

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board hereby amends Chapter 71, “Administration of the Conveyance Safety Program,” Iowa Administrative Code.

These amendments relate to an elevator that is temporarily removed from service when a building is not occupied. The two options for meeting safety requirements that are currently available to the owner of an unoccupied building are costly during a time when no income is generated by the building. These amendments create a third option that is less costly but will still protect public safety.

The purposes of these amendments are to protect the health and safety of the public and implement legislative intent.

No variance procedures are included in this rule making. Applicable variance procedures are set forth in 875—Chapter 66.

Notice of Intended Action was published in the June 13, 2012, Iowa Administrative Bulletin as **ARC 0171C**. No public comment was received on the proposed amendments. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, a positive impact on jobs could exist. These amendments create an easier, cheaper method for owners of elevators located in unoccupied buildings to meet safety requirements on a temporary basis.

These amendments are intended to implement Iowa Code chapter 89A.

These amendments shall become effective on October 10, 2012.

The following amendments are adopted.

ITEM 1. Amend subrule 71.7(1) as follows:

71.7(1) Operation of equipment covered by this chapter without a current operating permit is prohibited, except as authorized by rules 875—71.6(89A), ~~and 875—71.8(89A), and 875—71.20(89A).~~

ITEM 2. Renumber subrule **71.16(13)** as **71.16(14)**.

ITEM 3. Adopt the following **new** subrule 71.16(13):

71.16(13) *Inspection for temporary removal from service.* The inspection fee for temporary removal from service pursuant to rule 875—71.20(89A) shall be \$100.

ITEM 4. Adopt the following **new** rule 875—71.20(89A):

875—71.20(89A) Temporary removal from service. The requirements for an annual inspection, annual inspection fee, safety test, operating permit, and operating permit fee shall be temporarily suspended for up to three years for an elevator in an unoccupied building if the requirements of this rule are met.

71.20(1) All elevator doors in unoccupied buildings shall be closed and locked. Hydraulic elevators shall be parked at the bottom of the hoistway. Traction elevators shall be parked at the top of the hoistway.

71.20(2) Upon request by the owner of an elevator in an unoccupied building, the labor commissioner shall send an inspector who is a state employee to confirm that the building is unoccupied and that the car and doors of the elevator have been properly secured. If the conditions set forth in subrule 71.20(1) are met, the inspector shall apply to the elevator a seal and a red tag marked with the words “Do Not Operate.”

71.20(3) One year after the inspection, the owner must file with the labor commissioner written confirmation that the status of the elevator and building have not changed, and the owner must file again two years after the inspection. Failure to comply with this requirement shall result in termination of the temporary suspension of the requirements for safety tests, inspections, and operating permits.

71.20(4) Prior to returning the elevator to service, and upon request of the owner, the labor commissioner may allow the elevator to be operated for 30 days for the sole purpose of performing safety tests and maintenance.

71.20(5) The owner must notify the labor commissioner at least two weeks before placing an elevator back into service and must arrange for an inspector who is a state employee to witness a safety test.

71.20(6) If at the end of three years the building is still unoccupied, suspension of the requirements for safety tests, inspections, and operating permits shall end without possibility of renewal.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/5/12.