By: Hernandez H.B. No. 1199

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 registered as an elevator mechanic with the department as provided by this section.

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

(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 the department prescribes that the applicant has at least five years of experience erecting, constructing, installing, altering, servicing, repairing, or maintaining equipment.

(d) An applicant for registration renewal 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 shall adopt rules on issuance of a limited elevator mechanic registration, including rules:

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

(2) to 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.

(g) An elevator mechanic registered under this section may not supervise more than one elevator apprentice registered under Section 754.0166.

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 provided by this section; and

(2) employed by a contractor registered under this chapter and, subject to Section 754.0165(g), supervised by an elevator mechanic registered under Section 754.0165.

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

(c) An applicant for registration renewal 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 unless the person registers [~~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 registered as an elevator mechanic or elevator apprentice under this chapter.

SECTION 6. 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 7. Section 754.025, Health and Safety Code, is amended to read as follows:

Sec. 754.025. APPLICATION OF CERTAIN LAW. Sections 51.401 and 51.4041, Occupations Code, do not apply to this chapter, except those sections do apply to Sections 754.0165, 754.0166, 754.017, and 754.0171.

SECTION 8. (a) Except as otherwise provided by Subsection (b) of this section, not later than September 1, 2029, the Texas Commission of Licensing and Regulation shall adopt the rules necessary to implement the changes in law made by this Act.

(b) As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt the rules necessary to implement Sections 754.0165(d) and

754.0166(c), Health and Safety Code, as added by this Act.

(c) 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, 2029.

SECTION 9. 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, 2029. An application or renewal application for registration as a contractor under that chapter filed before November 1, 2029, 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 10. 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, as amended by this Act, 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, 2029, the person:

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

(2) pays the required registration fee.

SECTION 11. This Act takes effect September 1, 2027.