

## CHAPTER 1118

## PASSENGER ELEVATORS

S. F. 1370

AN ACT creating a state elevator code, requiring the owners of elevators to register and comply with rules of the labor commissioner, authorizing the labor commissioner to promulgate standards for the construction, maintenance, and use of elevators, establishing licensing requirements and procedures for elevator inspectors, and requiring fees for inspection, permits and licenses and providing penalties for violations.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. NEW SECTION. Definitions. As used in this Act, ex-  
 2 cept as otherwise expressly provided:
- 3 1. "Facility" means any elevator, dumbwaiter, escalator, moving  
 4 walk, or manlift subject to regulation under the provisions of this  
 5 Act, and includes hoistways, rails, guides and all other related me-  
 6 chanical and electrical equipment.
- 7 2. "Alteration" means any change made to an existing facility,  
 8 other than the repair or replacement of damaged, worn, or broken  
 9 parts necessary for normal maintenance.
- 10 3. "Division" means the elevator safety division created by this  
 11 Act as a part of the bureau of labor.
- 12 4. "Commissioner" means the labor commissioner or his designee.
- 13 5. "Elevator" means a hoisting and lowering mechanism equipped  
 14 with a car or platform which moves in guides in a substantially  
 15 vertical direction, and which serves two or more floors of a building  
 16 or structure. The term elevator does not include a dumbwaiter, end-  
 17 less belt, conveyor, chain or bucket hoist, construction hoist, or other  
 18 device used for the primary purpose of elevating or lowering build-  
 19 ing or other materials and not used as a means of conveyance for  
 20 individuals, nor shall it include tiering, piling, feeding, or other ma-  
 21 chines or devices giving service within only one story.
- 22 6. "Dumbwaiter" means a hoisting and lowering mechanism  
 23 equipped with a car which moves in guides in a substantially vertical  
 24 direction, when the floor area does not exceed nine square feet, the  
 25 total compartment height does not exceed four feet, the capacity does  
 26 not exceed five hundred pounds, and which is used exclusively for car-  
 27 rying materials.
- 28 7. "Escalator" means a power-driven, inclined, continuous stair-  
 29 way used for raising or lowering passengers.
- 30 8. "Moving walk" means a type of passenger-carrying device on  
 31 which passengers stand or walk, and in which the passenger carrying  
 32 surface remains parallel to its direction in motion and is uninter-  
 33 rupted.
- 34 9. "Manlift" means a device consisting of a power-driven endless  
 35 belt, provided with steps or platforms and handholds attached to it  
 36 for the transportation of persons from floor to floor.
- 37 10. "Passenger elevator" means an elevator that is used to carry  
 38 persons other than the operator and person necessary for loading and  
 39 unloading.
- 40 11. "Freight elevator" means an elevator used for carrying freight  
 41 and on which only the operator and persons necessary for unloading  
 42 and loading the freight are permitted to ride.

43 12. "Dormant facility" means an elevator or dumbwaiter whose  
44 cables have been removed, whose car and counterweight rest at the  
45 bottom of the shaftway and whose shaftway doors are permanently  
46 boarded up or barricaded such that entry into the shaft through each  
47 door or other entryway is substantially precluded, or an escalator,  
48 moving walk, or manlift, the main power feed lines of which have  
49 been disconnected, and the top and bottom entrances of which have  
50 been permanently boarded up or barricaded.

51 13. "New installation" means a facility the construction or relo-  
52 cation of which is begun, or for which an application for a new instal-  
53 lation permit is filed, on or after the effective date of rules relating  
54 to those permits adopted by the commissioner under authority of this  
55 Act. All other installations are existing installations.

56 14. "Inspector" means an inspector employed by the bureau of  
57 labor for the purpose of administering this Act.

58 15. "Special inspector" means an inspector licensed by the labor  
59 commissioner, and not employed by the bureau of labor.

60 16. "Provisions of this Act" includes rules adopted by the commis-  
61 sioner pursuant to this Act.

1 SEC. 2. NEW SECTION. **Scope of Act.** The provisions of this Act  
2 shall not apply to any facility installed in any single private dwelling  
3 residence, to facilities subject to regulation under I.D.R., chapter  
4 twenty-six (26) of the bureau of labor rules (regulation twenty-nine  
5 (29) C.F.R. one thousand nine hundred twenty-six point five hundred  
6 fifty-two (1926.552)), to manlifts subject to regulation under chapter  
7 eighty-eight (88) of the Code or to facilities over which an agency of  
8 the federal government is asserting similar enforcement jurisdiction.  
9 Provisions of this Act supersede similar provisions contained in build-  
10 ing codes of this state or any subdivision thereof.

1 SEC. 3. NEW SECTION. **Promulgation of rules.**

2 1. The commissioner may adopt rules governing maintenance, con-  
3 struction, alteration, and installation of facilities, and the inspection  
4 and testing of new and existing installations as necessary to provide  
5 for the public safety, and to protect the public welfare.

6 The commissioner shall adopt, amend, or repeal rules pursuant to  
7 chapter seventeen A (17A) of the Code as he deems necessary for the  
8 execution of his duties under this Act, which shall include, but not be  
9 limited to, rules providing for:

10 a. Classifications of types of facilities.

11 b. Maintenance, inspection, testing, and operation of the various  
12 classes of facilities.

13 c. Construction of new facilities.

14 d. Alteration of existing facilities.

15 e. Minimum safety requirements for all existing facilities.

16 f. Control or prevention of access to facilities or dormant facilities.

17 g. The reporting of accidents and injuries arising from the use of  
18 facilities.

19 h. The specification of hearing and appeal procedures used by the  
20 commissioner.

21 i. Qualifications for obtaining an inspector's license.

22 j. The adoption of procedures for the issuance of variances.

23 k. The amount of fees charged and collected for inspection, per-  
24 mits, and licenses.

25 2. Insofar as applicable, rules adopted for facilities installed after  
 26 the effective date of this Act shall be based on the American National  
 27 Standard Safety Code for Elevators, Dumbwaiters, Escalators, and  
 28 Moving Walks, and supplements thereto, A point seventeen point one  
 29 (A.17.1). The commissioner shall adopt rules and regulations for  
 30 facilities installed prior to the effective date of this Act according to  
 31 the applicable provisions of such American National Standard Safety  
 32 Code as he deems necessary. In adopting rules the commissioner may  
 33 adopt the American National Standard Safety Code, or any part  
 34 thereof, by reference. Before adopting, amending, or repealing any  
 35 rule, the commissioner shall hold a public hearing on the proposed  
 36 rule, amendment or repeal. The commissioner shall notify in writ-  
 37 ing each permit holder and any other person requesting notification  
 38 of each hearing at least thirty days in advance of the hearing date.  
 39 Any interested person may appear and be heard at the hearing in  
 40 person or by agent or counsel. The commissioner shall give the news  
 41 media notice of each hearing at least thirty days in advance of the  
 42 hearing date and shall make available a copy of the proposed rule or  
 43 amendment to a rule to any person requesting same.

44 3. The commissioner shall furnish copies of the rules adopted by the  
 45 commissioner to any person who requests them, without charge, or  
 46 upon payment of a charge not to exceed the actual cost of printing  
 47 of the rules.

1 SEC. 4. NEW SECTION. **Commissioner's duties and personnel.** The  
 2 commissioner shall enforce the provisions of this Act. The commis-  
 3 sioner shall employ personnel for the administration of this Act pur-  
 4 suant to chapter nineteen A (19A) of the Code.

1 SEC. 5. NEW SECTION. **Registration of facilities.** Within three  
 2 months after the date of adoption of rules under this Act relating to  
 3 registration of facilities, the owner of every existing facility,  
 4 whether or not dormant, shall register each such facility with the  
 5 commissioner, giving type, contract load and speed, name of manufac-  
 6 turer, its location and the purpose for which it is used, and such  
 7 other information as the commissioner may require. Registration  
 8 shall be made on a form to be furnished by the division upon request.  
 9 Facilities the construction of which is commenced subsequent to the  
 10 date of adoption of those rules shall be registered in the manner pre-  
 11 scribed by the commissioner.

1 SEC. 6. NEW SECTION. **Inspection of facilities.** All new and exist-  
 2 ing facilities, except dormant facilities, shall be tested and inspected  
 3 in accordance with the following schedule:

4 1. Every new or altered facility shall be inspected and tested before  
 5 the operating permit is issued.

6 2. Every existing facility registered with the commissioner shall  
 7 be inspected within one year after the effective date of the registration,  
 8 except that the commissioner may, at his discretion, extend by rule  
 9 the time specified for making inspections.

10 3. Every facility shall be inspected not less frequently than annu-  
 11 ally.

12 4. The inspections required by subsections one (1) through three  
 13 (3) of this section shall be made only by inspectors or special inspec-

14 tors. An inspection by a special inspector may be accepted by the  
15 commissioner in lieu of a required inspection by an inspector.

16 5. A report of every inspection shall be filed with the commissioner  
17 by the inspector or special inspector, on a form approved by and con-  
18 taining all information required by the commissioner, after the inspec-  
19 tion has been completed and within the time provided by rule, but not  
20 to exceed thirty days. The report shall include all information re-  
21 quired by the commissioner to determine whether the owner of the  
22 facility has complied with applicable rules. For the inspection  
23 required by subsection one (1) of this section, the report shall indicate  
24 whether the facility has been installed in accordance with the detailed  
25 plans and specifications approved by the commissioner, and meets the  
26 requirements of the applicable rules.

27 6. In addition to the inspections required by subsections one (1)  
28 through three (3) of this section, the commissioner may provide by  
29 rule for additional inspections as he deems necessary to enforce the  
30 provisions of this Act.

1 SEC. 7. NEW SECTION. **Alteration permits.** On and after the ef-  
2 fective date of rules relating to alterations, detailed plans of each  
3 facility to be altered shall be submitted to the commissioner, together  
4 with an application for an alteration permit, on forms to be furnished  
5 or approved by the commissioner. Repairs or replacements necessary  
6 for normal maintenance are not alterations, and may be made on ex-  
7 isting installations with parts equivalent in material, strength and  
8 design to those replaced and no plans or specifications or application  
9 need be filed for such repairs or replacements. However, nothing in  
10 this section shall authorize the use of any facility contrary to an order  
11 issued pursuant to subsections two (2) and three (3) of section ten  
12 (10) of this Act.

1 SEC. 8. NEW SECTION. **New installation permits.** A permit shall  
2 be issued by the commissioner before construction on a new installa-  
3 tion is begun. The division shall issue a permit for relocation or in-  
4 stallation, as applicable, if the plans and specifications indicate com-  
5 pliance with applicable rules.

6 If such plans and specifications indicate a failure of compliance  
7 with applicable rules, the division shall give notice of necessary  
8 changes to the person filing the application. After such changes have  
9 been made and approved, the division shall issue a permit.

10 Plans shall be submitted in triplicate and shall be accompanied by  
11 an application for the permit on a form to be furnished by the com-  
12 missioner. The plans shall include:

13 1. Sectional plan of car and hoistway.

14 2. Sectional plan of machine room.

15 3. Sectional elevation of hoistway and machine room, including the  
16 pit, bottom and top clearance of car, and counterweight.

17 4. Size and weight of guide rails, and guide rail bracket spacing.

18 5. Other information which the division may require.

1 SEC. 9. NEW SECTION. **Operating permits.** Operating permits  
2 shall be issued by the commissioner to the owner of every facility  
3 when the inspection report indicates compliance with the applicable  
4 provisions of this Act. However, no permits shall be issued if the  
5 fees required by section fourteen (14) of this Act have not been paid.

6 Permits shall be issued within thirty days after filing of the inspec-  
7 tion report required by section six (6) of this Act, unless the time is  
8 extended for cause by the division. No facility shall be operated  
9 after the thirty days or after any extension granted by the commis-  
10 sioner has expired, unless an operating permit has been issued.

11 The operating permit shall indicate the type of equipment for  
12 which it is issued, and in the case of elevators shall state whether pas-  
13 senger or freight, and also shall state the contract load and speed for  
14 each facility. The permit shall be posted conspicuously in the car of  
15 an elevator, or on or near a dumbwaiter, escalator, moving walk or  
16 manlift.

1 SEC. 10. NEW SECTION. **Enforcement orders by commissioner.**

2 1. If an inspection report indicates a failure to comply with appli-  
3 cable rules, or with the detailed plans and specifications approved by  
4 the commissioner, the commissioner may, upon giving notice, order  
5 the owner thereof to make the changes necessary for compliance.

6 2. If the owner does not make the changes necessary for compli-  
7 ance as required in subsection one (1) of this section within the pe-  
8 riod specified by the commissioner, the commissioner, upon notice  
9 and hearing, may suspend or revoke the operating permit, or may  
10 refuse to issue the operating permit for the facility. The commis-  
11 sioner shall notify the owner of any action to suspend, revoke or re-  
12 fuse to issue an operating permit and the reason therefor by certified  
13 mail. Any owner who, after hearing before the commissioner, is  
14 aggrieved by a suspension, revocation or refusal to issue an operat-  
15 ing permit may appeal to the occupational safety and health review  
16 commission established under chapter eighty-eight (88) of the Code.  
17 Notice of appeal shall be filed with the occupational safety and health  
18 review commission within thirty calendar days from receipt of the  
19 notice of the commissioner's action. Any party adversely affected or  
20 aggrieved by an order of the occupational safety and health review  
21 commission issued under this subsection may obtain a review of such  
22 order in the district court of the county in which the facility is located  
23 by filing in such court within sixty days following the issuance of  
24 such order a written petition that the order be modified or set aside.  
25 A copy of such petition shall be forthwith transmitted by the clerk  
26 of the court to the occupational safety and health review commis-  
27 sion and to all other parties, and thereupon the occupational safety  
28 and health review commission shall promptly file in the court the  
29 transcript of record in the proceedings. Upon filing of the petition,  
30 the court shall have jurisdiction of the proceedings and of the ques-  
31 tions determined therein, and shall have power to grant such tempo-  
32 rary relief or restraining order as it deems just and proper, and to  
33 make and enter upon the pleadings, testimony and proceedings set  
34 forth in such record a decree affirming, modifying or setting aside  
35 in whole or in part, the order of the occupational safety and health  
36 review commission and enforcing the same to the extent that such  
37 order is affirmed, modified or denied. No proceedings before the com-  
38 missioner or his agents, the occupational safety and health review  
39 commission or any district court of this state shall be deemed to  
40 deny any owner his operating permit until there is a final adjudication  
41 of the matter. No objection which has not been urged before the  
42 occupational safety and health review commission shall be consid-

43 ered by the court, unless the failure or neglect to urge such objection  
44 shall be excused because of extraordinary circumstances. The find-  
45 ings of the occupational safety and health review commission with  
46 respect to questions of fact, if supported by substantial evidence on  
47 the record considered as a whole, shall be conclusive. The occupa-  
48 tional safety and health review commission's copy of the testimony  
49 shall be available to all parties for examination at all reasonable times,  
50 without cost, and for the purpose of judicial review of the occupational  
51 safety and health review commission's orders. Upon the filing of the  
52 record with it, the jurisdiction of the court shall be exclusive and its  
53 judgment and decree shall be final, except that the same shall be sub-  
54 ject to review by the Iowa Supreme Court.

55 3. If the commissioner has reason to believe that the continued  
56 operation of a facility constitutes an imminent danger which could  
57 reasonably be expected to seriously injure or cause death to members  
58 of the public, the commissioner may apply to the district court in the  
59 county in which such imminently dangerous condition exists for a  
60 temporary order for the purpose of enjoining such imminently dan-  
61 gerous facility. Upon hearing, if deemed appropriate by the court, a  
62 permanent injunction may be issued to insure that such imminently  
63 dangerous facility be prevented or controlled. Upon the elimination  
64 or rectification of such imminently dangerous condition the tempo-  
65 rary or permanent injunction shall be vacated.

1 SEC. 11. NEW SECTION. **Nonconforming facilities.** The commis-  
2 sioner, pursuant to rule, may grant exceptions and variances from  
3 the requirements of rules adopted for any facility existing on the  
4 effective date of this Act. Exceptions or variations shall be reason-  
5 ably related to the age of the facility, and may be conditioned upon  
6 a repair or modification of the facility deemed necessary by the com-  
7 missioner to assure reasonable safety. However, no exception or  
8 variance may be granted except to prevent undue hardship, and no  
9 exception or variation shall be granted for a period extending beyond  
10 five years from the effective date of applicable rules. Such facilities  
11 shall be subject to orders issued pursuant to section ten (10) of this  
12 Act.

1 SEC. 12. NEW SECTION. **Access to facilities.** Every owner of a  
2 facility subject to regulation by this Act shall grant access to that  
3 facility to the commissioner and bureau of labor personnel adminis-  
4 tering the provisions of this Act. Inspections shall be permitted at  
5 reasonable times, with or without prior notice.

1 SEC. 13. NEW SECTION. **Fees.** The commissioner, pursuant to  
2 chapter seventeen A (17A) of the Code, shall adopt rules to charge  
3 and collect fees for inspection, permits and licenses. Fees may be set  
4 by rule not more than once each year, and shall be effective from the  
5 first day of January next following the date of adoption of the rule.  
6 Fees established by the commissioner shall be based upon the costs  
7 of administering the provisions of this Act, and shall give due regard  
8 to the time spent by bureau of labor personnel in performing duties,  
9 and to any travel expenses incurred. Before adopting any rule to  
10 establish or increase any fees for inspection, permits or licenses, the  
11 commissioner shall hold a public hearing on the proposed rule or  
12 amendment. The commissioner shall notify in writing each permit

13 holder and any other person requesting notification of each hearing  
14 at least thirty days in advance of the hearing date. Any interested  
15 person may appear and be heard at the hearing in person or by agent  
16 or counsel.

1 SEC. 14. NEW SECTION. **Continuing duty of owner.** Every facil-  
2 ity shall be maintained by the owner in a safe operating condition and  
3 in conformity with the rules adopted by the commissioner.

1 SEC. 15. NEW SECTION. **Inspections by local authorities.** No city,  
2 town, or other governmental subdivision shall make or maintain any  
3 ordinance, bylaw or resolution providing for the licensing of special  
4 inspectors. An ordinance or resolution relating to the inspection,  
5 construction, installation, alteration, maintenance, or operation of  
6 facilities within the limits of the city, town, or governmental subdivi-  
7 sion, which conflicts with this Act or with rules adopted by the com-  
8 missioner is void. The commissioner, in his discretion, may accept  
9 inspections by local authorities in lieu of inspections required by sec-  
10 tion six (6) of this Act, but only upon a showing by the local author-  
11 ity that applicable laws and rules will be consistently and literally  
12 enforced, and that inspections will be performed by special inspectors.

1 SEC. 16. NEW SECTION. **Prosecution of offenses.** The division  
2 shall cause prosecution for the violation of the provisions of this Act  
3 to be instituted by the attorney general in the county in which the  
4 violation occurred.

1 SEC. 17. NEW SECTION. **Penalties.**

2 1. Any owner who violates any of the provisions of this Act shall  
3 be punished for each offense by a fine of not more than one hundred  
4 dollars, or by imprisonment for not more than thirty days in the  
5 county jail, unless otherwise specifically provided in this Act.

6 2. Any person who bribes or attempts to bribe an inspector shall  
7 be subject to criminal proceedings under section seven hundred thirty-  
8 nine point one (739.1) of the Code.

1 SEC. 18. This section\* shall take effect on January 1, 1975. Chap-  
2 ter one hundred four (104), Code 1973, is repealed.

1 SEC. 19. NEW SECTION. **Short title.** This chapter shall be known  
2 as the "Iowa State Elevator Code".

Approved May 28, 1974

\*According to enrolled Act