

SUBJECT: Providing for the registration and certification of elevator mechanics

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 6 ayes — S. Thompson, Darby, Fierro, Geren, Guillen, Huberty

0 nays

5 absent — Kuempel, Ellzey, Goldman, Hernandez, Pacheco

WITNESSES: For — David Lopez, IUEC; (*Registered, but did not testify:* Eddie Solis, City of Arlington; Clarence Baker, IUEC; Joe Cooper, Local 286 Plumbers and Pipefitters; Jacob Smith, Plumbers Union Local 68; Phil Bunker, Teamsters Joint Council 58; Rene Lara, Texas AFL-CIO; Byron Campbell)

Against — Mike Lord, Alamo Elevator Company; Donald Zimmerman, Home Elevator of Texas; Michael Marcin, M2 Federal; Charles Herrera

On — Brian Francis, Texas Department of Licensing and Regulation

BACKGROUND: Health and Safety Code ch. 754 requires contractors and inspectors to register with the Texas Department of Licensing and Registration before they may install, repair, alter, test, maintain, or inspect elevators, escalators, and other related equipment.

DIGEST: CSHB 1485 would require the Texas Commission of Licensing and Regulation (TCLR) to make rules providing for the registration and certification of elevator mechanics and elevator apprentices. Under the bill, an individual could not erect, construct, install, alter, service, repair, or maintain equipment, or assist in such activities, unless the individual was registered as an elevator mechanic or apprentice or was employed by a registered contractor and supervised by a registered elevator mechanic.

"Elevator mechanic" would be defined as an individual engaged in

erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators, escalators, or related equipment.

"Elevator apprentice" would be defined as an individual who assisted an elevator mechanic or contractor in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators, escalators, or related equipment.

The bill also would amend the definition of "contractor" to mean a person engaged in the business of installing, altering, or maintaining elevators, escalators, or related equipment.

TCLR would be required to adopt rules necessary to implement the bill's provisions by March 31, 2022.

Elevator mechanic registration. An applicant for elevator mechanic registration or renewal of registration, as applicable, would be required to submit an application to the Texas Department of Licensing and Regulation (TDLR) in the form and manner prescribed by the department.

An applicant would be required to submit with the application a certificate of completion or proof of a certificate of completion from:

- a nationally recognized training program for the elevator industry;
- an elevator constructor apprenticeship program approved by the United States Department of Labor or a similar federal program for other equipment; or
- an equivalent program acceptable to the department.

An applicant with five years of experience erecting, constructing, installing, altering, servicing, repairing, or maintaining equipment could submit verifiable evidence of that experience instead of submitting a certificate of completion or proof of one for registration. Such an individual would be entitled to obtain registration if, before September 1, 2022, the person:

- submitted an application in the form and manner prescribed by TDLR; and
- paid the required registration fee.

Limited registration. TCLR also would be required to issue a limited elevator mechanic registration. The commission would have to adopt rules for issuing such a license, including rules to:

- establish the required qualifications for the limited elevator mechanic registration; and
- restrict the scope and location of practice of an elevator mechanic who received a limited elevator mechanic registration.

Renewal. An elevator mechanic registration would expire on the first anniversary of the date of issuance. An applicant for a registration renewal would be required to submit with the application proof of completion of continuing education in accordance with TCLR rule.

Elevator apprentice registration. An applicant for elevator apprentice registration or renewal of registration would be required to submit an application to TDLR in the form and manner prescribed by the department.

Renewal. An elevator apprentice registration would expire on the first anniversary of the date of issuance. An applicant for renewal of registration would have to submit with the application proof of completion of continuing education in accordance with TCLR's rules.

Continuing education and registry. Each registered elevator mechanic or apprentice would be required to complete continuing education requirements set by TCLR rule before the mechanic or apprentice could renew the registration.

The executive director of TDLR would be required to include registered elevator mechanics and apprentices in its existing list of registered elevator inspectors and contractors.

Other provisions. The bill would prohibit a contractor from employing, contracting with, or obtaining the services of a person to install, alter, test, repair, or maintain an elevator, escalator, or related equipment on the contractor's behalf unless the person was a registered elevator mechanic or elevator apprentice.

An individual would not be required to comply with the bill's elevator mechanic and apprentice registration provisions until November 1, 2022. The bill's provisions would apply only to an application or renewal application for registration as a contractor filed on or after November 1, 2022.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 1485 would ensure the safety of state elevators, escalators, and related services by requiring the registration and certification of elevator mechanics and elevator apprentices and establishing the qualifications for such registrations.

Elevators are one of the most used forms of public transportation, and while they remain one of the safest forms of transport, there has been an increase in companies within the industry operating without properly trained mechanics, which could jeopardize the public's safety. Further, the elevator industry is often considered a high-risk industry for the mechanics and others who install, maintain, and repair equipment. It is critical that those who perform such services are properly trained and educated in maintaining and installing these systems to avoid consequences for both the mechanics and the public.

The bill's provisions do not seek to control or limit the elevator industry workforce. Rather, the registration and qualification requirements would be tools to ensure a trained and qualified workforce was able to properly install, maintain, and repair these important systems while safeguarding the riders and associated personnel. The bill also would provide a grandfather clause for elevator mechanics who already have the necessary

mechanic qualifications, ensuring a simple transition into compliance for such mechanics and addressing any concerns about additional burdens on the industry.

**CRITICS
SAY:**

CSHB 1485 could impose unnecessary burdens on small contractors who are already required to register with the Texas Department of Licensing and Registration and would be required under the bill to use only registered elevator mechanics and apprentices. Small contractors should be able to remain competitive in providing elevator, escalator, and related services in Texas without the burden of complying with further regulations.

NOTES:

According to the Legislative Budget Board, the bill would have a positive impact of \$10,652 to general revenue related funds through fiscal 2022-23.