

By: Powell

S.B. No. 1863

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of elevator mechanics and contractors;  
3 requiring an occupational registration.

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

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

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

16 (14-a) "Elevator mechanic" means an individual who is  
17 engaged in erecting, constructing, installing, altering,  
18 servicing, repairing, or maintaining equipment.

19 SECTION 2. Chapter 754, Health and Safety Code, is amended  
20 by adding Section 754.0165 to read as follows:

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

24 (1) registered as an elevator mechanic with the

1 department as required by this section; or

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

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

8 (c) An applicant for a registration must submit with the  
9 application a certificate of completion or proof of a certificate  
10 of completion from:

11 (1) a nationally recognized training program for the  
12 elevator industry;

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

16 (3) an equivalent program acceptable to the  
17 department.

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

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

25 SECTION 3. Section 754.0171(a), Health and Safety Code, is  
26 amended to read as follows:

27 (a) A person may not be engaged in the business of

1 installing, altering, testing, repairing, or maintaining [~~install,~~  
2 ~~repair, alter, test, or maintain~~] equipment without registering as  
3 a contractor with the department as required by this chapter.

4 SECTION 4. Chapter 754, Health and Safety Code, is amended  
5 by adding Section 754.01715 to read as follows:

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

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

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

15 SECTION 6. Section 754.0174, Health and Safety Code, is  
16 amended by adding Subsection (a-2) to read as follows:

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

20 SECTION 7. Section 754.021, Health and Safety Code, is  
21 amended to read as follows:

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

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

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

3           SECTION 8. (a) The Texas Commission of Licensing and  
4 Regulation shall adopt rules necessary to implement the changes in  
5 law made by this Act not later than February 1, 2022.

6           (b) Notwithstanding Section 754.0165, Health and Safety  
7 Code, as added by this Act, an individual is not required to comply  
8 with that section until June 1, 2022.

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

17           SECTION 10. This Act takes effect September 1, 2021.