**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**041 Office of Professional and Occupational Regulation**

**ELEVATOR AND TRAMWAY SAFETY PROGRAM**

**Chapter 533: Licensed Private Tramway Inspectors**

**Summary:** This Chapter establishes requirements for initial and renewal licensure of private tramway inspectors in addition to those established by 32 MRS §15209. The Chapter also establishes requirements for inspections and reports of inspections of tramways and standards for audits of inspections and inspection reports. Requirements for licensure of private wire rope inspectors are set forth in Chapter 535.

**1. Applications**

 Applications for examination and licensure must be on forms provided by the Director and must be accompanied by the fees established by the Director.

**2. Qualifications for Licensure**

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

A. **General Qualifications.** Meet the qualifications specified in 32 MRS §15209 and this Chapter;

B. **Examination.** Unless a waiver is granted in accordance with 32 MRS §15209(5), obtain a grade of at least 80% on an examination administered by the Director. To be eligible to take the examination, the applicant must satisfy the requirements of 32 MRS §15209;

C. **Deadline for Application.** 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 tramway inspector licenses expire on December 31.

B. **Eligibility for Renewal.** To renew a private tramway inspector’s license, the applicant must comply with 32 MRS §15216-C and this Chapter. A license may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee.

**4. Reinstatement of License**

A. **More than 90 Days but Not More than Two Years.** An individual who fails to renew a private tramway 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 required by section 2, paragraph B, by filing a new application for renewal and by filing and paying the application fee, license fee, and penalty as set forth in the Office of Professional and Occupational Regulation Rules Chapter 10, *Establishment of License Fees*, Section 4.

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

**5. Inspections**

 Licensed private tramway inspectors shall conduct inspections in accordance with the standards adopted in Chapter 511.

**6. Unsafe Conditions**

If a licensed private tramway 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 with the procedure for reporting accidents specified in Chapter 523.

**7. Inspection Reports**

 Licensed private tramway inspectors shall submit reports of tramway inspections in accordance with 32 MRS §15221 on forms acceptable to the Director. Each report must include the registration number of each tramway inspected as well as any deficiencies noted. The private tramway inspector shall give the completed report to the owner of the tramway for submission to the Director.

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

A. **Authority.** The Chief Inspector may audit inspections of tramways and inspection reports of licensed private tramway inspectors to ensure compliance with Title 32, Chapter 133, and these 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 tramway inspector complied with the provisions of Title 32, Chapter 133, these rules, and the national code specified in Chapter 511.

**9. Independent Contractor**

 In performing all duties and tasks relating to tramways, licensed private tramway 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 tramway 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, 15209, 15216-C, 15221, 15226, 15227

EFFECTIVE DATE:

March 15, 1998 – as Ch. 9, “Tramway Inspectors”

REPEALED:

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 January 1, 2003 – as Ch. 33, “Licensed Private Tramway Inspectors,” filing 2002-502

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