

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

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

The Elevator Safety Board is charged with responsibility to set conveyance safety program fees at “an amount sufficient to cover costs” of operating the program. The last significant change in the fee schedule was in 2005. In conjunction with the Labor Commissioner, the Elevator Safety Board conducted a careful review of the conveyance safety program’s finances and the fee structures of similar programs in the region. The Elevator Safety Board concluded that fee increases are essential and that the fees proposed in this Notice are appropriate in light of what other states charge.

The purposes of this amendment are to maintain the financial solvency of the program, protect the health and safety of the public, and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on September 24, 2013, a public hearing will be held on September 25, 2013, at 9:30 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendment. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than September 25, 2013, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

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

After analysis and review of this rule making, no impact on jobs will occur.

This amendment is intended to implement Iowa Code chapter 89A.

The following amendment is proposed.

Rescind rule 875—71.16(89A) and adopt the following **new** rule in lieu thereof:

875—71.16(89A) Fees. Except as noted in this rule, all fees are nonrefundable and due in advance.

71.16(1) Operating permits. The annual operating permit fee shall be \$75 per conveyance.

71.16(2) Periodic inspections. Fees shall be remitted to the division of labor services within 30 days of the date of inspection. The fees for periodic inspections shall be as follows:

- a. Hydraulic elevator: \$100.
- b. Wind tower lift: \$225.
- c. Hand-powered elevator: \$90.
- d. Television tower elevator: \$500.
- e. Other traction elevator: \$150.
- f. Escalator: \$150.
- g. Dumbwaiter: \$90.
- h. Wheelchair lift: \$90.
- i. CPH.
- (1) Annual: \$500.

(2) Quarterly: \$200.

j. Moving walk: \$150.

71.16(3) Installation permits. The fees in this subrule cover the initial print review, installation permit, initial inspection and first-year operating permit. Each print revision submitted to the division shall be subject to an additional fee of \$100. The fees for new installations shall be as follows:

a. Wind tower lift: \$500.

b. Hydraulic elevator: \$750.

c. Traction elevator: \$1000.

d. Escalator: \$1000.

e. Dumbwaiter: \$500.

f. Wheelchair lift: \$500.

g. CPH: \$500.

h. Moving walk: \$500.

71.16(4) Alteration permits.

a. The fee for any elevator alteration permit except a CPH extension shall be \$500 and shall cover the initial print review, alteration permit, and initial inspection.

b. The fee for each CPH extension shall be \$150. The total fee required for all planned CPH extensions shall be submitted with the installation permit application pursuant to subrule 71.5(3).

c. For all other conveyances, the fees for new installations shall apply to alterations.

71.16(5) Construction permits. The construction permit fee shall be \$200 per conveyance. This fee includes the fee for initial inspection.

71.16(6) Controller upgrade permits. The controller upgrade permit fee shall be \$250. This fee includes one inspection.

71.16(7) Consultative inspections. Consultative inspections may be performed at the discretion of the labor commissioner for \$125 per hour, including travel time, with a minimum charge of \$250.

71.16(8) Special inspector commission. The special inspector commission fee shall be \$60 annually.

71.16(9) Witness of safety tests. The fee for division employees to witness safety tests shall be \$125 per hour, including travel time, with a minimum charge of \$250.

71.16(10) Permit extensions. The fee to extend an installation permit, alteration permit, or construction permit shall be \$100.

71.16(11) Inspections outside of normal business hours. Inspections outside the normal business hours may be performed at the discretion of the labor commissioner. If the owner or contractor requests an inspection outside of normal business hours and the labor commissioner agrees to the schedule, an additional fee will be charged. The additional fee will be calculated at a rate of \$200 per hour, including travel time, with a minimum charge of \$400.

71.16(12) Reinspections. The fees for reinspections are \$400 for television tower elevators and CPHs, \$200 for wind tower lifts, and \$300 for all other conveyances.

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 \$125 per hour, including travel time, with a minimum charge of \$250.

71.16(14) Fee waiver. When a state inspector combines in one visit two different types of inspection on a single conveyance, the commissioner may waive the lesser of the fees.