87R18524 MCF-F

By:  Turner of Tarrant H.B. No. 1485

Substitute the following for H.B. No. 1485:

By:  Guillen C.S.H.B. No. 1485

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of elevator mechanics, elevator apprentices, and contractors; requiring an occupational registration.

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

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

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

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

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

SECTION 2.  Section 754.015(a), Health and Safety Code, is amended to read as follows:

(a)  The commission by rule shall provide for:

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

(2)  enforcement of those standards;

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

(4)  registration of contractors;

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

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

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

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

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

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

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

(10)  the submission and review of plans for the installation or alteration of equipment;

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

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

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

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

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

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

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

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

(b)  An applicant for elevator mechanic registration or renewal of registration, as applicable, shall submit an application to the department in the form and manner prescribed by the department.

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

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

(A)  a nationally recognized training program for the elevator industry;

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

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

(2)  verifiable evidence in the form and manner prescribed by the department that the applicant has five years of experience erecting, constructing, installing, altering, servicing, repairing, or maintaining equipment.

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

(e)  The commission by rule shall issue a limited elevator mechanic registration. The commission shall adopt rules to implement this subsection, including rules to:

(1)  establish the required qualifications for the limited elevator mechanic registration; and

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

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

Sec. 754.0166.  ELEVATOR APPRENTICE REGISTRATION. (a) An individual may not assist an elevator mechanic or contractor in erecting, constructing, installing, altering, servicing, repairing, or maintaining equipment unless the individual is:

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

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

(b)  An applicant for elevator apprentice registration or renewal of registration, as applicable, shall submit an application to the department in the form and manner prescribed by the department.

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

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

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

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

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

Sec. 754.01715.  CONTRACTOR RESPONSIBILITIES. A contractor may not employ, contract with, or obtain the services of a person to install, alter, test, repair, or maintain equipment on the contractor's behalf unless the person is an elevator mechanic or elevator apprentice registered under this chapter.

SECTION 6.  The heading to Section 754.0174, Health and Safety Code, is amended to read as follows:

Sec. 754.0174.  CONTINUING EDUCATION FOR RENEWAL OF ELEVATOR INSPECTOR, ELEVATOR MECHANIC, ELEVATOR APPRENTICE, AND CONTRACTOR REGISTRATIONS.

SECTION 7.  Section 754.0174, Health and Safety Code, is amended by adding Subsection (a-2) to read as follows:

(a-2)  Each registered elevator mechanic and elevator apprentice must complete continuing education requirements set by commission rule before the elevator mechanic or elevator apprentice may renew the elevator mechanic's or elevator apprentice's registration.

SECTION 8.  Section 754.021, Health and Safety Code, is amended to read as follows:

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

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

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

SECTION 9.  (a) The Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act not later than March 31, 2022.

(b)  Notwithstanding Section 754.0165 or 754.0166, Health and Safety Code, as added by this Act, an individual is not required to comply with those sections until November 1, 2022.

SECTION 10.  The changes in law made by this Act apply only to an application or renewal application for registration as a contractor under Chapter 754, Health and Safety Code, as amended by this Act, filed on or after November 1, 2022. An application or renewal application for registration as a contractor under that chapter filed before November 1, 2022, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 11.  An individual who has engaged in the practice of erecting, constructing, installing, altering, servicing, repairing, or maintaining equipment as defined by Section 754.011, Health and Safety Code, in this state for at least five years preceding the effective date of this Act is entitled to obtain a registration under Section 754.0165, Health and Safety Code, as added by this Act, if before September 1, 2022, the person:

(1)  submits an application in the form and manner prescribed by the Texas Department of Licensing and Regulation; and

(2)  pays the required registration fee.

SECTION 12.  This Act takes effect September 1, 2021.