

ELEVATOR MECHANICS LICENSING BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Friday, February 2, 2018

Time: 1:00 p.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: Lawrence T. Morinaga, Industry Member, Chairperson
James Wilburn, Jr., Industry Member, Vice Chairperson
Jammie Garcia-Paahana, Industry Member
Steve Tsunemoto, Industry Member

Kedin Kleinhans, Executive Officer
Krishna Jayaram, Esq., Deputy Attorney General ("DAG")
Ronni-Ann Bumgarner, Secretary

Excused: Ronald H. Nakamine, Department of Labor and Industrial Relations
("DLIR") Designee

Guest: Marc Yamane – International Union of Elevator Constructors ("IUEC") Local 126

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes ("HRS") section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order at 1:03 p.m. by Chairperson Morinaga.

Legislation: Legislation: H.B. No. 1630 and S.B. No. 2494, Relating to Elevator Mechanics

Executive Officer Kleinhans stated he submitted testimony on H.B. 1630 on January 30, 2018 and S.B. 2494 on February 2, 2018. He added that as there has been discussion on H.B. 1381, the Board was able to submit testimony in support of some sections, however could not take a position on sections the Board has not covered and sections requiring training programs.

Executive Officer Kleinhans stated that Senator Baker has instructed the Board and IUEC to collaborate and submit a draft bill addressing the problems small businesses in the lift industry face. Senator Baker's concern is that the bill should not impact the small businesses that work on residential lifts in compliance with the Americans with Disabilities Act.

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Executive Officer Kleinhans reported that Prometric would be unable to create an exam for a new license type, as there would be a very small pool of applicants. Thus, Executive Officer Kleinhans discussed with the Board two possible options: excluding residential lifts from the scope of work, or creating a license class that can solely work on lifts. DAG Jayaram added that the Board has the third option of opposing the section and not requiring training programs.

Executive Officer Kleinhans stated that he is not comfortable with excluding lifts from regulation.

Mr. Tsunemoto stated that the idea of regulating is a good idea, but it feels premature. He mentioned that a process should be in place first prior to regulation. A limited elevator mechanic ("LEVM") also should have to take an exam.

Executive Officer Kleinhans reported that Mr. Godinet of Access Lifts of Hawaii testified at the hearing. Mr. Godinet gave comments to the Legislature in distinguishing a license class that requires a two-year accessibility technician training program. Executive Officer Kleinhans mentioned there is currently no such training program here in this State.

Chairperson Morinaga stated that the Board can consider removing residential lifts from the scope of work if the Board can distinguish lifts for public use that are subject to DLIR inspections.

Executive Officer Kleinhans stated if the Board excluded residential lifts, it would be difficult for the public to determine who is qualified to perform the job. He added that if the Board decides to recognize it, the Board could require the 2-year training program.

Vice Chairperson Wilburn stated that the bill solidifies what is already in place. He added that over the years, codes have changed, education has changed, and conveyances have changed. Vice Chairperson Wilburn sought to clarify if requiring training programs is in the best interest for this State, the public and licensees.

Executive Officer Kleinhans stated the Board should not take an anti-competitive approach. He added that requiring a four-year training program would be onerous to small businesses engaged in the lift industry. The lift industry falls under the scope of a licensed elevator mechanic.

Mr. Tsunemoto mentioned that the residential lift market has been the way it is for many years. The bigger businesses are not interested in installing residential lifts. However, he added that the Board would be premature in introducing language to consider a new license type, as it will be hard to quantify the impact it will have.

Executive Officer Kleinhans discussed the possibility of exempting work on residential lifts from the Elevator Mechanic's Licensing Board, however requiring licensure under the Contractor's Licensing Board. He added that the Contractor's Board requires applicants to have a bond and insurance. In

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addition, if consumers are injured from misconduct, there exists a Contractor's Recovery Fund to which any person may recover from that fund.

By consensus, the Board agreed to testimony in support of exempting employees working on residential lifts to be licensed under the Contractor's Licensing Board.

Executive Officer Kleinhans reviewed what sections the Board has taken a position on. He added that regarding random audits, the Board did not decide whether to support pre-audit or post-audit. Executive Officer Kleinhans described the renewal process and recommended to the Board that a post-audit will be less work-intensive for the Board and licensees.

By consensus, the Board agreed to testimony in support of a post-audit.

Executive Officer Kleinhans asked Mr. Yamane to clarify the remote interaction provision.

Mr. Yamane explained that the provision should not discourage remote monitoring and that some buildings have remote sites that allow the security department or the maintenance department to shut down the elevator remotely from another office off-site. He added that the language will determine what is allowed as far as shutting down faults, changing parameters, or resetting faults.

By consensus, the Board agreed to testimony in support of the remote interaction provision, provided that its definition be amended to:

"Remote interaction" means an action to manipulate or interact with the controls of a conveyance remotely, or from within the building or complex.

Discussion ensued on apprentices enrolled in training programs. Executive Officer Kleinhans stated that since the second avenue has been carved out, the Board would be able to track apprentices through training program progress reports.

By consensus, the Board agreed to testimony in support of requiring training programs for elevator mechanic licensure, not registering apprentices with DCCA, and issuing Temporary Permits to apprentices progressing through their 4th year in a training program.

Next Meeting:

Friday, April 6, 2018
2:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
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Adjournment: There being no further business to discuss, the meeting was adjourned at 3:43 p.m.

Taken and recorded by,

/s/Ronni-Ann Bumgarner

Ronni-Ann Bumgarner, Secretary

Reviewed and approved by:

/s/Kedin Kleinhans

Kedin Kleinhans, Executive Officer

KK:rb

02/19/18

[x] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.