**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**041 Office of Professional and Occupational Regulation**

**ELEVATOR AND TRAMWAY SAFETY PROGRAM**

**Chapter 531: Licensed Private Elevator Inspectors**

**Summary:** This Chapter establishes requirements for initial and annual licensure of private elevator inspectors in accordance with 32 MRS §15208. This Chapter also establishes requirements for inspections and reports of inspections of elevators and standards for audits of inspections and inspection reports.

**1. Applications**

 Applications for examination and licensure must be made on forms provided by the Director and must be accompanied by the fees required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*.

**2. Qualifications for Licensure**

 To qualify for a private elevator inspector’s license, an applicant must:

A. **Qualified Elevator Inspector Certification.** Be certified as a Qualified Elevator Inspector (“QEI”) by an organization accredited by an independent, internationally or nationally recognized organization that accredits personnel certification bodies to ANSI/ISO/IEC 17024 or its equivalent and ASME QEI-1, and submit to the Director, together with the application to take the examination required by this Chapter, satisfactory evidence of certification;

B. **Examination.** Obtain a grade of at least 80% on an examination administered by the Director. To be eligible to take the examination, the applicant must submit proof of QEI certification;

C. **Deadline for Application for License.** Apply for the license within 90 days after receiving notification of a passing score on the examination; and

D. **Fee; Forfeiture.** Submit the examination fee together with the application for the license. An applicant who fails to appear for a scheduled examination without notifying the Director before the examination forfeits the examination fee.

**3. Renewal of License**

 A. **Expiration.** All private elevator inspector licenses expire on August 31.

B. **Eligibility for Renewal.** To renew a private elevator inspector’s license, the applicant for renewal must comply with the provisions of 32 MRS §15216-C and this Chapter and must present satisfactory written evidence that the applicant is QEI certified at the time of application for renewal. A license may be renewed up to 90 days after expiration upon payment of the required late fee in addition to the required renewal fee. See Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License* Fees and Chapter 11 of the rules of the Office of Professional and Occupational Regulation entitled *Late Renewals*.

**4. Reinstatement of License**

A. **More than 90 Days but Not More than Two Years.** An individual who fails to renew a private elevator inspector’s license for more than 90 days but not more than two years from the date of expiration may reinstate the license without taking the examination by filing a new application for renewal; presenting satisfactory written evidence that the applicant is QEI certified; and by filing and paying the license fee, late fee and additional late fee required by Chapters 10 and 11 of the rules of the Office of Professional and Occupational Regulation.

B. **More than Two Years.** An individual who fails to renew a private elevator inspector’s license for more than two years from the date of expiration must obtain a new license by satisfying the requirements of 32 MRS Chapter 133 and sections 1 and 2 of this Chapter.

**5. Inspections**

Licensed private elevator inspectors shall conduct inspections in accordance with the guidelines in ASME A17.2 to the extent applicable and the standards adopted in Chapter 511. In the event of a conflict between the guidelines of ASME A17.2 and the standards adopted in Chapter 511, the standards adopted in Chapter 511 govern.

**NOTE:**

Copies of ASME A17.2 (“Guide for Inspection of Elevators, Escalators, and Moving Walks”) may be purchased from:

 The American Society of Mechanical Engineers

 Order Department

 22 Law Drive

 Box 2900

 Fairfield NJ 07007- 2900

 Telephone: (800) 843-2763

 Web site: www.asme.org

**6. Unsafe Conditions**

 If a licensed private elevator inspector observes an unsafe condition during an inspection, the licensed private elevator inspector shall immediately notify the Chief Inspector in accordance with 32 MRS §15226 and the procedure for reporting accidents specified in Chapter 521.

**7. Inspection Reports**

 Licensed private elevator inspectors shall submit reports of elevator inspections in accordance with 32 MRS §15221 on forms acceptable to the Director. Each report must relate to only one elevator, which must be designated by its registration number. The private elevator inspector shall give the completed report to the owner of the elevator for submission to the Director.

**8. Audit of Inspections and Inspection Reports**

A. **Authority.** The Chief Inspector may audit inspections of elevators and inspection reports of licensed private elevator inspectors to ensure compliance with 32 MRS Chapter 133 and the Program’s rules. The Chief Inspector need not select reports for audit randomly.

B. **Standards.** In conducting audits of inspections and inspection reports, the Chief Inspector shall determine whether the licensed private elevator inspector complied with the provisions of 32 MRS Chapter 133, the Program’s rules, and the applicable national code specified in Chapter 511.

**9. Independent Contractor**

 In performing all duties and tasks relating to elevators, licensed private elevator inspectors are deemed to be acting as independent contractors and not as officers, employees, or agents of the State of Maine. The State assumes no liability for the actions or omissions of licensed private elevator~~s~~ inspectors.

*(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)*

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15208, 15216-C, 15221, 15226, 15227

EFFECTIVE DATE:

November 28, 1995 (EMERGENCY) (Ch. 5)

July 21, 1996 (Ch. 5)

EFFECTIVE DATE (ELECTRONIC CONVERSION):

December 25, 1996 (Ch. 5)

REPEALED AND REPLACED:

March 15, 1998 – Ch. # changed to Ch. 8

REPEALED:

January 1, 2003 – filing 2002-490; see new Ch. 31, “Licensed Private Elevator Inspectors,” filing 2002-501

EFFECTIVE DATE:

 January 1, 2003 – filing 2002-501

AMENDED:

 January 5, 2009 – filing 2008-610

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