkway devices, or use the title or
9 designation of "licensed" in any manner concerning these activities,
10 unless licensed as an elevator, escalator, and moving walkway
11 contractor pursuant to the provisions of P.L. , c. (C.)
12 (pending before the Legislature as this bill), or working under the
13 supervision of a person so licensed, such as an apprentice.
14 b. A person, firm, partnership, corporation or other legal entity
15 shall not engage in the business of contracting or advertise in any
16 manner as an elevator, escalator, and moving walkway contractor or
17 use the title or designation of "licensed elevator contractor,"
18 "licensed escalator contractor," or "licensed moving walkway
19 contractor," unless duly licensed to act as such.
20 c. A license issued pursuant to P.L. , c. (C.) (pending
21 before the Legislature as this bill) shall not be transferable.
22 d. Not less than 30 days and not more than 60 days prior to the
23 date set for the examination for a license as an elevator, escalator,
24 and moving walkway contractor, every person desiring to apply for
25 a license, who meets the qualifications as set forth in this act, shall
26 deliver to the board, personally or by certified mail, return receipt
27 requested, postage prepaid, a certified check or money order
28 payable to the Treasurer of the State of New Jersey in the required
29 amount, together with a written application required by the board,
30 completed as described in the application, and together with proof
31 that the applicant qualifies in accordance with this act.
32 The qualifications for a contractor's license under this act shall
33 be as follows: The person shall be 21 or more years of age and a
34 citizen or legal resident of the United States, and shall have been
35 employed within the State in the capacity of at least one of the
36 elevator, escalator, and moving walkway trade businesses set forth
37 in subsection a. of this section for a period of three years next
38 preceding the application date for the license. The person also shall
39 have completed an apprenticeship program approved by the U.S.
40 Department of Labor, or the State Apprenticeship Council
41 established pursuant to P.L.1953, c. 198 (34:1A-36).
42 The applicant, if registered as a builder with the Department of
43 Community Affairs, shall not be in any negative standing on the
44 registration list. An applicant shall be afforded an opportunity to
45 correct a negative standing, either by remedial action or by
46 reporting any inaccuracies for correction.

1 Proof of compliance with the qualifications, or those in lieu
2 thereof, shall be submitted to the board in writing, sworn to by the
3 applicant, and accompanied by two recent passport size color
4 photographs of the applicant.

5
6 6. (New section) a. Every elevator, escalator, and moving
7 walkway contractor's license examination shall be substantially
8 uniform and shall be designed so as to establish the competence and
9 qualifications of the applicant to perform the type of work for
10 which licensure is sought. The examination may be theoretical or
11 practical in nature, or both. Proof of passage of the National
12 Elevator Industry Educational Program (NEIEP) examination shall
13 be sufficient to satisfy the examination requirement of this section.
14 The examination may be waived if the applicant provides adequate
15 proof to the board of employment as an elevator, escalator, or
16 moving walkway contractor within the State for at least three years
17 immediately prior to the date of application without the direct and
18 immediate supervision of an elevator, escalator, and moving
19 walkway contractor licensed to do business within the State.

20 b. The examination shall be held at least four times a year, at
21 Trenton or other place the board deems necessary. Public notice of
22 the time and place of the examination shall be given by the board in
23 accordance with the "Senator Byron M. Baer Open Public Meetings
24 Act," P.L.1975, c.231 (C.10:4-6 et seq.).

25 c. No person who has failed the examination shall be eligible
26 to be reexamined for a period of six months from the date of the
27 examination failed by that person.

28 d. All applicants for elevator, escalator, and moving walkway
29 contractor's licenses, renewals or reexaminations shall pay a fee for
30 each license issuance or renewal, or reexamination as determined by
31 the board.

32
33 7. (New section) Elevator contractors' licenses shall be
34 renewed biennially by the board upon written application of the
35 holder and payment of the prescribed fee and renewal of the bond
36 required by section 10 of P.L. , c. (C.) (pending before the
37 Legislature as this bill). A license may be renewed without
38 reexamination, if the application for renewal is made within 30 days
39 next preceding or following the scheduled expiration date. Any
40 applicant for renewal making application at any time subsequent to
41 the 30th day next following the scheduled expiration date may be
42 required by the board to be re- examined, and that person shall not
43 continue to act as a licensed contractor in the elevator trade, as
44 described in this act, and no firm, corporation or other legal entity
45 for which the person is the bona fide representative shall operate
46 under a license in the elevator trade, as described in this act, until a

1 valid license has been secured or is held by a bona fide
2 representative.

3 Any license expiring while the holder is outside the continental
4 limits of the United States in connection with any project
5 undertaken by the government of the United States, or while in the
6 services of the Armed Forces of the United States, shall be renewed
7 without the holder being required to be reexamined, upon payment
8 of the prescribed fee at any time within four months after the
9 person's return to the United States or discharge from the armed
10 forces, whichever is later.

11

12 8. (New section) a. The board may in its discretion grant
13 licenses without examination to applicants so licensed by other
14 states; provided that equal reciprocity is provided for New Jersey
15 licensed contractors by the law of the applicant's domiciliary state
16 and provided further that the domiciliary state's standards are equal
17 to or comparable to those of this State.

18 b. In the event that a State of Emergency has been declared in
19 the State, and there are not a sufficient number of persons holding
20 licenses as elevator contractors to cope with the emergency, the
21 board may in its discretion issue temporary licenses with such
22 requirements as the board deems necessary, which requirements
23 shall be promulgated pursuant to the Administrative Procedure Act,
24 P.L.1968, c. 410 (C.52:14B-1 et seq.). Temporary licenses
25 authorized by the board shall not be valid for a period exceeding 45
26 days.

27

28 9. (New section) Notwithstanding any other provision of this
29 act to the contrary, the board shall, upon application to it and
30 submission of satisfactory proof and the payment of the prescribed
31 fee within 12 months following the effective date of this act, issue
32 an elevator, escalator, and moving walkway contractor license
33 without examination to any person, provided proof of one of the
34 following subsections is provided:

35 a. proof of acceptable work experience in the elevator,
36 escalator, and moving walkway industry in the installation,
37 construction, alteration, repair, maintenance, or testing, or any
38 combination thereof, as verified through previous and current
39 employers and copies of filed income tax returns or W-2 or 1099
40 forms, and proof of successful passage of an examination for
41 elevator mechanics offered by a nationally recognized training
42 program for the elevator, escalator, and moving walkway industry,
43 such as the national Elevator Educational Program or an equivalent
44 program;

45 b. Proof of acceptable work experience by the applicant in the
46 elevator, escalator, and moving walkway industry in the
47 installation, construction, alteration, repair, maintenance, or testing,

1 or any combination thereof, without direct and immediate
2 supervision, as verified by previous and current employers or
3 through building permits reflecting the applicant's name, or a
4 company for which the applicant was an agent, or through proof of
5 insurance or bonds issued covering the applicant, or letters of
6 reference from construction code officials who have examined the
7 applicant's work; or

8 c. Proof of successful completion of an apprenticeship program
9 approved by the U.S. Department of Labor, or the State
10 Apprenticeship Council established pursuant to section 1 of
11 P.L.1953, c.198 (C.34:1A-36).

12 d. A person entitled to a license under the provisions of this
13 section shall comply with the remaining provisions of this act.
14

15 10. (New section) A contractor shall subcontract all elevator,
16 escalator, and moving walkway installation work, unless the
17 contractor holds an elevator, escalator, and moving walkway
18 contractor's license to install those devices.
19

20 11. (New section) a. The license of an elevator contractor may
21 be suspended for a fixed period, or may be revoked, or the licensee
22 may be censured, reprimanded or otherwise disciplined, in
23 accordance with the provisions and procedures defined
24 P.L. , c. (C.) (pending before the Legislature as this bill), if
25 after due hearing it is determined that the licensee:

26 (1) Is guilty of any fraud or deceit in the licensee's activities as
27 an elevator contractor, including making false statements as to a
28 material matter in the application for the license, or has been guilty
29 of any fraud, deceit, or bribery in procuring his license;

30 (2) Has failed to notify the board or the owner or lessee of an
31 elevator of a condition not in compliance with the elevator subcode
32 of the State Uniform Construction Code;

33 (3) Has aided and abetted a person who is not a licensed
34 elevator contractor to engage in the activities of a licensed elevator
35 contractor, other than an approved apprenticeship program;

36 (4) Has been guilty of unethical conduct as defined by rules
37 promulgated by the commission; or

38 (5) Has continued to practice without obtaining a license
39 renewal as required by this act.

40 b. (1) The charges may be referred by any person, corporation,
41 association or public officer, or by the board in the first instance. A
42 copy thereof, together with a report of the investigation, shall be
43 referred to the board for a recommendation. The board shall review
44 the information, and determine whether action may be necessary. If
45 action may be considered against a licensee, the board shall provide
46 a hearing, and provide written notice thereof, either by registered
47 mail or personal service, at least 10 days prior to the date set for

1 such hearing, to the address of record of the licensee. The notice
2 shall set forth the time, date and location of the hearing, and shall
3 set forth a statement of the allegations constituting the grounds for
4 the charges against the licensee. The board shall make a
5 determination within 48 hours of the hearing whether the licensee
6 will be sanctioned.

7 (2) Any person whose license is revoked, suspended, or subject
8 to a civil penalty, may appeal the matter to the Office of
9 Administrative Law for a hearing before an administrative law
10 judge, pursuant to the "Administrative Procedure Act," P.L.1968, c.
11 410 (C. 52:14B-1 et seq.). For the purpose of this section, the
12 board, its committee, or the administrative law judge shall have
13 power to issue subpoenas for the appearance of witnesses, and to
14 take testimony under oath. Upon review of the record of the
15 hearing, the reviewing entity may affirm, modify or reject the
16 written report and recommendation of the board.

17 c. When the license of any person has been revoked or
18 annulled, as herein provided, the board may, after the expiration of
19 three years, accept an application for restoration of the license.
20

21 12. (New section) In addition to any other bonds that may be
22 required pursuant to contract, no elevator contractor licensed under
23 this act shall undertake to do any construction work in the State
24 unless and until he shall have first entered into a bond in favor of
25 the State of New Jersey in the sum of \$3,000 executed by a surety
26 company authorized to transact business in this State, approved by
27 the Department of Banking and Insurance and to be conditioned on
28 the faithful performance of the provisions of this act. No
29 municipality shall require any similar bond from any construction
30 contractor licensed under this act. This section shall not apply to
31 elevator mechanic license holders. The board shall by rule and
32 regulation provide who shall be eligible to receive the financial
33 protection afforded by the bond required to be filed by this section.
34 The bond shall be for the term of 12 months and shall be renewed at
35 each expiration for a similar period.
36

37 13. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
38 as follows:

39 1. The provisions of this act shall apply to the following boards
40 and commissions: the New Jersey State Board of Accountancy, the
41 New Jersey State Board of Architects, the New Jersey State Board
42 of Cosmetology and Hairstyling, the Board of Examiners of
43 Electrical Contractors, the New Jersey State Board of Dentistry, the
44 State Board of Mortuary Science of New Jersey, the State Board of
45 Professional Engineers and Land Surveyors, the State Board of
46 Marriage and Family Therapy Examiners, the State Board of
47 Medical Examiners, the New Jersey Board of Nursing, the New

1 Jersey State Board of Optometrists, the State Board of Examiners of
2 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
3 Pharmacy, the State Board of Professional Planners, the State Board
4 of Psychological Examiners, the State Board of Examiners of
5 Master Plumbers, the New Jersey Real Estate Commission, the
6 State Board of Court Reporting, the State Board of Veterinary
7 Medical Examiners, the Radiologic Technology Board of
8 Examiners, the Acupuncture Examining Board, the State Board of
9 Chiropractic Examiners, the State Board of Respiratory Care, the
10 State Real Estate Appraiser Board, the State Board of Social Work
11 Examiners, the Elevator, Escalator, and Moving Walkway
12 Contractors Licensing Board, and the State Board of Physical
13 Therapy Examiners, the Orthotics and Prosthetics Board of
14 Examiners, the New Jersey Cemetery Board, the State Board of
15 Polysomnography and any other entity hereafter created under Title
16 45 to license or otherwise regulate a profession or occupation.

17 (cf: P.L.2005, c.308, s.8.)

18

19 14. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
20 as follows:

21 2. a. All members of the several professional boards and
22 commissions shall be appointed by the Governor in the manner
23 prescribed by law; except in appointing members other than those
24 appointed pursuant to subsection b. or subsection c., the Governor
25 shall give due consideration to, but shall not be bound by,
26 recommendations submitted by the appropriate professional
27 organizations of this State.

28 b. In addition to the membership otherwise prescribed by law,
29 the Governor shall appoint in the same manner as presently
30 prescribed by law for the appointment of members, two additional
31 members to represent the interests of the public, to be known as
32 public members, to each of the following boards and commissions:
33 the New Jersey State Board of Accountancy, the New Jersey State
34 Board of Architects, the New Jersey State Board of Cosmetology
35 and Hairstyling, the New Jersey State Board of Dentistry, the State
36 Board of Mortuary Science of New Jersey, the State Board of
37 Professional Engineers and Land Surveyors, the State Board of
38 Medical Examiners, the New Jersey Board of Nursing, the New
39 Jersey State Board of Optometrists, the State Board of Examiners of
40 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
41 Pharmacy, the State Board of Professional Planners, the State Board
42 of Psychological Examiners, the New Jersey Real Estate
43 Commission, the State Board of Court Reporting, the State Board of
44 Social Work Examiners, the Elevator, Escalator, and Moving
45 Walkway Contractors Licensing Board, and the State Board of
46 Veterinary Medical Examiners, and one additional public member
47 to each of the following boards: the Board of Examiners of

1 Electrical Contractors, the State Board of Marriage and Family
2 Therapy Examiners, the State Board of Examiners of Master
3 Plumbers, and the State Real Estate Appraiser Board. Each public
4 member shall be appointed for the term prescribed for the other
5 members of the board or commission and until the appointment of
6 his successor. Vacancies shall be filled for the unexpired term only.
7 The Governor may remove any such public member after hearing,
8 for misconduct, incompetency, neglect of duty or for any other
9 sufficient cause.

10 No public member appointed pursuant to this section shall have
11 any association or relationship with the profession or a member
12 thereof regulated by the board of which he is a member, where such
13 association or relationship would prevent such public member from
14 representing the interest of the public. Such a relationship includes
15 a relationship with members of one's immediate family; and such
16 association includes membership in the profession regulated by the
17 board. To receive services rendered in a customary client
18 relationship will not preclude a prospective public member from
19 appointment. This paragraph shall not apply to individuals who are
20 public members of boards on the effective date of this act.

21 It shall be the responsibility of the Attorney General to insure
22 that no person with the aforementioned association or relationship
23 or any other questionable or potential conflict of interest shall be
24 appointed to serve as a public member of any board regulated by
25 this section.

26 Where a board is required to examine the academic and
27 professional credentials of an applicant for licensure or to test such
28 applicant orally, no public member appointed pursuant to this
29 section shall participate in such examination process; provided,
30 however, that public members shall be given notice of and may be
31 present at all such examination processes and deliberations
32 concerning the results thereof, and, provided further, that public
33 members may participate in the development and establishment of
34 the procedures and criteria for such examination processes.

35 c. The Governor shall designate a department in the Executive
36 Branch of the State Government which is closely related to the
37 profession or occupation regulated by each of the boards or
38 commissions designated in section 1 of P.L.1971, c.60 (C.45:1-2.1)
39 and shall appoint the head of such department, or the holder of a
40 designated office or position in such department, to serve without
41 compensation at the pleasure of the Governor as a member of such
42 board or commission.

43 d. A majority of the voting members of such boards or
44 commissions shall constitute a quorum thereof and no action of any
45 such board or commission shall be taken except upon the

1 affirmative vote of a majority of the members of the entire board or
2 commission.

3 (cf: P.L.2005, c. 308, s.9)

4

5 15. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
6 as follows:

7 1. The provisions of this act shall apply to the following boards
8 and commissions: the New Jersey State Board of Accountancy, the
9 New Jersey State Board of Architects, the New Jersey State Board
10 of Cosmetology and Hairstyling, the Board of Examiners of
11 Electrical Contractors, the New Jersey State Board of Dentistry, the
12 State Board of Mortuary Science of New Jersey, the State Board of
13 Professional Engineers and Land Surveyors, the State Board of
14 Marriage and Family Therapy Examiners, the State Board of
15 Medical Examiners, the New Jersey Board of Nursing, the New
16 Jersey State Board of Optometrists, the State Board of Examiners of
17 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
18 Pharmacy, the State Board of Professional Planners, the State Board
19 of Psychological Examiners, the State Board of Examiners of
20 Master Plumbers, the State Board of Court Reporting, the State
21 Board of Veterinary Medical Examiners, the Radiologic
22 Technology Board of Examiners, the Acupuncture Examining
23 Board, the State Board of Chiropractic Examiners, the State Board
24 of Respiratory Care, the State Real Estate Appraiser Board, the New
25 Jersey Cemetery Board, the State Board of Social Work Examiners,
26 the Elevator, Escalator, and Moving Walkway Contractors
27 Licensing Board, and the State Board of Physical Therapy
28 Examiners, the State Board of Polysomnography, the Orthotics and
29 Prosthetics Board of Examiners and any other entity hereafter
30 created under Title 45 to license or otherwise regulate a profession
31 or occupation.

32 (cf: P.L.2005, c.308, s.10)

33

34 16. Section 2 of P.L.1973, c.254 (C.45:1-9) is amended to read
35 as follows:

36 2. Any contractor licensed by the State shall indicate his
37 license or certificate number on all contracts, subcontracts, bids,
38 construction permits, and all forms of advertising as a contractor.

39 (cf: P.L.1973, c.254, s.2)

40

41 17. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
42 as follows:

43 2. The provisions of this act shall apply to the following boards
44 and all professions or occupations regulated by, through or with the
45 advice of those boards: the New Jersey State Board of
46 Accountancy, the New Jersey State Board of Architects, the New
47 Jersey State Board of Cosmetology and Hairstyling, the Board of

1 Examiners of Electrical Contractors, the New Jersey State Board of
2 Dentistry, the State Board of Mortuary Science of New Jersey, the
3 State Board of Professional Engineers and Land Surveyors, the
4 State Board of Marriage and Family Therapy Examiners, the State
5 Board of Medical Examiners, the New Jersey Board of Nursing, the
6 New Jersey State Board of Optometrists, the State Board of
7 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
8 the Board of Pharmacy, the State Board of Professional Planners,
9 the State Board of Psychological Examiners, the State Board of
10 Examiners of Master Plumbers, the State Board of Court Reporting,
11 the State Board of Veterinary Medical Examiners, the State Board
12 of Chiropractic Examiners, the State Board of Respiratory Care, the
13 State Real Estate Appraiser Board, the State Board of Social Work
14 Examiners, the Elevator, Escalator, and Moving Walkway
15 Contractors Licensing Board, the State Board of Physical Therapy
16 Examiners, the State Board of Polysomnography, the Professional
17 Counselor Examiners Committee, the New Jersey Cemetery Board,
18 the Orthotics and Prosthetics Board of Examiners, the Occupational
19 Therapy Advisory Council, the Electrologists Advisory Committee,
20 the Acupuncture Advisory Committee, the Alcohol and Drug
21 Counselor Committee, the Athletic Training Advisory Committee,
22 the Certified Psychoanalysts Advisory Committee, the Fire Alarm,
23 Burglar Alarm, and Locksmith Advisory Committee, the Home
24 Inspection Advisory Committee, the Interior Design Examination
25 and Evaluation Committee, the Hearing Aid Dispensers Examining
26 Committee, the Landscape Architect Examination and Evaluation
27 Committee, the Massage, Bodywork and Somatic Therapy
28 Examining Committee, the Perfusionists Advisory Committee, the
29 Physician Assistant Advisory Committee, and the Audiology and
30 Speech-Language Pathology Advisory Committee and any other
31 entity hereafter created under Title 45 to license or otherwise
32 regulate a profession or occupation.

33 (cf: P.L.2005, c.308, s.11)

34

35 18. Section 1 of P.L.1997, c.336 (C.52:27D-126f) is repealed.

36

37 19. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 This bill would establish the Elevator Contractors Licensing
43 Board for the purposes of granting licenses to those persons
44 engaged in the business of installing, constructing, altering,
45 servicing, repairing, testing, or maintaining elevator devices. The
46 term, "elevator device" is defined under current law to include
47 elevators, dumbwaiters, wheelchair lifts, manlifts, stairway

1 chairlifts, and other devices with moving cars or platforms. The
2 term does not include escalators or moving walks.

3 The bill would not apply to those persons inspecting elevators as
4 local enforcing officials under the State Uniform Construction
5 Code.

6 Current law does not require licensure to install an elevator,
7 escalator, or moving walkway in any type of building, be it
8 residential or commercial. In addition, persons that are employed
9 by firms which are contracted to perform maintenance on elevators
10 are eligible to be qualified by the Department of Community Affairs
11 to inspect elevators for certain inspections. This bill would
12 eliminate the certification by the Department of Community
13 Affairs, and would instead require all mechanical and maintenance
14 work on elevators to be performed by persons licensed by a State
15 board, as having the requisite skill, experience and knowledge to
16 perform these critical jobs where the public safety could be in
17 jeopardy.

18 The elevator, escalator, and moving walkway contractor's
19 license examination will be substantially uniform and designed so
20 as to establish the competence and qualifications of the applicant to
21 perform the type of work for which licensure is sought. The
22 examination may be waived if the applicant provides adequate
23 proof to the board of employment as an elevator, escalator, or
24 moving walkway contractor within the State for at least three years
25 immediately prior to the date of application without the direct and
26 immediate supervision of an elevator, escalator, or moving walkway
27 contractor licensed to do business within the State. The bill also
28 allows licensing without a current examination under the following
29 circumstances:

- 30 • proof of acceptable work experience in the elevator,
31 escalator, and moving walkway industry in the installation,
32 construction, alteration, repair, maintenance or testing, or
33 any combination thereof, as verified through previous and
34 current employers and copies of filed income tax returns or
35 W-2 or 1099 forms, and proof of successful passage of an
36 examination for elevator mechanics offered by a nationally
37 recognized training program for the elevator industry, such
38 as the national Elevator Educational Program or an
39 equivalent program;
- 40 • Proof of acceptable work experience by the applicant in the
41 elevator, escalator, and moving walkway industry in the
42 installation, construction, alteration, repair, maintenance or
43 testing, or any combination thereof, without direct and
44 immediate supervision, as verified by previous and current
45 employers or through building permits reflecting the
46 applicant's name, or a company for which the applicant was
47 an agent, or through proof of insurance or bonds issued

1 covering the applicant, or letters of reference from
2 construction code officials who have examined the
3 applicant's work; or

- 4 • Proof of successful completion of an apprenticeship program
5 approved by the U.S. Department of Labor, or the State
6 Apprenticeship Council established pursuant to P.L.1953, c.
7 198 (34:1A-36).

8 The bill also grants reciprocity to those persons licensed in other
9 states in the elevator trades covered under the bill.

10 Elevator, escalator, and moving walkway safety is a subject of
11 much concern for residents in our State, as well as nationally. It is
12 hoped that the licensure process created under the bill for all of the
13 tradespersons who are crucial in the safe operation of elevator,
14 escalator, and moving walkway devices will result in an enhanced
15 level of protection for the public.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1519

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Assembly Regulated Professions Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1519.

This committee substitute provides for the licensing of persons engaged in the business of installing, constructing, altering, servicing, repairing, testing, or maintaining elevators, escalators and moving walking devices and establishes the Elevator, Escalator and Moving Walkway Contractors Licensing Board within the Division of Consumer Affairs in the Department of Law and Public Safety to oversee their licensure. The board, to be appointed by the Governor, is to consist of seven members as follows: one individual who represents the interests of a major elevator, escalator, or moving walkway manufacturing company; one individual who is primarily engaged in the business of elevator, escalator, or moving walkway installation, alteration, repair or maintenance of these devices; one individual who represents the interests of the elevator architectural design community; one representative from a major labor organization that represents elevator service contractors; two public members; and one member from a department in the Executive Branch of State Government.

The bill stipulates that a person shall not install, construct, alter, service, repair, test, or maintain elevator, escalator, or moving walkway devices, or use the title or designation of "licensed" in any manner concerning these activities, unless licensed as an elevator, escalator, and moving walkway contractor pursuant to the provisions of the bill, or working under the supervision of a person so licensed, such as an apprentice. Furthermore, the bill states that no person shall engage in the business of contracting or advertise in any manner as an elevator, escalator, and moving walkway contractor or use the title or designation of "licensed elevator contractor," "licensed escalator contractor," or "licensed moving walkway contractor," unless duly licensed to act as such.

The qualifications for a contractor's license under this bill are as follows: The person shall be 21 or more years of age and shall have been employed within the State in the capacity of at least one of the elevator, escalator, and moving walkway trade businesses set forth in

the bill for a period of three years next preceding the application date for the license.

In addition, to qualify for such licensure, an applicant is required to take an examination. Every elevator, escalator, and moving walkway contractor's license examination shall be substantially uniform and shall be designed so as to establish the competence and qualifications of the applicant to perform the type of work for which licensure is sought. The examination may be theoretical or practical in nature, or both, and may be based on an examination promulgated by a professional organization. Proof of passage of the National Elevator Industry Educational Program (NEIEP), or its successor organization's examination shall be sufficient to satisfy the examination requirement. The examination may be waived if the applicant provides adequate proof to the board of employment as an elevator, escalator, and moving walkway contractor within the State for at least three years immediately prior to the date of application without the direct and immediate supervision of an elevator, escalator, and moving walkway contractor licensed to do business within the State.

The bill also allows licensing without a current examination, for 12 months following the effective date of this bill, under the following circumstances:

- Proof of acceptable work experience in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, service, or testing, or any combination thereof, as verified through previous and current employers and copies of filed income tax returns, or W-2, or 1099 forms, and proof of successful passage of an examination for elevator mechanics offered by a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or an equivalent program; or
- Proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, service, or testing, or any combination thereof, without direct and immediate supervision, as verified by previous and current employers or through building permits reflecting the applicant's name, or a company for which the applicant was an agent, or through proof of insurance or bonds issued covering the applicant, or letters of reference from construction code officials who have examined the applicant's work;

The bill further provides that elevator, escalator, and moving walkway contractor licenses shall be renewed biennially. Also, a person licensed under this bill shall not undertake to do any construction work in the State unless and until that person shall have first entered into a bond in favor of the State of New Jersey in a sum

established by the board executed by a surety company authorized to transact business in this State.

The bill also stipulates that any person who installs, constructs, alters, services, repairs, tests, or maintains a chair lift device or stair lift device in a dwelling unit is not required to be licensed under the provisions of this bill.

It is the understanding of the committee that the bill does not permit persons licensed under its provisions to engage in the work of licensed electrical contractors.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1519**

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 2012

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1519 (ACS), with committee amendments.

As amended, this bill provides for the licensing of persons engaged in the business of installing, constructing, altering, servicing, repairing, testing, or maintaining elevators, escalators, and moving walking devices, and establishes the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board to oversee the licensure of those persons.

The bill provides that the board is created within the Division of Consumer Affairs in the Department of Law and Public Safety, and will consist of seven members, appointed by the Governor, as follows: one individual who represents the interests of a major elevator, escalator, or moving walkway manufacturing company; one individual who is primarily engaged in the business of elevator, escalator, or moving walkway installation, alteration, repair or maintenance of these devices; one individual who represents the interests of the elevator architectural design community; one representative from a major labor organization that represents elevator service mechanics; two public members; and one member who is from a department in the Executive Branch of State Government.

The bill prohibits a person from installing, constructing, altering, servicing, repairing, testing, or maintaining elevator, escalator, or moving walkway devices or using the title or designation of "licensed" in any manner concerning these activities, unless licensed as an elevator, escalator, and moving walkway mechanic in accordance with the bill or working under the supervision of a licensee. The bill prohibits a person from engaging in the business of contracting or advertising in any manner as an elevator, escalator, and moving walkway mechanic or from using the title or designation of "licensed elevator mechanic," "licensed escalator mechanic," or "licensed moving walkway mechanic," unless duly licensed in that capacity.

The bill provides that to qualify for a mechanic's license a person applying for the license must be 21 years of age or older and have been employed within the State in the capacity of at least one of the

elevator, escalator, and moving walkway trade businesses set forth in the bill for a period of three years next preceding the application date for the license. Additionally, the bill provides that to qualify for a license each applicant must take an examination.

The bill provides that each elevator, escalator, and moving walkway mechanic's license examination must be substantially uniform and must be designed to establish the competence and qualifications of the applicant. The bill provides that the examination may be theoretical or practical in nature, or both, and may be based on an examination promulgated by a professional organization. The bill provides that proof of passage of the National Elevator Industry Educational Program, or its successor organization's examination, will be sufficient to satisfy the examination requirement.

The bill provides that the requirement for examination may be waived if the applicant provides to the board adequate proof of employment as an elevator, escalator, and moving walkway mechanic within the State for at least three years immediately prior to the date of application without the direct and immediate supervision of an elevator, escalator, and moving walkway mechanic licensed to do business within the State. The bill requires the examination to be held at least four times each year, and stipulates that a person who has failed the examination will not be eligible to be reexamined for a period of six months from the date of the failed examination.

The bill requires elevator, escalator, and moving walkway mechanic licenses to be renewed biennially. The bill specifies licenses may be renewed without reexamination if application for renewal is made within 30 days next preceding or following the scheduled expiration date.

The bill permits the board to issue licenses without examination to applicants licensed by other states, provided equal reciprocity is granted to New Jersey licensed mechanics by the laws of the applicant's domiciliary state and provided that the domiciliary state's standards are equal to or comparable to the standards of this State.

The bill permits the board to issue licenses to applicants without examination, upon application to it and submission of satisfactory proof and the payment of the prescribed fee within 12 months of the date the licensing requirements become operative, provided one of the following is provided by the applicant:

- proof of acceptable work experience in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, service, or testing, or any combination thereof, as verified through previous and current employers and copies of filed income tax returns, or W-2, or 1099 forms, and proof of successful passage of an examination for elevator mechanics offered by a nationally recognized training program for the elevator industry;
- or

-- proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, service, or testing, or any combination thereof, without direct and immediate supervision, within the State for at least three years, as verified by previous and current employers or through building permits reflecting the applicant's name, or a company for which the applicant was an agent, or through proof of insurance or bonds issued covering the applicant, or letters of reference from construction code officials who have examined the applicant's work.

The bill provides that a contractor must subcontract all elevator, escalator, and moving walkway installation work, unless the contractor holds an elevator, escalator, and moving walkway mechanic's license to install those devices.

The bill provides that the license of an elevator mechanic may be suspended for a fixed period, or may be revoked, or the licensee may be censured, reprimanded or otherwise disciplined, if after due hearing it is determined that the licensee:

-- is guilty of any fraud or deceit in the licensee's activities as an elevator mechanic, including making false statements as to a material matter in the application for the license, or has been guilty of any fraud, deceit, or bribery in procuring his license;

-- has failed to notify the board or the owner or lessee of an elevator of a condition not in compliance with the elevator subcode of the State Uniform Construction Code;

-- has aided and abetted a person who is not a licensed elevator mechanic to engage in the activities of a licensed elevator mechanic;

-- has been guilty of unethical conduct as defined by rules promulgated by the board; or

-- has continued to practice without obtaining a license renewal as required by this bill.

The bill provides that an elevator mechanic is prohibited from undertaking to do any construction work in the State unless and until that mechanic has entered into a bond in favor of the State, in a sum established by the board and executed by a surety company authorized to transact business in this State. The bill specifies that municipalities are prohibited from requiring any similar bond from any elevator mechanic.

The bill authorizes the board to establish and set, charge and collect fees for license application, examination, and renewal.

The bill authorizes the board to adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to perform its duties and enforce the provisions of the bill.

The bill provides that persons who install, construct, alter, service, repair, test, or maintain chair lift devices or stair lift devices in a dwelling unit are excluded from the licensing requirements.

The bill takes effect immediately, but provides that the bill's licensing requirements, requirements regarding the securing of bonds, and mandate that contractors must subcontract all elevator, escalator, and moving installation work (unless the contractor holds an elevator mechanic's license) will remain inoperative until the first day of the seventh month next following the date of enactment.

It is the understanding of the committee that the bill does not permit elevator mechanics licensed under its provisions to engage in the work of licensed electrical contractors.

As amended and reported, this bill is identical to Senate Bill No. 612 (1R), as also amended and reported by the committee.

FISCAL IMPACT:

The Executive has estimated that the State will incur certain one-time and recurring costs associated with the implementation and administration of the bill.

According to its analysis, these costs are expected to be minimal and are expected to be offset by revenues generated from the establishment of fees for license application, examination, and renewal.

The Office of Legislative Services (OLS) notes, however, that the amount of each fee is determined by the board based, in part, on the expected number of new licenses. The OLS is unaware of data that permits it to predict the number of individuals who will apply for and be granted a license or to predict the amount of any one fee prior to the enactment of the bill and the establishment of a board and, therefore, cannot independently verify if the additional costs will be offset by the establishment of new fees.

COMMITTEE AMENDMENTS:

The amendments to the bill rename the Elevator, Escalator, and Moving Walkway Contractors Licensing Board as the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board, and make similar changes to revise references to elevator, escalator, and moving walkway contractor's license, contractor's license, and contractor in certain instances in which contractor is used to refer to an individual mechanic.

The amendments stipulate that the bill's prohibition on persons engaging in the business of contracting or advertising in any manner as an elevator, escalator, and moving walkway mechanic or from using the title or designation of "licensed elevator mechanic," "licensed escalator mechanic," or "licensed moving walkway mechanic," unless duly licensed in that capacity, does not apply to persons who install, construct, alter, services, repair, test, or maintain chair lift devices or stair lift device in dwelling units.

The amendments clarify that for the board to issue licenses, without examination, applicants providing proof of acceptable work

experience in the elevator, escalator, and moving walkway industry, without direct and immediate supervision, must provide proof that the experience was related to work experience within this State for at least three years.

The amendments delay the implementation of the bill's licensing requirements, requirements regarding the securing of bonds, and mandate that contractors must subcontract all elevator, escalator, and moving installation work (unless the contractor holds an elevator mechanic's license) for a period of at least six months following the effective date of the bill.

The amendments make certain other technical changes to ensure the bill is identical to Senate Bill No. 612 (1R).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1519 STATE OF NEW JERSEY 215th LEGISLATURE

DATED: OCTOBER 23, 2012

SUMMARY

- Synopsis:** Provides for licensure of elevator, escalator, and moving sidewalk mechanics by the State board.
- Type of Impact:** Indeterminate Expenditure Offset by Licensure Revenues.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost And Revenue	Indeterminate Expenditure Offset by Licensure		

- The Office of Legislative Services (OLS) notes that newly established boards through the Division of Consumer Affairs are often offset by the new licensing revenue.
- Creates an Elevator, Escalator and Moving Walkway Mechanics Licensing Board which would be responsible for licensing mechanics who install, construct, alter, maintain, service, repair, or test elevators, escalator, and moving walkways.
- Permits the board to charge fees for license application, examination, and renewal.
- Grants reciprocity to those persons licensed in other states in the elevator trades covered under the bill.
- Notes that certain members of the board shall serve without compensation; however, the bill is silent regarding the compensation or reimbursement for reasonable expenses of the other board members.

- Provides a delayed effective date of six months for the implementation of the bill's licensing requirements, requirements regarding the securing of bonds, and mandates that contractors must subcontract all elevator, escalator, and certain moving installation work.

BILL DESCRIPTION

The First Reprint of the Assembly Committee Substitute for Assembly Bill No. 1519 of 2012 would establish the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board for the purpose of granting licenses to those persons engaged in the business of installing, constructing, altering, servicing, repairing, testing, or maintaining elevator devices.

This bill would require all mechanical and maintenance work on elevators to be performed by persons licensed by a State board, as having the requisite skill, experience, and knowledge to perform these critical jobs where the public safety could be in jeopardy. The bill prohibits a person from advertising as a licensed elevator mechanic if the individual has not been licensed by the State.

The elevator, escalator, and moving walkway mechanic's license examination will be substantially uniform and designed so as to establish the competence and qualifications of the applicant to perform the type of work for which licensure is sought. The bill permits the examination to mimic an examination promulgated by a national organization.

The license examination may be waived if the applicant provides the following:

- Proof of acceptable work experience in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, or testing, or any combination thereof, as verified through previous and current employers and copies of filed income tax returns or W-2 or 1099 forms, and proof of successful passage of an examination for elevator mechanics offered by a nationally recognized training program for the elevator industry, such as the National Elevator Industry Educational Program or an equivalent program; or
- Proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, or testing, or any combination thereof, without direct and immediate supervision, within the State for at least three years, as verified by previous and current employers or through building permits reflecting the applicant's name, or a company for which the applicant was an agent, or through proof of insurance or bonds issued covering the applicant, or letters of reference from construction code officials who have examined the applicant's work.

The bill also grants reciprocity to those persons licensed in other states in the elevator trades covered under the bill.

FISCAL ANALYSIS

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that newly established boards through the Division of Consumer Affairs are often offset by the new licensing revenue.

In the prior version of this bill, the Assembly Committee Substitute for Assembly Bill No. 1519, the Division of Consumer Affairs, in the Department of Law and Public Safety noted that there was not an approximate figure available for the number of mechanics who would apply for licensure; however, the division did provide an estimate based on the history of boards in which a board's expenditures were offset by board revenues. In the prior version of this bill, the Office of Management and Budget (OMB) concurred with the Division of Consumer Affairs that boards are historically self-sufficient. The OMB noted further, however, that although costs may be incurred, these expenditures would need to be offset using revenue generated by the new board and typically would not receive an appropriation during the start-up phase.

Section: Law and Public Safety

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*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).