# Legislation Details (With Text)

| | | | | | |
|---|---|---|---|---|---|
| **File #:** | 180696 | **Version:** | 0 | **Name:** | |
| **Type:** | Bill | | | **Status:** | LAPSED |
| **File created:** | 6/21/2018 | | | **In control:** | Committee on Licenses and Inspections |
| **On agenda:** | | | | **Final action:** | |
| **Title:** | Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by providing for the licensing of persons responsible for the installation, repair, or maintenance of elevators, escalators, and moving walkways, all under certain terms and conditions. | | | | |
| **Sponsors:** | Councilmember Henon, Councilmember Greenlee | | | | |
| **Indexes:** | | | | | |
| **Code sections:** | | | | | |
| **Attachments:** | 1. Bill No. 18069600.pdf | | | | |

| Date | Ver. | Action By | Action | Result | Tally |
|---|---|---|---|---|---|
| 6/21/2018 | 0 | CITY COUNCIL | Introduced and Referred | Pass | |

Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by providing for the licensing of persons responsible for the installation, repair, or maintenance of elevators, escalators, and moving walkways, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

§9-1800. [Reserved] *Elevators, Escalators, and Moving Walkways.*

*§9-1801. Findings.*

*The Council finds and declares that the citizens and residents of the City of Philadelphia are entitled to the maximum protection practicable when using elevator, escalator, and moving walkway devices, and that the protection can be increased by requiring appropriate training and experience for persons installing, repairing, and maintaining those devices. It is therefore necessary for the public good to establish standards of education, training, and experience for these installers and mechanics and to provide for their appropriate examination and certification.*

*§9-1802. Definitions.*

expnd0 *(1) Department. The Department of Licenses and Inspections.*



powered by Legistar™

*(2) NEIEP. National Elevator Industry Educational Program.*

*§9-1803. Licensing.*

*The Department shall, in addition to other powers and duties that it may possess by law:*

*(1) Examine and pass on the qualifications of all applicants for license subject to its jurisdiction, and issue a license to each qualified successful applicant;*

*(2) Examine, evaluate and supervise all examinations and procedures;*

*(3) Maintain and annually publish a list of the names and addresses of all persons who are licensed under this act;*

*(4) Establish standards for continuing education, which at a minimum shall include eight hours of instruction to be completed within one year immediately preceding any license renewal; and*

*(5) Assess a fee of one-hundred (100) dollars for license applications and renewals.*

*§9-1804. Application for licensure.*

*(1) Any person desiring to obtain an elevator, escalator, and moving walkway mechanic's license, which shall authorize such licensee to install, construct, alter, maintain, service, repair, or test elevators, escalators, and moving walkways, shall make application for licensure to the Department, pay all the fees required in connection with the application, and be examined as required by Section §9-1803.*

*(2) Exemption. No such license shall be required for any person who installs, constructs, alters, services, repairs, tests, or maintains a chair lift device or stair lift device in a dwelling unit.*

*§9-1805. Prohibited Conduct.*

*(1) A person shall not:*

- *a. install;*
- *b. construct;*
- *c. alter;*
- *d. service;*
- *e. repair;*
- *f. test; or*
- *g. maintain*

*elevator, escalator, or moving walkway devices, or use the title or designation of "licensed" in any manner concerning these activities, unless licensed as an elevator, escalator, and moving walkway mechanic pursuant to the provisions of this Section, or working under the supervision of a person so licensed, such as an apprentice. No such license shall be required for any person who installs, constructs, alters, services, repairs,*


powered by Legistar™

*tests, or maintains a chair lift device or stair lift device in a dwelling unit.*

*(2) No person shall engage in the business of contracting or advertise in any manner as an elevator, escalator, and moving walkway mechanic or use the title or designation of "licensed elevator mechanic," "licensed escalator mechanic," or "licensed moving walkway mechanic," unless duly licensed to act as such. The provisions of this subsection shall not apply to any person who installs, constructs, alters, services, repairs, tests, or maintains a chair lift device or stair lift device in a dwelling unit.*

*(3) A license issued pursuant to this act shall not be transferable.*

*§9-1806. Licensing examination.*

*(1) Every elevator, escalator, and moving walkway mechanic's license examination shall be substantially uniform and shall be designed so as to establish the competence and qualifications of the applicant to perform the type of work for which licensure is sought. The examination may be theoretical or practical in nature, or both, and may be based on an examination promulgated by a professional organization. Proof of passage of the National Elevator Industry Educational Program (NEIEP), or its successor organization's, examination shall be sufficient to satisfy the examination requirement of this Section. The examination may be waived if the applicant provides adequate proof to the Department of employment as an elevator, escalator, and moving walkway mechanic pursuant to §9-1806(4) without the direct and immediate supervision of an elevator, escalator, and moving walkway mechanic licensed to do business within the City.*

*(2) The examination shall be held at least four times a year, at such place as the Department deems necessary. Public notice of the time and place of the examination shall be given by the Department.*

*(3) No person who has failed the examination shall be eligible to be reexamined for a period of six months from the date of the examination failed by that person.*

*(4) All applicants for elevator, escalator, and moving walkway mechanic's licenses, renewals or reexaminations shall pay a fee, established pursuant to regulation, for each license issuance or renewal, or reexamination as determined by the Department.*

*(5) Not less than 30 days and not more than 60 days prior to the date set for the examination for a license as an elevator, escalator, and moving walkway mechanic, every person desiring to apply for a license, who meets the qualifications as set forth in this act, shall deliver to the Department, together with a written application s may be required by the Department, completed as described in the application, and together with proof that the applicant qualifies in accordance with this Section.*

*The qualifications for a mechanic's license under this act shall be as follows: The person shall be 21 or more years of age and shall have been employed with a contractor conducting at least fifty (50) percent of their relatable business in the capacity of at least one of the elevator, escalator, and moving walkway trade businesses set forth in §9-1805(1) for a period of three years next preceding the application date for the license.*



powered by Legistar™

*The applicant, if registered as a contractor with the Department, shall not be in any negative standing on the registration list. An applicant shall be afforded an opportunity to correct a negative standing, either by remedial action or by reporting any inaccuracies for correction.*

*Proof of compliance with the qualifications, or those in lieu thereof, shall be submitted to the department in writing, and sworn to by the applicant.*

*§9-1807. Biennial renewal.*

*(1) Elevator mechanics' licenses shall be renewed biennially by the Department upon the application of the holder and payment of the prescribed fee and renewal of the bond required by §9-1812. A license may be renewed without reexamination, if the application for renewal is made within 30 days next preceding or following the scheduled expiration date. Any applicant for renewal making application at any time subsequent to the 30th day next following the scheduled expiration date may be required by the Department to be re-examined, and that person shall not continue to act as a licensed mechanic in the elevator trade, as described in this Section, and no firm, corporation or other legal entity for which the person is the bona fide representative shall operate under a license in the elevator trade, as described in this Section, until a valid license has been secured or is held by a bona fide representative.*

*(2) Any license expiring while the holder is outside the continental limits of the United States in connection with any project undertaken by the government of the United States, or while in the services of the Armed Forces of the United States, shall be renewed without the holder being required to be reexamined, upon payment of the prescribed fee at any time within four months after the person's return to the United States or discharge from the armed forces, whichever is later.*

*§9-1808. Granting of license without examination under certain circumstances.*

*(1) The Department may in its discretion grant licenses without examination to applicants so licensed by the Commonwealth of Pennsylvania, other states, or licensing jurisdictions; provided that equal reciprocity is provided for City of Philadelphia licensed mechanics by the law of the applicant's domiciliary jurisdiction and provided further that the domiciliary jurisdictions' standards are equal to or comparable to those of this City.*

*§9-1809. Issuance of license; requirements.*

*(1) Notwithstanding any other provision of this Section to the contrary, the Department shall, upon application to it and submission of satisfactory proof and the payment of the prescribed fee within 12 months following the effective date of this Section, issue an elevator, escalator, and moving walkway mechanic license without examination to any person, provided proof of one of the following subsections is provided:*

> *(a.) Proof of acceptable work experience in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, service, or testing, or*


powered by Legistar™

*any combination thereof, as verified through previous and current employers and copies of filed income tax returns or W-2 or 1099 forms, and proof of successful passage of an examination for elevator mechanics offered by a nationally recognized training program for the elevator, escalator, and moving walkway industry, such as the National Elevator Industry Educational Program or an equivalent program; or*

*(b.) Proof of acceptable work experience by the applicant in the elevator, escalator, and moving walkway industry in the installation, construction, alteration, repair, maintenance, service, or testing, or any combination thereof, without direct and immediate supervision, within the City for at least three years, as verified by previous and current employers or through building permits reflecting the applicant's name, or a company for which the applicant was an agent, or through proof of insurance or bonds issued covering the applicant, or letters of reference from construction code officials who have examined the applicant's work.*

*§9-1810. Subcontractors, license required.*

*(1) A contractor shall subcontract all elevator, escalator, and moving walkway installation work, unless the contractor holds an elevator, escalator, and moving walkway mechanic's license to install those devices.*

*§9-1811. Grounds for suspension, revocation of license.*

*(1) The license of an elevator mechanic may be suspended for a fixed period, or may be revoked, or the liensee may be censured, reprimanded or otherwise disciplined, in accordance with the provisions and procedures defined in this act, if after due hearing it is determined that the licensee:*

*a. Is guilty of any fraud or deceit in the licensee's activities as an elevator mechanic, including making false statements as to a material matter in the application for the license, or has been guilty of any fraud, deceit, or bribery in procuring his license;*

*b. Has failed to notify the Department or the owner or lessee of an elevator of a condition not in compliance with the elevator subsection of The Philadelphia Building Construction and Occupancy Code;*

*c. Has aided and abetted a person who is not a licensed elevator mechanic to engage in the activities of a licensed elevator mechanic, other than an approved apprenticeship program;*

*d. Has been guilty of unethical conduct as defined by rules that may be promulgated by the Department; or*

*e. Has continued to practice without obtaining a license renewal as required by this Section.*


powered by Legistar™

*(2) The charges may be referred by any person, corporation, association or public officer, or by the Department in the first instance. A copy thereof, together with a report of the investigation, shall be referred to the Department for a recommendation. The Department shall review the information, and determine whether action may be necessary. If action may be considered against a licensee, the Department shall provide a hearing, and provide written notice thereof, either by registered mail or personal service, at least 10 days prior to the date set for such hearing, to the address of record of the licensee. The notice shall set forth the time, date and location of the hearing, and shall set forth a statement of the allegations constituting the grounds for the charges against the licensee. The Department shall make a determination within 48 hours of the hearing whether the licensee will be sanctioned.*

*(8) When the license of any person has been revoked or annulled, as herein provided, the Department may, after the expiration of three years, accept an application for restoration of the license.*

*§9-1812. Bond requirements.*

*(1) In addition to any other bonds that may be required pursuant to contract, no elevator mechanic licensed under this Section shall undertake to do any construction work in the City unless and until the mechanic shall have first entered into a bond in favor of the City of Philadelphia in a sum established by the Department executed by a surety company authorized to transact business in this City, and to be conditioned on the faithful performance of the provisions of this act. The Department shall by rule and regulation provide who shall be eligible to receive the financial protection afforded by the bond required to be filed by this Section. The bond shall be for the term of 12 months and shall be renewed at each expiration for a similar period.*

SECTION 2. Effective Date. This ordinance shall take effect on January 1, 2019, or one hundred twenty (120) days after becoming law.

**Explanation:**

[Brackets] indicate matter deleted.
*Italics* indicate new matter added.


powered by Legistar™