

By: LaMantia

S.B. No. 1672

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of elevator mechanics, elevator  
3 apprentices, and contractors; requiring an occupational  
4 registration.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 754.011, Health and Safety Code, is  
7 amended by amending Subdivision (13) and adding Subdivisions (14-a)  
8 and (14-b) to read as follows:

9 (13) "Contractor" means a person engaged in the  
10 business of installation, alteration, testing, repair, or  
11 maintenance of equipment. The term does not include an employee of a  
12 contractor or a person engaged in cleaning or any other work  
13 performed on equipment that does not affect the operational safety  
14 of the equipment or diminish the safety of the equipment below the  
15 level required by the ASME Code A17.1, ASME Code A17.3, ASME Code  
16 A18.1, or ASCE Code 21, as applicable.

17 (14-a) "Elevator apprentice" means an individual who  
18 assists an elevator mechanic or contractor in erecting,  
19 constructing, installing, altering, servicing, repairing, or  
20 maintaining equipment.

21 (14-b) "Elevator mechanic" means an individual who is  
22 engaged in erecting, constructing, installing, altering,  
23 servicing, repairing, or maintaining equipment.

24 SECTION 2. Section 754.015(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) The commission by rule shall provide for:

3 (1) an annual inspection and certification of the  
4 equipment covered by standards adopted under this chapter;

5 (2) enforcement of those standards;

6 (3) registration, including certification, of  
7 elevator inspectors, elevator mechanics, and elevator apprentices;

8 (4) registration of contractors;

9 (5) the procedures by which a certificate of  
10 compliance is issued and displayed;

11 (6) notification to building owners, architects, and  
12 other building industry professionals regarding the necessity of  
13 annually inspecting equipment;

14 (7) approval of continuing education programs for  
15 registered elevator inspectors;

16 (8) standards of conduct for individuals who are  
17 registered under this chapter;

18 (9) general liability insurance written by an insurer  
19 authorized to engage in the business of insurance in this state or  
20 an eligible surplus lines insurer, as defined by Section 981.002,  
21 Insurance Code, as a condition of contractor registration with  
22 coverage of not less than:

23 (A) \$1 million for each single occurrence of  
24 bodily injury or death; and

25 (B) \$500,000 for each single occurrence of  
26 property damage;

27 (10) the submission and review of plans for the

1 installation or alteration of equipment;

2 (11) continuing education requirements for renewal of  
3 contractor registration;

4 (12) maintenance control programs, maintenance,  
5 repair, and parts manuals, and product-specific inspection,  
6 testing, and maintenance procedures;

7 (13) the method and manner of reporting accidents and  
8 reportable conditions to the department; and

9 (14) an owner's designation of an agent for purposes of  
10 this chapter.

11 SECTION 3. Chapter 754, Health and Safety Code, is amended  
12 by adding Sections 754.0165 and 754.0166 to read as follows:

13 Sec. 754.0165. ELEVATOR MECHANIC REGISTRATION. (a) An  
14 individual may not erect, construct, install, alter, service,  
15 repair, or maintain equipment unless the individual is:

16 (1) registered as an elevator mechanic with the  
17 department as required by this section; or

18 (2) employed by a contractor registered under this  
19 chapter and supervised by a registered elevator mechanic.

20 (b) An applicant for elevator mechanic registration or  
21 registration renewal shall submit an application to the department  
22 in the form and manner the department prescribes.

23 (c) An applicant for a registration must submit with the  
24 application:

25 (1) a certificate of completion or proof of a  
26 certificate of completion from:

27 (A) a nationally recognized training program for

1 the elevator industry;

2 (B) an elevator constructor apprenticeship  
3 program approved by the United States Department of Labor or a  
4 similar federal program for other equipment; or

5 (C) an equivalent program acceptable to the  
6 department; or

7 (2) verifiable evidence in the form and manner the  
8 department prescribes that the applicant has at least five years of  
9 experience erecting, constructing, installing, altering,  
10 servicing, repairing, or maintaining equipment.

11 (d) An applicant for registration renewal must submit with  
12 the application proof of completion of continuing education related  
13 to the erection, construction, installation, alteration,  
14 servicing, repair, or maintenance of equipment in accordance with  
15 commission rule.

16 (e) The commission shall adopt rules on issuance of a  
17 limited elevator mechanic registration, including rules:

18 (1) on the qualifications required for the limited  
19 elevator mechanic registration; and

20 (2) to restrict the scope and location of practice of  
21 an elevator mechanic who receives a limited elevator mechanic  
22 registration.

23 (f) A registration issued under this section expires on the  
24 first anniversary of the date of issuance.

25 Sec. 754.0166. ELEVATOR APPRENTICE REGISTRATION. (a) An  
26 individual may not assist an elevator mechanic or contractor in  
27 erecting, constructing, installing, altering, servicing,

1 repairing, or maintaining equipment unless the individual is:

2 (1) registered as an elevator apprentice as required  
3 by this section; or

4 (2) employed by a contractor registered under this  
5 chapter and supervised by a registered elevator mechanic.

6 (b) An applicant for elevator apprentice registration or  
7 registration renewal shall submit an application to the department  
8 in the form and manner the department prescribes.

9 (c) An applicant for registration renewal must submit with  
10 the application proof of completion of continuing education related  
11 to the erection, construction, installation, alteration,  
12 servicing, repair, or maintenance of equipment in accordance with  
13 commission rule.

14 (d) A registration issued under this section expires on the  
15 first anniversary of the date of issuance.

16 SECTION 4. Section 754.0171(a), Health and Safety Code, is  
17 amended to read as follows:

18 (a) A person may not be engaged in the business of  
19 installing, altering, testing, repairing, or maintaining [~~install,~~  
20 ~~repair, alter, test, or maintain~~] equipment unless the person  
21 registers [~~without registering~~] as a contractor with the department  
22 as required by this chapter.

23 SECTION 5. Chapter 754, Health and Safety Code, is amended  
24 by adding Section 754.01715 to read as follows:

25 Sec. 754.01715. CONTRACTOR RESPONSIBILITIES. A contractor  
26 may not employ, contract with, or obtain the services of a person to  
27 install, alter, test, repair, or maintain equipment on the

1 contractor's behalf unless the person is registered as an elevator  
2 mechanic or elevator apprentice under this chapter.

3 SECTION 6. Section 754.021, Health and Safety Code, is  
4 amended to read as follows:

5 Sec. 754.021. LIST OF REGISTERED ELEVATOR INSPECTORS,  
6 ELEVATOR MECHANICS, ELEVATOR APPRENTICES, AND CONTRACTORS;  
7 PERSONNEL. The executive director shall:

8 (1) compile a list of elevator inspectors, elevator  
9 mechanics, elevator apprentices, and contractors who are  
10 registered with the department; and

11 (2) employ personnel who are necessary to enforce this  
12 chapter.

13 SECTION 7. (a) The Texas Commission of Licensing and  
14 Regulation shall adopt rules necessary to implement the changes in  
15 law made by this Act not later than March 31, 2024.

16 (b) Notwithstanding Section 754.0165 or 754.0166, Health  
17 and Safety Code, as added by this Act, an individual is not required  
18 to comply with those sections until November 1, 2024.

19 SECTION 8. The changes in law made by this Act apply only to  
20 an application or renewal application for registration as a  
21 contractor under Chapter 754, Health and Safety Code, as amended by  
22 this Act, filed on or after November 1, 2024. An application or  
23 renewal application for registration as a contractor under that  
24 chapter filed before November 1, 2024, is governed by the law in  
25 effect immediately before the effective date of this Act, and that  
26 law is continued in effect for that purpose.

27 SECTION 9. An individual who has engaged in the practice of

1 erecting, constructing, installing, altering, servicing,  
2 repairing, or maintaining equipment as defined by Section 754.011,  
3 Health and Safety Code, in this state for at least five years  
4 preceding the effective date of this Act is entitled to obtain a  
5 registration under Section 754.0165, Health and Safety Code, as  
6 added by this Act, if before September 1, 2024, the person:

7           (1) submits an application in the form and manner the  
8 Texas Department of Licensing and Regulation prescribes; and

9           (2) pays the required registration fee.

10           SECTION 10. This Act takes effect September 1, 2023.