

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Dept. of Labor
Rule No. 490-2-2
Rule Title: Board Powers and Standards
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Stephen McCork

Date 9-19-12

(DATE FILED)
(STAMP)

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 490-2-2 Board Powers and Standards

INTENDED ACTION: To amend the Board Powers and Standards section under the Elevator Safety Rules to reflect a new rule number.

SUBSTANCE OF PROPOSED ACTION: The adoption is necessary to correctly reference the rule after the merger of the Department of Industrial Relations and The Department of Labor.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Stephen McCormick, Department of Labor, 649 Monroe Street, Montgomery, Alabama 36131 by mail or in person between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including November 05, 2012. Persons wishing to submit data, views or arguments orally should contact Stephen McCormick by telephone at (334) 242-8274 during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 05, 2012

CONTACT PERSON AT AGENCY:

Stephen McCormick
Department of Labor
649 Monroe Street
Montgomery, AL 36131
Telephone: (334) 242-8274



Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ELEVATOR SAFETY RULES
ADMINISTRATIVE CODE

CHAPTER 490-2-2 480-8-2

BOARD POWERS AND STANDARDS
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490-2-2-.01 480-8-2-.01 **Board Composition And Powers.**

(1) The Elevator Safety Review Board is comprised of 10 members as specified in Code of Ala. 1975, §25135. The Board's office is located at the Department of Labor, 649 Monroe Street, 100 N. Union Street, Suite 620, Montgomery, Alabama 36130 36131.

(2) The Board controls the issuance, renewal, suspension and revocation of elevator mechanics, lift mechanics and inspectors licenses. In order to exercise its powers and carry out its responsibilities the Board may:

(a) Conduct or otherwise provide examinations;

(b) Conduct hearings with regard to the administration of its affairs;

(c) Investigate all matters within its jurisdiction;
and,

(d) Adopt rules consistent with its statutory authority.

(e) The public may obtain information and make submissions or requests at the Board's office.

Author: Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §§25-13-6,-13,-20(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004.

~~490-2-2-.02~~ 480-8-2-.02 **Registration Of Conveyances.**

(1) The owner or lessee of a conveyance shall register the conveyance with the department, pursuant to rules adopted by the Board. The registration shall include the type, rated load and speed, manufacturer, location, purpose, date of installation and any additional information the Board may require.

(2) Six months after the Board's adoption of these Rules, the Board may, after notice and hearing, assess an administrative penalty of no more than \$500.00 per day against a building owner or lessee who fails to register a conveyance as required by this subchapter 30 days after being directed to do so by the Board.

(3) A jurisdiction tag shall be furnished and shall be permanently attached on or near the conveyance's crosshead by the inspector. On conveyances without a crosshead, jurisdiction tags shall be attached to the equipment on the car top. On conveyances also lacking car tops, the jurisdiction tag shall be attached on or near the control panel.

Author: Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §25-13-14(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004.

~~490-2-2-.03~~ 480-8-2-.03 **Minimum Standards Adoption Of
Nationally Recognized Safety Codes.**

(1) If not previously adopted, The Board shall automatically adopt the latest editions of the following standards six months from their effective date:

(a) THE NATIONAL SAFETY CODE FOR ELEVATORS AND ESCALATORS (ASME A.17.1)

(b) THE NATIONAL SAFETY CODE FOR EXISTING ELEVATORS AND ESCALATORS (ASME A.17.3).

(c) Those conveyances that are required to be in compliance with the provisions of ASME A17.3 - 1996 shall have until July 1, 2009 to meet the requirement of this standard.

(d) THE NATIONAL SAFETY STANDARD FOR PLATFORM LIFTS

AND STAIRWAY CHAIRLIFTS (ASME A.18.1)

(e) THE NATIONAL SAFETY STANDARD FOR THE QUALIFICATIONS OF ELEVATOR INSPECTORS (ASME QE11)

(f) AUTOMATED PEOPLE MOVER STANDARDS (ASCE 21)

(2) Hydraulic elevators that have any portion of the cylinder buried in the ground and that do not have a double cylinder or a cylinder with a safety bulkhead shall:

(a) have the cylinder replaced with a double cylinder or a cylinder with a safety bulkhead protected from corrosion by one or more of the following methods:

(1) monitored cathodic protection;

(2) a coating to protect the cylinder from corrosion that will withstand the installation process;

(3) by a protective plastic casing immune to galvanic or electrolic action, salt water, and other known underground conditions; or

(b) be provided with a device meeting the requirements of Section 3.5 or a device arranged to operate in the down direction at an over speed not exceeding 125% of rated speed. The device shall mechanically act to limit the maximum car speed to the buffer striking speed, or stop the elevator car with rated load with a deceleration not to exceed 32.2ft/s^2 (9.8m/s^2), and shall not automatically reset. Actuation of the device shall cause power to be removed from the pump motor and control valves until manually reset; or

(c) have other means acceptable to the authority having jurisdiction to protect against unintended movement of the car as a result of uncontrolled fluid loss.

(d) All new and existing jacks must be in compliance by October 1, 2007

(3) The following standards shall govern restricted openings of hoistway doors and/or car doors on passenger elevators.

(a) When a car is outside the unlocking zone, the hoistway doors or car doors shall be so arranged that the hoistway doors or car doors cannot be opened more than 4 in.

(102 mm) from inside the car.

(b) When the car is outside the unlocking zone, the car doors shall be openable from outside the car without the use of special tools.

(c) The unlocking zone shall extend from the landing floor level to a point no greater than 18 in. (457 mm) above or below the landing floor level.

(d) All existing elevators that are not in compliance with this rule have six months after the inspection report is received by the department to be in compliance.

(4) The following procedures shall be followed for Temporary Certificates of Operation

(a) A temporary certificate of operation may be issued at the discretion of the chief inspector if requested by the elevator contractor and the inspector. This request must be submitted by the inspector in the form of an inspection report, along with the required fee.

(b) The fee required for the certificate and inspection is \$100.00 must be submitted with the inspection report at the time of the request. The remaining \$160.00 will be paid to the inspector as determined at the time of the inspection. Any violations that would prevent the elevator from receiving a temporary certificate of operation must be completed prior to sending in the inspection report.

(c) The elevator must have all safety devices properly tested and witnessed by the inspector. The inspector along with the elevator contractor must decide if an elevator operator will be required. If so, the operator must receive proper training by the elevator contractor. If an operator will be stationed in the elevator during operation, no working phone is required during temporary operation. The operator will be required to have some form of 2way communication.

(d) When the inspection report and fee are submitted to this office, the inspector is certifying the elevator is safe for this type service.

(5) In order to reduce the hazards associated with water on energized circuits from the activation of sprinklers in

the elevator equipment room, new elevator installations, and modernizations/alterations will require the shunt trip of each elevator disconnecting means to be located outside the elevator equipment room.

(a) It shall deenergize both the line side and load side of the affected elevator's disconnecting means.

(b) In cases of extreme difficulty in locating the shunt trip outside the machine room, and with prior written approval from the administrator, locating the shunt trip in the machine room may be approved, if the disconnect is a rainproof NEMA 3R or better enclosure.

(c) Control circuits to shut down elevator power shall be monitored for presence of operating voltage. Loss of voltage to the control circuit for the disconnecting means shall cause a supervisory signal to be indicated at the control unit and required remote enunciators.

Author: Ralph Pate

Statutory Authority: Code of Ala. 1975, §25-13-6(2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004. **Amended:** Filed December 29, 2004; effective February 2, 2005. **Amended:** Filed August 17, 2006; effective September 21, 2006. **Amended:** Filed May 8, 2008; effective June 12, 2008.

490-2-2-.04 480-8-2-.04 Variance, Exemption And Reconsideration.

(1) The Board may grant a variance approving a different solution to compliance with the intent of this code. In considering a request for a variance, the board may take into consideration the impact to the historic character of the conveyance and/or the building. It is the policy of the Board that whenever possible the determination of a variance or exemption request be made by the Elevator Safety Review Board.

(2) In order for a variance or exemption request to be reviewed the owner or designated representative shall submit:

(a) Evidence that the proposed or existing conveyance is not in compliance with this Code.

(b) Evidence, letters, statements, test results, construction documents, or other supporting information as

required to justify the request.

(c) Evidence that strict compliance with the Code would entail practical difficulty, unnecessary hardship or is otherwise found unwarranted.

(d) Evidence that any such variance or exemption secures the public safety and health and that the methods, means or practices proposed provide equal protection of the public safety and health.

(3) The determination on the variance or exemption request shall be made in writing to the applicant and shall advise the applicant of the reconsideration process. This determination shall be made no later than 30 days after the request is made.

(4) The Board may reconsider an interpretation or decision made pursuant to this Section. To request reconsideration the owner shall submit a written request to the Board including:

(a) Evidence the proposed or existing conveyance is not in compliance with this Code.

(b) Evidence, letters, statements, test results, construction documents or other supporting information as required to justify the request.

(c) Evidence that the true intent of the Code has been incorrectly interpreted, or the provisions of the Code do not fully apply; or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.

(5) The request for reconsideration shall be submitted no later than 30 days after receiving the variance or exemption determination.

(6) A request for variance, exemption, or reconsideration shall not relieve a person from complying with this Code, permit or occupancy requirements, unless the Board expressly authorizes an extension of compliance period pending review of the request.

Author: Andrew Hamilton Smith

Statutory Authority: Code of Ala. 1975, §25-13-6 (2003).

History: New Rule: Filed June 22, 2004; effective July 27, 2004.

~~490-2-2-.05~~ 480-8-2-.05 Application Form For Variance From
Adopted Elevator Code.

The following form shall be used to submit applications for a variance from the adopted elevator code as authorized in Administrative Rule 49022.04. However, the standards for the granting or denial of a variance as set forth in Rule 49022.04 are the standards applicable to the granting or denial of a variance and are not altered, amended, changed or diminished by the adoption of this form as an administrative requirement for the processing of the application for a variance. The applicant has the burden of proof to meet the standards set forth in Administrative Rule 490-2-2-.05.

Author: Allen Pate

Statutory Authority: Code of Ala. 1975, §25-13-6.

History: New Rule: Filed September 11, 2009; effective October 16, 2009.