

(II) EACH ELEVATOR SHALL BE EQUIPPED WITH STANDARD HOISTWAY ENTRANCE PROTECTION, AND EACH PASSENGER ELEVATOR OF MORE THAN 100 FEET PER MINUTE CONTRACT SPEED SHALL BE PROVIDED WITH CAR DOORS OR GATES THAT MEET THE REQUIREMENTS OF THE SAFETY CODE.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, EACH ELEVATOR UNIT INSTALLED BEFORE JULY 1, 1955:

(I) SHALL BE MAINTAINED IN A SAFE OPERATING CONDITION SO AS NOT TO CREATE A SUBSTANTIAL PROBABILITY OF SERIOUS PHYSICAL HARM OR DEATH; AND

(II) IS SUBJECT TO INSPECTIONS AND TESTS AS REQUIRED.

(C) ALTERATIONS AND RELOCATIONS.

(1) FOR PURPOSES OF THIS SUBSECTION, AN ALTERATION OF AN EXISTING ELEVATOR UNIT IS ANY CHANGE MADE TO IT OTHER THAN THE REPAIR OR REPLACEMENT OF DAMAGED, WORN, OR BROKEN PARTS NECESSARY FOR NORMAL OPERATION.

(2) EACH ALTERATION OR RELOCATION OF AN ELEVATOR UNIT INSTALLED AFTER JANUARY 1, 1975, SHALL MEET THE REQUIREMENTS OF THE SAFETY CODE.

(D) EXCEPTIONS.

ON WRITTEN REQUEST, THE COMMISSIONER MAY GRANT EXCEPTIONS FROM THE LITERAL REQUIREMENTS OR ALLOW THE USE OF DEVICES OR METHODS OTHER THAN THOSE SPECIFIED UNDER THE SAFETY CODE AND OTHER REGULATIONS ADOPTED BY THE COMMISSIONER IF:

(1) IT IS EVIDENT THAT THE EXCEPTION IS NECESSARY TO PREVENT UNDUE HARDSHIP; OR

(2) EXISTING CONDITIONS PREVENT PRACTICAL COMPLIANCE AND IN THE OPINION OF THE COMMISSIONER REASONABLE SAFETY CAN BE SECURED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 49B(b)(9), (d), and (g).

Former Art. 89, § 49B(b)(7) and (8), which defined "new elevator" as an elevator not classified as an existing elevator and "existing elevator" as an elevator in which all work was completed prior to January 1, 1975, respectively, are deleted as obsolete. The purpose of the former definitions seemed to be to delineate the elevators to which the new standards effective January 1, 1975, were applicable. The former definitions also used the terms defined in a way other than the usual connotation of the words and thus were potentially misleading and confusing.