



COMMONWEALTH of VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

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August 25, 2009

The Honorable Mamie E. Locke, Chairman
Senate Committee on General Laws and Technology
Post Office Box 396
Richmond, VA 23218

The Honorable S. Chris Jones, Chairman
House Committee on General Laws
Post Office Box 406
Richmond, VA 23218

Dear Senator Locke and Delegate Jones:

Pursuant to Chapter 251 of the 2009 Virginia Acts of Assembly (Senate Bill 811), the Board for Contractors convened a group of stakeholders "to evaluate the level of regulation appropriate for individuals who install, service, or repair wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, and Limited Use Limited Application (LULA) elevators," in order to recommend potential legislation. This letter serves to report the recommendations of the Board for Contractors based on the stakeholder meetings and discussion.

The group of stakeholders and consisted of the following participants:

Matthew Aird, Accessibility Industry Representative
Sean Cain, Commercial Industry Representative
David Geib, Commercial Industry Representative
Donny Groh, Commercial Industry Representative
Kenneth Hart, Board for Contractors
Leo Hergenreder, Accessibility Industry Representative
Scott Hobson, Accessibility Industry Representative
Emory Rodgers, Department of Housing and Community Development
Homer "Pete" Sumpter, Board for Contractors
Sharon Sykes, Citizen Member
Deborah Tomlin, Board for Contractors

The stakeholders met on May 7, 2009, and June 4, 2009, at the Department of Professional and Occupational Regulation. Based on its discussions, the group recommends another level of certification be added to the current elevator mechanic certification statutes (§ 54.1-1140 et seq. of the *Code of Virginia*). This level of "Certified Accessibility Mechanic"

would be limited in scope to installing, servicing and repairing wheelchair lifts, incline chairlifts, residential dumbwaiters and residential elevators.

In addition, the stakeholder groups recommend a LULA endorsement be added to the statutes, which would allow a "Certified Accessibility Mechanic" who obtains this endorsement to install, service and repair LULAs. The stakeholders found the most difficulty agreeing on the LULA endorsement recommendation because, although the accessibility industry originally created the LULA, it is now a staple in the elevator industry overall.

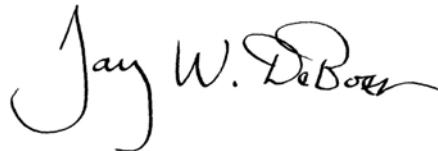
The scope of practice for the existing "Certified Elevator Mechanic" designation would remain as is and be inclusive of the "Certified Accessibility Mechanic" scope as well as the LULA endorsement.

Please find enclosed draft legislation reflecting the recommendations of the group of stakeholders. The Board for Contractors voted to support the draft legislation at its July 1, 2009, meeting.

Should you require further information on this matter, I have asked Eric L. Olson, Executive Director of the Board for Contractors, to assist you. Mr. Olson can be reached at (804) 367-9183.

With best personal regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Jay W. DeBoer". The signature is written in a cursive style with a large, prominent initial "J".

Jay W. DeBoer
Director

Enclosure

Article 4.
Certification of Elevator Mechanics.

§ 54.1-1140. Definitions.

As used in this article, unless the context requires a different meaning:

“Accessibility Mechanic” means an individual who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining wheel chair lifts, incline chairlifts, dumb waiters with a capacity limit of 300 pounds, and private residence elevators, in accordance with the Uniform Statewide Building Code.

“Certified Accessibility Mechanic” means an individual who is certified by the Board in accordance with this article to engage in work as an accessibility mechanic.

"Certified elevator mechanic" means an individual who is certified by the Board in accordance with this article to engage in work as an elevator mechanic.

"Elevator mechanic" means an individual who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing or maintaining elevators, escalators, or related conveyances in accordance with the Uniform Statewide Building Code.

“Limited Use/Limited Application Endorsement” means an addition to the certification record of a Certified Accessibility Mechanic authorizing the certificate holder to erect, construct, install, alter, service, repair, test, or maintain Limited Use/Limited Application elevators as defined by the Uniform Statewide Building Code.

§ 54.1-1141. Certification required; exemption.

A. No person shall engage in, or offer to engage in, work as an elevator mechanic or accessibility mechanic in the Commonwealth unless he has been certified under the provisions of this article. Individuals certified as elevator mechanics or accessibility mechanics shall not be required to hold any other professional or occupational license or certification; however, nothing in this subsection shall prohibit an individual from holding more than one professional or occupational license or certification.

B. Any individual desiring to be certified as an elevator mechanic or accessibility mechanic shall file a written application on a form prescribed by the Board. The application shall be accompanied by a fee set by the Board pursuant to § 54.1-201. The application shall contain, at a minimum, the applicant's name, place of employment, business address, and information on the knowledge, skills, abilities and education or training of the applicant.

C. Accessibility Mechanics desiring to work on Limited Use/Limited Application elevators, as defined by the Uniform Statewide Building Code, shall obtain a Limited Use/Limited Application Endorsement on their certification.

€ D. Nothing in this article shall be construed to prevent a person who is not certified as an elevator mechanic or accessibility mechanic from performing maintenance that is not related to the operating integrity of an elevator, escalator, or related conveyance.

§ 54.1-1142. Issuance of certification; emergency certification.

A. The Board shall issue a certificate to practice as a certified elevator mechanic or certified accessibility mechanic in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed the educational requirements as required by the Board, which shall at a minimum include such requirements as the Board determines will establish minimum competency on the part of the applicant;
2. Completed the experience requirements as required by the Board, which shall at a minimum consist of at least three years in the elevator industry; and
3. Passed an examination offered or approved by the Board.

B. The Board may issue a certificate to practice as a certified elevator mechanic or certified accessibility mechanic to any applicant who has ~~a certification from an association~~ completed a training and education program approved by the Board that is equal to or exceeds the requirements established by the Board for all applicants.

§ 54.1-1142.1 Certifications in event of declared emergency or work stoppage.

A. Whenever the Governor declares a state of emergency in accordance with § 44-146.17 or in the event of a work stoppage by elevator mechanics and the Board determines that the number of certified elevator mechanics is insufficient to meet the demands of the emergency or work stoppage, the Board shall issue a certificate to practice as a certified elevator mechanic under the following conditions:

1. A contractor licensed under the provisions of this chapter (a) certifies to the Board, in a form prescribed by the Board, that an applicant has an acceptable combination of documented experience and education to perform work as an elevator mechanic without direct and immediate supervision and (b) provides such proof thereof as required by the Board; and
2. The applicant certified to the Board by the licensed contractor applies to the Board for certification as an emergency certified elevator mechanic.

B. Each such certification shall be valid for a period of 30 days from the date of issuance and for such geographic areas or such elevators, escalators, or related conveyances as the Board may designate. Such certification shall entitle the certificate holder to engage in work as a certified elevator mechanic. The Board shall renew such certification as often as necessary to ensure that there is a sufficient number of certified elevator mechanics to meet the demands of the emergency. No fee shall be charged for application for such certification or any renewal thereof.

C. In addition, when notified by a contractor licensed under the provisions of this section that there is a shortage of certified personnel to perform elevator work, the Board may issue temporary elevator mechanic certifications under the following conditions:

1. The licensed contractor certifies to the Board, in a form prescribed by the Board, that an applicant has an acceptable combination of documented experience and education to perform work as an elevator mechanic without direct and immediate supervision and provide such proof thereof as required by the Board;

2. The applicant certified to the Board by the licensed contractor applies to the Board for such temporary certification as an elevator mechanic; and

3. The applicant pays an application fee as set by the Board.

D. Each such certification shall be valid for a period of 30 days from the date of issuance provided the applicant is employed by the licensed contractor. The Board shall renew such certification as often as necessary to ensure that there is a sufficient number of certified elevator mechanics to meet the shortage.

§ 54.1-1143. Continuing education.

A. The Board shall establish in the regulations requirements for continuing education as a prerequisite to renewal of any certificate issued under this article. The Board shall require evidence of knowledge of the Uniform Statewide Building Code changes as a prerequisite to renewal of any certificate issued under this article. In addition, the Board may require continuing education for any individual who is found to be in violation of law or regulations governing the practice of an elevator mechanic certified under this article.

B. A certified elevator mechanic or a certified accessibility mechanic, as a condition of recertification and as part of the recertification application, shall certify to the Board that he has completed at least eight hours of continuing education, approved by the Board, in the specialty of elevator/escalator contracting. The Board may establish such requirements for approval of training instructors, the criteria for the continuing education and such other regulations to ensure the protection of the public interest. Such criteria shall include approval of curriculum sponsored by national or state professional elevator industry associations approved by the Board.

C. The provisions of this section shall not apply to certifications issued by the Board under § 54.1-1142.1.