

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

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 renewal of registration, as applicable, shall submit an application
22 to the department in the form and manner prescribed by the
23 department.

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 754.0166. ELEVATOR APPRENTICE REGISTRATION. (a) An

1 individual may not assist an elevator mechanic or contractor in
2 erecting, constructing, installing, altering, servicing,
3 repairing, or maintaining equipment unless the individual is:

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

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

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

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

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

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

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

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

27 Sec. 754.01715. CONTRACTOR RESPONSIBILITIES. A contractor

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

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

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

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

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

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

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

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

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

27 SECTION 9. (a) The Texas Commission of Licensing and

1 Regulation shall adopt rules necessary to implement the changes in
2 law made by this Act not later than March 31, 2022.

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

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

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

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

23 (2) pays the required registration fee.

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