

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 81

ELEVATOR MECHANICS

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-81-1 Objective. This chapter is intended to clarify and implement chapter 448H, Hawaii Revised Statutes. [Eff 3/4/76; am and ren §16-81-1, 6/22/81; am and comp 12/10/88; comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §448H-5)

§16-81-2 Scope. The provisions of this chapter shall apply to any person who acts as an elevator mechanic or an apprentice elevator mechanic and who is required by chapter 448H, HRS, to be licensed or registered by the board. [Eff 3/4/76; am and ren §16-81-2, 6/22/81; am and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §448H-1)

§16-81-3 Definitions. As used in this chapter:

"Apprentice" or "apprentice elevator mechanic" means any person who is in training to acquire the skills to become an elevator mechanic and who is required to work for at least two years under an elevator mechanic's supervision as defined in this chapter.

"Board" means the elevator mechanics licensing board created by chapter 448H, HRS

"Department" means the department of commerce and consumer affairs.

"Direct supervision" means that a licensed elevator mechanic is on the premises where the work is being performed and is supervising and directing the work of the apprentice.

"Elevator mechanic" means any person who engages in the construction, reconstruction, alteration, maintenance, mechanical, or electrical work or adjustments of any elevator, dumbwaiter, stage lift, mechanized parking garage elevator, escalator, moving walk or ramp, manlift including any construction, reconstruction, alteration, or adjustment of the structure or facility of which the same may be a part or to which the same may be attached, necessary for proper completion of the work on the elevator, dumbwaiter, stage lift, mechanized parking garage elevator, escalator, moving walk or ramp, or manlift.

"General supervision" means that a licensed elevator mechanic is supervising the apprentice and is in the same or adjacent building or buildings, or that the apprentice is in the immediate vicinity of the licensed elevator mechanic on the maintenance route. General supervision applies only to work by the apprentice elevator mechanic which involves cleaning, oiling, greasing, and painting. [Eff 3/4/76; am and ren §16-81-3, 6/22/81; am and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §448H-1)

§16-81-4 License required. (a) No person, except as allowed under sections 16-81-5 and 16-81-7, shall operate or practice as an elevator mechanic or apprentice elevator mechanic unless that person is licensed or registered under chapter 448H, HRS and this chapter. However, the following interior cab work shall not be considered "elevator mechanic" work provided such work is performed in compliance with all applicable laws and rules of the department of labor and industrial relations, is performed by appropriately licensed contractors, and does not penetrate the interior cab shell or adversely affect the operation or safety of the elevator:

- (1) Routine janitorial cleaning such as vacuuming and polishing;
  - (2) Painting and any work related to the preparation of the cab interior to be painted; or
  - (3) Flooring and any work related to the preparation of the flooring surface to which materials, such as carpeting, will be adhered.
- (b) No employer shall assign work which is required to be performed by a licensed person to an unlicensed person unless the unlicensed person is registered as an apprentice elevator mechanic under section 16-81-5 and is under the direct or general supervision of a licensed elevator mechanic.
- (c) An applicant for licensure shall:

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- (1) Have had at least two years of experience as an apprentice elevator mechanic under the supervision of a licensed elevator mechanic. Such experience shall include, but not be limited to the following:
  - (A) Electricity and electronics, which shall include experience in fundamentals, wiring diagrams and blueprints, wire sizing and installation, and troubleshooting;
  - (B) Hydraulic systems and equipment;
  - (C) Elevator maintenance; and
  - (D) Escalators and moving walks;
- (2) Submit documentary proof on a form provided by the board verifying that the applicant has satisfactorily completed at least the two years of required experience as an apprentice elevator mechanic under the supervision of a licensed elevator mechanic;
- (3) Submit a completed application, pay the appropriate fees, and submit all other required information and documents to the board not less than forty-five days prior to the date of examination. When emergency examinations are scheduled pursuant to section 16-81-8, all required applications, fees, and documents shall be filed with the board not less than forty-eight hours prior to the date of the examination; and
- (4) Pass the board's written examination. [Eff 3/4/76; am and ren §16-81-4, 6/22/81; am and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §§448H-2, 448H-6)

§16-81-5 Apprentices; registration required. (a) All apprentice elevator mechanics shall be registered with the board.

(b) An apprentice elevator mechanic may perform the work of an elevator mechanic without a license under chapter 448H, HRS; provided that the apprentice elevator mechanic is under the direct supervision of a licensed elevator mechanic on the premises where the work is being performed. Where the work involves only cleaning, oiling, greasing, and painting, the apprentice may work alone under the general supervision of the licensed elevator mechanic in the same or adjacent building, or buildings, or in the immediate vicinity of the licensed elevator mechanic on the maintenance route.

(c) An applicant for registration as an apprentice elevator mechanic shall submit a complete application form, and submit the appropriate fees.

(d) An apprentice elevator mechanic shall complete a minimum of two years of work experience before applying for the elevator mechanic's examination

and license. The starting date of the two-year experience requirement shall be the recorded date of registration as an apprentice elevator mechanic with the board. [Eff 3/4/76; am and ren §16-81-5, 6/22/81; am and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §§448H-2, 448H-5, 448H-6)

§16-81-6 Application for examination. (a) An application for examination shall be filed with the board in accordance with and contain the information prescribed for in the board's application.

(b) If applicable, the application for examination shall state that the applicant is presently working under a temporary permit as an elevator mechanic. [Eff 3/4/76; am and ren §16-81-6, 6/22/81; am and comp 12/10/88; comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §§448H-2, 448H-5, 448H-6, 448H-8)

§16-81-7 Temporary permits. (a) A temporary permit may be issued only where there is a shortage of licensed elevator mechanics in this State.

(b) A temporary permit may be issued for a three-month period or for the duration of time required to complete the particular job for which the permit was issued, whichever is longer. A maximum of two consecutive temporary permits may be issued to any one individual.

(c) An applicant for a temporary permit shall submit to the board:

(1) Documented proof that the applicant has previously passed the examination given by the joint examining committee of the National Elevator Industry Education Program or has previously passed an Elevator Constructors Union test prior to the initiation of the test given by the joint examining committee;

(2) The date of passing the above-mentioned examination and the test score attained which must be certified by a competent authority. In the event that the test score is unavailable, other documentary proof that the person has passed the examination may be accepted by the board; and

(3) Verification of the applicant's experience as an elevator mechanic by one or more employers on a form prescribed by the board.

(d) The board may delegate the authority to act on an application for a temporary permit to the executive officer after the applicant has submitted all the required documents and paid the appropriate fees.

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(e) If an applicant, while working as an elevator mechanic under a temporary permit, takes the examination to be licensed as an elevator mechanic in the State and fails to pass the examination, the temporary permit shall be automatically canceled.

(f) The department shall immediately notify the employer of the applicant's failure to pass the examination and the applicant shall immediately cease engaging in elevator mechanic work. The applicant may, however, continue to work under the direct supervision of a licensed elevator mechanic. [Eff 3/4/76; am and ren §16-81-7, 6/22/81; am and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §448H-7)

§16-81-8 Elevator mechanics license examination. (a) No license shall be issued to any person unless the person has successfully passed a written examination prescribed by the board.

(b) The elevator mechanics license examination shall be developed by a professional testing agency with the approval of the board and shall be given on a quarterly basis. Examinations shall be given at other times in emergencies, including labor disputes, where there is a shortage of licensed elevator mechanics in the State.

(c) The examination shall be conducted in accordance with the procedures of the testing agency as approved by the board. Any misconduct by the applicant during an examination shall be prohibited and subject to action by the board. Acts of misconduct during an examination include, but are not limited to, any of the following:

- (1) Failure to follow examination instructions or procedures;
- (2) Communication between applicants or with others inside or outside of the examination room;
- (3) Copying another applicant's answers or allowing one's answers to be copied;
- (4) Allowing another person to sit in the examination room and take the examination for the applicant;
- (5) Reference to crib sheets, outlines, textbooks, or other materials inside or outside of the examination room;
- (6) Leaving the examination room without prior approval; or
- (7) Removal of any examination booklet, answer booklet, answer sheet, or workpapers from the examination room at any time.

Action by the board may include invalidating the entire examination and suspending the applicant from taking the examination again for a period of up to one year. Prior

to imposing any action under this subsection, the applicant shall be afforded an opportunity to appear before the board.

(d) To apply to take the examination, an applicant shall submit an application and pay the appropriate fees to the board as provided in section 16-81-4. Failure to obtain a passing grade of at least seventy per cent on the examination shall require a person to register again with and submit the appropriate fees to the testing agency.

(e) Failure to comply with the license restoration requirements provided in section 16-81-11 shall require a person to retake the exam. [Eff 3/4/76; am and ren §16-81-8, 6/22/81; am and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §448H-6)

§16-81-9 Repealed. [R 12/10/88]

§16-81-10 Renewal of license. (a) A license shall be renewed on or before June 30 of every even-numbered year. To renew a license, a licensee shall timely submit a renewal application and the applicable renewal fees.

(b) Renewal fees paid by mail shall not be considered delinquent if the envelope is postmarked by the United States Postal Service before July 1 of the year in which the fees are due.

(c) Failure to renew a license by the renewal deadline date shall cause a license to be forfeited. Continuing to perform work as an elevator mechanic shall constitute unlicensed activity. At a minimum, any person who engages in unlicensed activity shall be subject to section 448H-10, HRS. [Eff and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §§436B-13, 448H-2, 448H-8, 448H-10)

§16-81-11 Restoration of license. (a) A forfeited license may be restored by filing the form provided by the board, along with all required documents, and by paying the applicable renewal and penalty fees.

(b) Failure to restore a forfeited license a year from the date of forfeiture shall require a person to file as a new applicant for licensure as specified in section 16-81-4.

(c) The board may waive the requirement to retake the exam where the person failed, for good and valid reasons, to restore a license more than a year after the date of forfeiture. Good and valid reasons shall be determined and approved by

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the board. [Eff and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5)  
(Imp: HRS §§436B-14, 448H-5, 448H-8)

§16-81-12 Workmanship. All work performed by a licensed elevator mechanic or an apprentice elevator mechanic shall conform to industry standards. Industry standards include, but are not limited to, the appropriate elevator, electrical, and safety codes of the State and the counties. [Eff and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §448H-5)

SUBCHAPTER 2

FEES

§16-81-13 Fees. The fees of the board shall be non-refundable and as provided in chapter 16-53, Hawaii Administrative Rules, relating to boards and commissions. [Eff and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §§26-9, 448H-8)

SUBCHAPTER 3

ORAL TESTIMONY

§16-81-17 Oral testimony. (a) The board shall accept oral testimony on any item which is on the board's agenda, provided that the testimony shall be subject to the following conditions:

- (1) Any person seeking to present oral testimony shall notify the board no later than forty-eight hours prior to the meeting, and shall clearly state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
- (4) Persons presenting oral testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent;



- (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
  - (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.
- (b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the hearings relief, declaratory relief, or rule relief provisions of the rules of administrative procedure.
- (c) Nothing in this section shall prevent the board from soliciting oral remarks from any person present at the meeting or from inviting any person to make a presentation to the board on any particular matter on the board's agenda. [Eff and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §92-3)

#### SUBCHAPTER 4 (Repealed)

§16-81-20 Repealed. [R 9/20/99]

#### SUBCHAPTER 5

##### HEARINGS

§16-81-23 Denial. If an application for registration as an apprentice, admission to examination, issuance of a license, renewal of a license, or restoration of a license is denied by the board, the applicant or licensee shall be notified by letter of the board's action. The letter shall include a concise statement of the reasons for the denial and a statement informing the applicant or licensee of the right to a hearing if so desired. [Eff and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §91-2) (Imp: HRS §§91-2, 448H-5)

§16-81-24 Petition for hearing relief. Any person whose application for registration as an apprentice, admission to examination, issuance of a license, renewal of a license, or restoration of a license has been denied by the board may petition for hearing relief pursuant to chapter 16-201, administrative practice and

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procedure, provided that the petition for hearing relief is filed with the board within sixty days of the date of the denial. [Eff and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §§91-2, 448H-5, 91-13.1)

§16-81-25 Proceedings upon petition for hearing relief. If a petition for hearing relief is filed within the time prescribed pursuant to section 16-81-24, the board shall order a hearing pursuant to chapter 16-201, administrative practice and procedure. [Eff and comp 12/10/88; comp 9/20/99] (Auth: HRS §91-9) (Imp: HRS §§91-9, 91-9.5)

§16-81-26 Administrative practice and procedure. The rules of practice and procedure of the department, chapter 16-201, shall be incorporated by reference and made a part of this chapter. [Eff and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §§91-2, 448H-5) (Imp: HRS §§91-2, 448H-5)

SUBCHAPTER 6

DENIAL OF REGISTRATION OR APPLICATION;  
REFUSAL TO ISSUE, RENEW, OR RESTORE LICENSE;  
FINE, REVOCATION, OR SUSPENSION OF LICENSE

§16-81-29 Denial of registration or application; refusal to issue, renew, or restore, license; fine, revocation, or suspension of license. The following shall constitute grounds for the board to deny an application, refuse to issue a license, suspend or revoke a license, fine, refuse to renew a license, or refuse to restore a license:

- (1) Failure of any person to comply with chapter 448H, HRS, or this chapter;
- (2) Presentation to the board of any certification, documentation, testimony, or information which was untrue in any material respect or illegally or fraudulently obtained, or when fraud or deceit has been practiced in obtaining any license, permit, or registration under this chapter or in passing an examination;

- (3) Presently suffering from habituation to drugs or alcohol which is directly related and detrimental to a person's performance as an elevator mechanic or apprentice elevator mechanic;
- (4) Failure of a licensee to adequately supervise the work of any apprentice working under the licensee;
- (5) Allowance by an employer or supervising elevator mechanic, of a person who is not registered with the board as an apprentice to perform any work required to be performed by a licensed elevator mechanic or apprentice elevator mechanic;
- (6) Allowance by an employer of any person who is not licensed with the board to perform any work required to be performed by a licensed elevator mechanic;
- (7) Failure to renew or restore a license and continuing to perform work as an elevator mechanic; and
- (8) Conduct or practice contrary to industry standards. [Eff and comp 12/10/88; am and comp 9/20/99] (Auth: HRS §448H-5) (Imp: HRS §§436B-19, 448H-5, 448H-10)

Amendments to and compilation of chapter 16-81, Hawaii Administrative Rules, on the Summary page dated August 6, 1999, were adopted on August 6, 1999, following a public hearing held on the same date, after public notices were given in the Hawaii State and County Public Notices for the City and County of Honolulu, County of Kauai, County of Maui and the County of Hawaii on July 5, 1999.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ David Boback

DAVID BOBACK, Chairperson  
Elevator Mechanics Licensing Board

APPROVED AS TO FORM: Date 8/25/99

/s/ Rodney J. Tam

Deputy Attorney General

APPROVED: Date 9/3/99

/s/ Kathryn S. Matayoshi

KATHRYN S. MATAYOSHI, Director  
Commerce and Consumer Affairs

APPROVED: Date 9/8/99

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor  
State of Hawaii

September 9, 1999

Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-81  
Hawaii Administrative Rules

August 6, 1999

SUMMARY

1. §§16-81-3 through 16-81-5 are amended.
2. §§16-81-7 and 16-81-8 are amended.
3. §§16-81-10 and 16-81-11 are amended.
4. A new §16-81-12 is added.
5. §16-81-13 is amended.
6. §16-81-17 is amended.
7. Subchapter 4 is repealed.
8. §16-81-20 is repealed
9. §§16-81-23 and 16-81-24 are amended.
10. §16-81-26 is amended.
11. §16-81-29 is amended.
12. Chapter 81 is compiled.

This material can be made available for individuals with special needs. Please call the Program Specialist, Professional and Vocational Licensing Division, DCCA, at 586-2692, to submit your request.

Effective 9/20/99