



Promulgation Details for 1 RCNY 104-26

This rule became effective on October, 03, 2016.

Since such date, one or more amendments have been made to this rule. Each rule amendment has its own effective date and Statement of Basis and Purpose.

Below you will find one or more rule amendments (the most recent appearing at the top), followed by the original rule.

The effective date of each amendment and the original rule can be found at the top of each "NOTICE OF ADOPTION OF RULE."

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:

02/24/2022
New York, New York



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.

This rule has an effective date of 10-03-16.

NEW YORK CITY DEPARTMENT OF BUILDINGS

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts Section 104-26 to Subchapter D of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding Deactivation of Licenses.

This rule was first published on June 8, 2016 and a public hearing thereon was held on July 8, 2016.

Dated: 8.26.16
New York, New York



Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose

The Department of Buildings (DOB) is adding a new Section, 104-26, to Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York (“RCNY”), which allows DOB licensees to deactivate their licenses while remaining active in their respective trades. DOB is promulgating this rule in response to industry concerns about the operating cost of maintaining licensure while the licensee is not actively practicing as a licensee for business or other reasons.

The rule allows licensees to hold their deactivated licenses without requiring them to carry on businesses and carry insurance, which will relieve them of many of the costs associated with maintaining an active license. However, these licensees are still required to renew their licenses and pay the DOB-related costs of holding their deactivated licenses.

Although a licensee who chooses to deactivate his or her license may continue to work in the licensed trade under the supervision of an active licensee, he or she may not practice in the trade or business as a licensee or hold him or herself out as a licensee while the license is deactivated.

The rule omits Filing Representatives, Construction Superintendents, Concrete Safety Managers, General Contractors and Safety Registrations because members of these trades are not permitted to work under the direction of other licensees. Electricians are also omitted because deactivation of their licenses is already permitted by existing provisions of the Electrical Code.

New material is underlined.

[Deleted material is in brackets.]

“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. Subchapter D of chapter 11 of title 1 of the Rules of the City of New York is amended by adding a new section 104-26, to read as follows:

§ 104-26 Deactivation of License.

If the holder of a license issued pursuant to section 28-401.10 of the Administrative Code is no longer engaged in a business or trade licensed by the department, but does not wish to leave the licensed trade, the license holder may so notify the department and submit his or her license and seal to the department for deactivation. If the licensee deactivates such license, the deactivated license shall no longer represent an authorization to engage in a particular trade, occupation, or business. While a licensee who chooses to deactivate his or her license may continue to work in the licensed trade under the supervision of an active licensee, he or she may not practice in the trade or business as a licensee or hold him or herself out as a licensee while the license is deactivated.

(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.

(b) Deactivation. A license can remain deactivated for a maximum of twelve years after the date of deactivation. If a licensee fails to reactivate a license after this twelve year period, the deactivated license will lapse. In order to deactivate a license, at the time of application for deactivation, the licensee must ensure that:

(1) All outstanding fines, penalties, or fees related to the licensee's professional dealings with the city or any governmental entity are paid, and

(2) There are no violations for work performed under such license pending hearing or in default, and

(3) Open applications filed under such license – including permits, jobs, scaffold notifications, and Limited Alteration Applications (LAAs) that name the licensee, as well as permits issued to the licensee – have been scheduled for inspection in accordance with department procedures, re-filed by another licensee, or withdrawn, and

(4) He or she surrenders his or her license card, plate and/ or seal, if applicable.

(c) Deactivation renewal. While the license is deactivated, the licensee must still submit a renewal application, continue to pay the license renewal fees required during each deactivation period, take any required continuing education courses and maintain certifications required by rule. If the licensee submits the renewal application after the date on which the license would have otherwise expired, the licensee must comply with the relevant provisions of Administrative Code section 28-401.13, and any other applicable rules and regulations.

If a license has been deactivated for more than five, but fewer than twelve, years:

(1) At renewal, the commissioner may require the licensee submit an affidavit and supporting documentation satisfactory to the department stating that, during each of the last three years, the individual has continuously been actively and legally engaged in the trade for which the applicant's license was issued, under the direct supervision of a licensee for their specific trade in order to prevent the deactivated license from expiring.

(2) If the licensee cannot satisfactorily demonstrate active and legal engagement in the relevant trade, in order to prevent the license from expiring, the licensee must reactivate the license for at least one license term. If the license expires, applicants must comply with late renewal and reinstatement requirements of Administrative Code section 28-401.13, and any other applicable rules and regulations.

(d) Reactivation. To reactivate a license, the licensee must comply with the license issuance requirements for his or her specific trade, pay all applicable fees, and submit all forms as prescribed by the commissioner.

(1) If the licensee has complied with the deactivation requirements of this rule, the license may be reactivated up to five years after the date of deactivation.

(2) The department may refuse to reactivate a license on any grounds on the basis of which it could deny, suspend or revoke such license.

(e) Master Plumbers and Master Fire Suppression Piping Contractors must also comply with the certificate of competence requirements of Chapter 4 of Title 28 of the Administrative Code.