

BILL ANALYSIS

C.S.H.B. 1485
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to ensure safety in the elevator industry, given the complex and potentially dangerous nature of elevators, through required training and qualifications of individuals who are directly involved in the installation, servicing, and maintenance of elevators and escalators. C.S.H.B. 1485 seeks to address this issue by providing for the training and registration of elevator mechanics and the use of registered elevator mechanics by contractors. The bill also creates a pathway to registration through elevator apprenticeship.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 2, 3, and 7 of this bill.

ANALYSIS

C.S.H.B. 1485 amends the Health and Safety Code to require the Texas Commission of Licensing and Regulation (TCLR) by rule to provide for the occupational registration, including certification, of elevator mechanics and elevator apprentices. The bill prohibits an individual from erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators, escalators, or related equipment unless the person is a registered elevator mechanic or is employed by a registered contractor and supervised by a registered elevator mechanic. The bill prohibits a person from assisting an elevator mechanic or contractor unless the person is a registered elevator apprentice or is employed by a registered contractor and supervised by a registered elevator mechanic.

C.S.H.B. 1485 requires an applicant for elevator apprentice registration to submit an application to the Texas Department of Licensing and Regulation (TDLR) in the form and manner prescribed by TDLR. The bill also sets out application requirements for elevator mechanic registration, including proof of completion of an apprenticeship acceptable to TDLR, a nationally recognized training program for the elevator industry, or an apprenticeship program approved by the U.S. Department of Labor, or verifiable evidence that the applicant has five years of applicable experience. The bill sets each registration to expire on the first anniversary of the date of issuance and sets out registration renewal requirements, including proof of completion of continuing education requirements determined by TCLR rule. The bill requires TCLR to adopt rules to issue and implement limited elevator mechanic registration but does not require an individual to comply with the registration requirements until November 1, 2022.

C.S.H.B. 1485 revises the definition of "contractor" to clarify that a contractor engages in the business of installation, alteration, testing, repair, or maintenance of elevators, escalators, or related equipment. The bill defines "elevator apprentice" and "elevator mechanic." The bill prohibits a contractor from employing, contracting with, or obtaining the services of a person to install, alter, test, repair, or maintain such equipment on the contractor's behalf unless the person is a registered elevator mechanic or elevator apprentice. The bill includes elevator mechanics and elevator apprentices on the list of individuals who are registered with TDLR that is compiled by the executive director of TDLR.

C.S.H.B. 1485 requires TDLR to adopt rules not later than March 31, 2022, to implement the bill's provisions. The bill's provisions only apply to an application or renewal application for registration as a contractor filed on or after November 1, 2022. The bill entitles an individual who has engaged in the practices of an elevator mechanic in Texas for at least five years preceding the bill's effective date to obtain a registration if, before September 1, 2022, the person submits an application in the form and manner prescribed by TDLR and pays the required registration fee.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1485 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions not included in the original requiring the registration of elevator apprentices and provides for the definition of "elevator apprentice" and the application for and renewal of such a registration.

The substitute includes the following additions to the original's provisions relating to elevator mechanic registration:

- an option for an applicant to submit with the registration application verifiable evidence in the form and manner prescribed by TDLR that the applicant has five years of experience erecting, constructing, installing, altering, servicing, repairing, or maintaining equipment; and
- a requirement that TDLR adopt rules to issue and implement a limited elevator mechanic registration.

The substitute designates March 31, 2022, as the deadline for TDLR to adopt rules necessary to implement the bill's provisions, rather than February 1, 2022, as in the original. The substitute designates November 1, 2022, as the date triggering the requirement for individual or contractor compliance with registration and application requirements, rather than June 1, 2022, as in the original.

The substitute includes a provision not in the original entitling an individual who has practiced as an elevator mechanic in Texas for at least five years preceding the bill's effective date to obtain an elevator mechanic registration under certain conditions.