

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and Title 28 of the Administrative Code of the City of New York, and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts amendments to its rules regarding elevator agency licenses and the addition of a new section 104-13 regarding elevator agency directors, inspectors, technicians and helpers. This rule was first published on January 12, 2022, and a public hearing thereon was held on February 11, 2022.

Dated: 2/24/22
New York, New York

/s/
Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose of Rule

Elevator licensing provisions are found in Articles 401, 421, 422, 425 and 426 of Title 28 of the Administrative Code. Chapters 750 of 2019 and 55 of 2020 of the laws of the State of New York amended some terminology in Articles 401, 421 and 422, and added new Articles 425 and 426 to Chapter 4 of Title 28 of the New York City Administrative Code, creating three new license types:

- elevator agency technician,
- restricted elevator agency technician, and
- elevator agency helper.

On November 7, 2021, Local Law 126 for the year 2021 lapsed into law and further amended Article 425 in relation to the term of elevator technician licenses and the requirement of a New York State elevator mechanic license in addition to the city technician license.

These rules are amended to reflect the changes made by those laws. Specifically, the amendments:

- Remove fees that no longer apply and add new fees to cover license card processing for the newly created license types.
- Add language regarding the term of the elevator agency technician and restricted elevator agency technician licenses.
- Add a new section regarding the requirement of state elevator licenses in addition to the city licenses issued pursuant to Articles 421, 422, 425 and 426 of the Administrative Code.
- Add elevator agency technician and restricted elevator agency technician licenses to Section 104-26 of Title 1 of the Rules of the City of New York, which relates to the deactivation of licenses.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and Chapter 4 of Title 28 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisk (***) indicates unamended material.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Subparagraph (v) of paragraph (2) of subdivision (a) of section 101-02 of subchapter A of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

- (v) Inspection. The Applicant inspects and tests such work on behalf of the owner and in the presence of an independent approved elevator [inspection] agency not

affiliated with the Applicant, which witnesses the test (“witnessing agency”) with following conditions:

§2. Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by deleting the entries for private elevator inspector certification and private elevator inspection agency certification, amending the elevator inspector license entry, and adding after the entry for elevator agency inspector license entries for elevator agency technician license card processing, restricted elevator agency technician license card processing and elevator agency helper card, to read as follows:

[Private elevator inspector certification.]	[Initial: \$50]	[Renewal: \$75 triennially]	[Late-renewal: \$50]	[Reissuance: \$50]
[Private elevator inspection agency certification.]	[Initial: \$100]	[Renewal: \$150 triennially]	[Late-renewal: \$50]	[Reissuance: \$50]
Elevator agency director/co-director license.	Initial: \$100	Renewal: \$150	Late-renewal: \$50	Reissuance: \$50
Elevator <u>agency</u> inspector license.	Initial: \$50	Renewal: \$75	Late-renewal: \$50	Reissuance: \$50
<u>Elevator agency technician license card processing.</u>	<u>Initial: \$50</u>	<u>Renewal: \$50</u>	<u>Late-renewal: \$50</u>	<u>Reissuance: \$50</u>
<u>Restricted elevator agency technician license card processing.</u>	<u>Initial: \$50</u>	<u>Renewal: \$50</u>	<u>Late-renewal: \$50</u>	<u>Reissuance: \$50</u>
<u>Elevator agency helper card.</u>	<u>Initial: \$50</u>			<u>Reissuance: \$50</u>

§3. Subparagraphs (vii) and (viii) of paragraph (1) of subdivision (c) of section 104-01 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York are amended to read as follows:

- (vii) [Private] Elevator [Inspection] Agency Director
- (viii) [Private] Elevator [Inspection] Agency Inspector

§4. Paragraph (1) of subdivision (a) of section 104-02 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

- (1) Elevator [Inspection] Agency Director

§5. Subdivision (i) of section 104-03 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is re-lettered as subdivision (j) and a new subdivision (i) is added, to read as follows:

(i) The term of an elevator agency technician license or a restricted elevator agency technician license issued in accordance with the provisions of article 425 of Title 28 of the Administrative Code shall be two (2) years, measured from the date the license is originally issued.

§6. Subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended by adding a new section 104-13, to read as follows:

104-13 Elevator agency directors, elevator agency inspectors, elevator agency technicians and restricted elevator agency technicians and elevator helpers.

(a) New York State elevator license required. In addition to the licenses issued pursuant to Articles 421, 422, 425 and Article 426 of Title 28 of the Administrative Code, the applicable license issued by the New York State Department of Labor pursuant to Article 33 of the state labor law is required in order to perform elevator work as defined in Section 28-401.3 of the Administrative Code.

(b) Permit applications. No application for an elevator work permit shall be accepted by the Department unless the applicant possesses a valid New York state license, as described in subdivision (a).

(c) Permit expiration. Elevator work permits expire upon the expiration or revocation of the required state license during the term of the permit.

(d) Inspection and test reports. No required elevator inspection or test reports shall be accepted by the Department unless the elevator agency inspector possesses a valid New York state license, as described in subdivision (a).

(e) Qualifications. Elevator agency technicians, restricted elevator agency technicians and elevator helpers must meet all applicable qualifications and license requirements in Chapter 4 of Title 28 of the Administrative Code.

§7. Subdivision (a) of section 104-26 of subchapter D of chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

(a) Applicability. This section applies to Master Plumbers, Master Fire Suppression Piping Contractors, High Pressure Boiler Operating Engineers, Welders, Riggers, Sign Hangers, Oil Burners, Site Safety Managers, Hoist Machine Operators, [Private] Elevator [Inspection] Agency Inspectors, [and Private] Elevator [Inspection] Agency Directors, Elevator Agency Technicians and Restricted Elevator Agency Technicians.