

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.

These amendments make numerous changes concerning inspection of construction personnel hoists; change the rules to include the reduction in height of a construction personnel hoist erected to facilitate demolition; and allow the Labor Commissioner to combine two inspections of one conveyance.

The purposes of these amendments are to protect the health and safety of the public; to harmonize the rules with the industry standard for construction personnel hoists; and to implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on August 31, 2010, a public hearing will be held on September 1, 2010, at 9 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 amendments. 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 1, 2010, 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.

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

The following amendments are proposed.

ITEM 1. Rescind the definition of “CPH extension” in rule **875—71.1(89A)**.

ITEM 2. Adopt the following **new** definition of “CPH jump” in rule **875—71.1(89A)**:

“CPH jump” means the addition or removal of mast or tower allowing a change in the hoist service elevation of a CPH.

ITEM 3. Amend paragraph **71.5(2)“j”** as follows:

j. For a CPH, the number of CPH ~~extensions~~ **jumps** planned, the planned dates for each CPH ~~extension~~ **jump**, and the change in the number of ~~new~~ floors anticipated with each CPH ~~extension~~ **jump**.

ITEM 4. Amend subrule 71.5(3) as follows:

71.5(3) A CPH installation permit issued in response to an application submitted in full compliance with this subrule permits each planned CPH ~~extension~~ **jump**. Each CPH ~~extension~~ **jump** shall be considered an alteration. The fee submitted for a CPH installation permit shall be the total of the CPH installation permit fee as set forth in subrule 71.16(3) and the CPH alteration permit fee as set forth in subrule 71.16(4).

ITEM 5. Amend paragraph **71.5(6)“a”** as follows:

a. For a CPH, the installation permit shall expire upon completion of the last CPH ~~extension~~ **jump**.

ITEM 6. Amend subrule 71.9(5) as follows:

71.9(5) If a complete installation permit application was submitted for a CPH pursuant to subrule 71.5(3), at least seven days’ advance notice of each CPH ~~extension~~ **jump** shall be provided to the labor commissioner. For a CPH installed without an installation permit prior to July 1, 2008, a completed

alteration permit application shall be submitted to the labor commissioner at least seven days before each CPH ~~extension~~ jump.

ITEM 7. Amend subrule 71.11(2), introductory paragraph, as follows:

71.11(2) *When inspections will occur.* When the timing of two different types of inspection on a single conveyance coincide, a state inspector may perform both inspections in one visit.

ITEM 8. Amend subparagraph **71.11(2)“a”(1)** as follows:

(1) Each CPH shall be inspected at intervals not to exceed three months. All other periodic conveyance ~~Conveyance~~ inspections by state inspectors shall be conducted annually unless the labor commissioner determines resources do not allow annual inspections. If the labor commissioner determines quarterly inspections of CPHs and annual inspections of other state-inspected conveyances are not feasible due to insufficient resources, the labor commissioner shall determine the inspection schedule.

ITEM 9. Amend paragraph **71.11(2)“b,”** introductory paragraph, as follows:

b. Acceptance inspections. A CPH shall be inspected pursuant to the schedule in ANSI A10.4 – 2007, Chapter 26. For all other conveyances, an acceptance inspection shall occur:

ITEM 10. Amend paragraph **71.11(3)“a”** as follows:

a. The labor commissioner’s designee shall inspect altered conveyances, CPHs, previously dormant conveyances being returned to service, wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A), relocated conveyances, and new conveyances.

ITEM 11. Amend paragraph **71.14(1)“b,”** introductory paragraph, as follows:

b. ~~Annual, three-year, and five-year safety~~ Safety tests shall be made on all conveyances pursuant to the schedules and procedures set forth in:

ITEM 12. Amend subrule 71.16(2) as follows:

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

a. Elevators (except wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A), television tower elevators and hand-powered elevators): \$75.

b. Escalators: \$75.

c. Moving walks: \$75.

d. Dumbwaiters: \$60.

e. Hand-powered elevators: \$60.

f. Wheelchair lifts: \$60.

g. Television tower elevators: \$300.

h. Wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A): \$150.

i. CPHs: ~~\$300~~.

(1) Annual: \$300.

(2) Quarterly: \$150.

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

71.16(3) *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.