

## ELEVATORS

### 89A.1 Definitions.

As used in this chapter, except as otherwise expressly provided:

1. "*Alteration*" means any change made to an existing facility, other than the repair or replacement of damaged, worn, or broken parts necessary for normal maintenance.
2. "*Commissioner*" means the labor commissioner, appointed pursuant to section 91.2, or the labor commissioner's designee.
3. "*Division*" means the division of labor services of the department of workforce development created under section 84A.1.
4. "*Dormant facility*" means a facility whose power feed lines have been disconnected from the mainline disconnect switch and is one of the following:
  - a. An electric elevator, material lift, or dumbwaiter whose suspension ropes have been removed, whose car and counterweight rest at the bottom of the hoistway, and whose hoistway doors have been permanently barricaded or sealed in the closed position on the hoistway side.
  - b. A hydraulic elevator, material lift, or dumbwaiter whose car rests at the bottom of the hoistway, whose pressure piping has been disassembled and a section removed from the premises; whose hoistway doors have been permanently barricaded or sealed in the closed position on the hoistway side; and, if provided, whose suspension ropes have been removed and the counterweights landed at the bottom of the hoistway.
  - c. An escalator or moving walk whose entrances have been permanently barricaded.
  - d. A rack and pinion or screw column facility, whose motor has been removed, platform lowered to the bottom, and entrances barricaded.
5. "*Dumbwaiter*" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, when the floor area does not exceed nine square feet, the total compartment height does not exceed four feet, the capacity does not exceed five hundred pounds, and which is used exclusively for carrying materials.
6. "*Elevator*" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and which serves two or more floors of a building or structure. The term elevator does not include a dumbwaiter, endless belt, conveyor, chain or bucket hoist, construction hoist, or other device used for the primary purpose of elevating or lowering building or other materials and not used as a means of conveyance for individuals, nor shall it include tiering, piling, feeding, or other machines or devices giving service within only one story.
7. "*Escalator*" means a power-driven, inclined, continuous stairway used for raising or lowering passengers.
8. "*Facility*" means an elevator, dumbwaiter, escalator, moving walk, lift, or inclined or vertical wheelchair lift subject to regulation under this chapter, and includes hoistways, rails, guides, and all other related mechanical and electrical equipment.
9. "*Freight elevator*" means an elevator used for carrying freight and on which only the operator and persons necessary for unloading and loading the freight are permitted to ride.

10. *"Inclined or vertical wheelchair lift"* means a lift used as part of an accessible route in or at a public building as specified in the American society of mechanical engineers safety codes for elevators and escalators, A17.1.
11. *"Inspector"* means an inspector employed by the division for the purpose of administering this chapter.
12. *"Lift"* means a device consisting of a power-driven endless belt, provided with steps or platforms and handholds attached to it for the transportation of persons from floor to floor.
13. *"Material lift elevator"* means an elevator existing at the location prior to January 1, 1975, which is limited to the movement of materials.
14. *"Moving walk"* means a type of passenger-carrying device on which passengers stand or walk, and in which the passenger-carrying surface remains parallel to its direction in motion and is uninterrupted.
15. *"New installation"* means a facility the construction or relocation of which is begun, or for which an application for a new installation permit is filed, on or after the effective date of rules relating to those permits adopted by the commissioner under authority of this chapter. All other installations are existing installations.
16. *"Owner"* means the owner of a facility, unless the facility is a new installation or is undergoing major alterations, in which case the owner shall be considered the person responsible for the installation or alteration of the facility until the facility has passed final inspection by the division.
17. *"Passenger elevator"* means an elevator that is used to carry persons other than the operator and person necessary for loading and unloading.
18. *"Safety board"* means the elevator safety board created in section 89A.13.
19. *"Special inspector"* means an inspector licensed by the labor commissioner, and not employed by the division.

[C75, 77, 79, 81, § 104.1]

84 Acts, ch 1094, § 1; 86 Acts, ch 1157, § 1, 2; 86 Acts, ch 1245, § 937

C87, § 89A.1

88 Acts, ch 1025, §3; 96 Acts, ch 1186, § 23; 99 Acts, ch 68, §4; 2000 Acts, ch 1097, §2; 2004 Acts, ch 1107, §11, 12, 30

## **89A.2 Scope of chapter.**

The provisions of this chapter shall not apply to any facility installed in any single private dwelling residence, to facilities subject to regulation under Iowa Administrative Code, chapter 26 of the rules of the division of labor services (regulation 29 C.F.R. 1926.552), to lifts subject to regulation under chapter 88 or to facilities over which an agency of the federal government is asserting similar enforcement jurisdiction. Provisions of this chapter supersede similar provisions contained in building codes of this state or any subdivision thereof.

[C75, 77, 79, 81, § 104.2]

C87, § 89A.2

### **89A.3 Rules.**

1. The safety board may adopt rules governing maintenance, construction, alteration, and installation of facilities, and the inspection and testing of new and existing installations as necessary to provide for the public safety, and to protect the public welfare.

The safety board shall adopt, amend, or repeal rules pursuant to chapter 17A as it deems necessary for the administration of this chapter, which shall include, but not be limited to, rules providing for:

- a.* Classifications of types of facilities.
  - b.* Maintenance, inspection, testing, and operation of the various classes of facilities.
  - c.* Construction of new facilities.
  - d.* Alteration of existing facilities.
  - e.* Minimum safety requirements for all existing facilities.
  - f.* Control or prevention of access to facilities or dormant facilities.
  - g.* The reporting of accidents and injuries arising from the use of facilities.
  - h.* The adoption of procedures for the issuance of variances.
  - i.* The amount of fees charged and collected for inspection, permits, and licenses. Fees shall be set at an amount sufficient to cover costs as determined from consideration of the reasonable time required to conduct an inspection, reasonable hourly wages paid to inspectors, and reasonable transportation and similar expenses.
2. The safety board shall adopt rules for facilities according to the applicable provisions of the American society of mechanical engineers safety codes for elevators and escalators, A17.1 and A17.3, as the safety board deems necessary. In adopting rules the safety board may adopt the American society of mechanical engineers safety codes, or any part of the codes, by reference.

The safety board may adopt rules permitting existing passenger and freight elevators to be modified into material lift elevators.

3. A rule adopted pursuant to this section which adopts standards by reference to another publication shall be exempt from the requirements of section 17A.6, subsection 4, if the following conditions exist:

- a.* The cost of the publication is an unreasonable expense when compared to the anticipated usage of the publication.
- b.* A copy of the publication is available from an entity located within the state capitol complex.
- c.* The rule identifies the location where the publication is available.
- d.* The administrative rules coordinator approves the exemption.

4. The commissioner shall furnish copies of the rules adopted pursuant to this chapter to any person who requests them, without charge, or upon payment of a charge not to exceed the actual cost of printing of the rules.

5. The safety board may adopt rules permitting inclined or vertical wheelchair lifts in churches and houses of worship to service more than one floor.

6. The commissioner may adopt rules pursuant to chapter 17A relating to the denial, issuance, revocation, and suspension of special inspector commissions.

[C24, 27, 31, 35, 39, § 1678; C46, 50, 54, 58, 62, 66, 71, 73, § 104.1; C75, 77, 79, 81, § 104.3]

84 Acts, ch 1094, § 2; 86 Acts, ch 1157, § 3

C87, § 89A.3

88 Acts, ch 1042, §4; 99 Acts, ch 68, §5, 6; 2004 Acts, ch 1107, §1317, 30

#### **89A.4 Commissioner's duties and personnel.**

The commissioner shall enforce the provisions of this chapter. The commissioner shall employ personnel for the administration of this chapter pursuant to chapter 8A, subchapter IV.

[C75, 77, 79, 81, § 104.4]

C87, § 89A.4

2003 Acts, ch 145, §162

#### **89A.5 Registration of facilities.**

The owner of every existing facility, whether or not dormant, shall register the facility with the commissioner, giving type, contract load and speed, name of manufacturer, its location and the purpose for which it is used, and other information the commissioner may require. Registration shall be made in a format required by the division.

[C75, 77, 79, 81, § 104.5]

C87, § 89A.5

99 Acts, ch 68, §7

#### **89A.6 Inspections reports nonliability.**

All new and existing facilities, except dormant facilities, shall be tested and inspected in accordance with the following schedule:

1. Every new or altered facility shall be inspected and tested before the operating permit is issued.
2. Every existing facility registered with the commissioner shall be inspected within one year after the effective date of the registration, except that the safety board may extend by rule the time specified for making inspections.
3. Every facility shall be inspected not less frequently than annually, except that the safety board may adopt rules providing for inspections of facilities at intervals other than annually.
4. The inspections required by subsections 1 to 3 shall be made only by inspectors or special inspectors. An

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

5. A report of every inspection shall be filed with the commissioner by the inspector or special inspector, in a format required by the commissioner, after the inspection has been completed and within the time provided by rule, but not to exceed thirty days. The report shall include all information required by the commissioner to determine whether the facility is in compliance with applicable rules. For the inspection required by subsection 1, the report shall indicate whether the facility has been installed in accordance with the detailed plans and specifications approved by the commissioner, and meets the requirements of the applicable rules. The failure of a special inspector to inform the commissioner of violations shall not subject the commissioner to liability for any damages incurred.

6. In addition to the inspections required by subsections 1 to 3, the safety board may provide by rule for additional inspections as the safety board deems necessary to enforce the provisions of this chapter.

[C75, 77, 79, 81, § 104.6; 82 Acts, ch 1077, § 1]

C87, § 89A.6

92 Acts, ch 1098, § 5; 99 Acts, ch 68, §8; 2004 Acts, ch 1107, §18, 30

#### **89A.7 Alteration permits.**

The owner shall submit to the commissioner detailed plans, specifications, and other information the commissioner may require for each facility to be altered, together with an application for an alteration permit, in a format required by the commissioner. Repairs or replacements necessary for normal maintenance are not alterations, and may be made on existing installations with parts equivalent in material, strength and design to those replaced and no plans or specifications or application need be filed for the repairs or replacements. However, this section does not authorize the use of any facility contrary to an order issued pursuant to section 89A.10, subsections 2 and 3.

[C75, 77, 79, 81, § 104.7]

C87, § 89A.7

99 Acts, ch 68, §9

#### **89A.8 New installation permits.**

A permit shall be issued by the commissioner before construction on a new installation is begun. The division shall issue a permit for relocation or installation, as applicable, if the plans and specifications indicate compliance with applicable rules.

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

The owner shall submit plans in triplicate, together with an application for the permit, in a format required by the commissioner. The plans shall include:

1. Sectional plan of car and hoistway.
2. Sectional plan of machine room.

3. Sectional elevation of hoistway and machine room, including the pit, bottom and top clearance of car, and counterweight.
4. Size and weight of guide rails, and guide rail bracket spacing.
5. Other information which the division may require.

[C75, 77, 79, 81, § 104.8]

C87, § 89A.8

99 Acts, ch 68, §10

### **89A.9 Operating permits.**

Operating permits shall be issued by the commissioner to the owner of every facility when the inspection report indicates compliance with the applicable provisions of this chapter. However, a permit shall not be issued if the fees required by this chapter have not been paid. Permits shall be issued within thirty days after filing of the inspection report required by section 89A.6, unless the time is extended for cause by the division. A facility shall not be operated after the thirty days or after an extension granted by the commissioner has expired, unless an operating permit has been issued.

The operating permit shall indicate the type of equipment for which it is issued, and in the case of elevators shall state whether passenger or freight, and also shall state the contract load and speed for each facility. The permit shall be posted conspicuously in the car of an elevator, or on or near a dumbwaiter, escalator, moving walk or lift.

[C75, 77, 79, 81, § 104.9]

84 Acts, ch 1067, § 20

C87, § 89A.9

2004 Acts, ch 1107, §19, 30

### **89A.10 Enforcement orders by commissioner injunction.**

1. If an inspection report indicates a failure to comply with applicable rules, or with the detailed plans and specifications approved by the commissioner, the commissioner may, upon giving notice, order the owner thereof to make the changes necessary for compliance.
2. If the owner does not make the changes necessary for compliance as required in subsection 1 within the period specified by the commissioner, the commissioner, upon notice, may suspend or revoke the operating permit, or may refuse to issue the operating permit for the facility. The commissioner shall notify the owner of any action to suspend, revoke, or refuse to issue an operating permit and the reason for the action by service in the same manner as an original notice or by certified mail. An owner may appeal the commissioner's initial decision to the safety board. The decision of the safety board shall be considered final agency action pursuant to chapter 17A.
3. If the commissioner has reason to believe that the continued operation of a facility constitutes an imminent danger which could reasonably be expected to seriously injure or cause death to members of the public, the commissioner may apply to the district court in the county in which such imminently dangerous condition exists for a temporary order for the purpose of enjoining such imminently dangerous facility. Upon hearing,

if deemed appropriate by the court, a permanent injunction may be issued to insure that such imminently dangerous facility be prevented or controlled. Upon the elimination or rectification of such imminently dangerous condition the temporary or permanent injunction shall be vacated.

[C75, 77, 79, 81, § 104.10]

86 Acts, ch 1245, § 526

C87, § 89A.10

88 Acts, ch 1109, §7, 8; 99 Acts, ch 68, §11; 2004 Acts, ch 1107, §20, 21, 30

### **89A.11 Nonconforming facilities.**

The safety board, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted for any facility. Exceptions or variations shall be reasonably related to the age of the facility, and may be conditioned upon a repair or modification of the facility deemed necessary by the safety board to assure reasonable safety. However, an exception or variance shall not be granted except to prevent undue hardship. Such facilities shall be subject to orders issued pursuant to section 89A.10.

[C75, 77, 79, 81, § 104.11; 81 Acts, ch 50, § 1]

C87, § 89A.11

2004 Acts, ch 1107, §22, 30

### **89A.12 Access to facilities.**

Every owner of a facility subject to regulation by this chapter shall grant access to that facility to the commissioner and personnel of the division. Inspections shall be permitted at reasonable times, with or without prior notice.

[C75, 77, 79, 81, § 104.12]

C87, § 89A.12

99 Acts, ch 68, §12

### **89A.13 Elevator safety board.**

1. An elevator safety board is created within the division of labor services in the department of workforce development to formulate definitions and rules for the safe and proper installation, repair, maintenance, alteration, use, and operation of facilities in this state.

2. The safety board is composed of nine members, one of whom shall be the commissioner or the commissioner's designee. The governor shall appoint the remaining eight members of the board, subject to senate confirmation, to staggered four-year terms which shall begin and end as provided in section 69.19. The members shall be as follows: two representatives from an elevator manufacturing company or its authorized representative; two representatives from elevator servicing companies; one building owner or manager; one representative employed by a local government in this state who is knowledgeable about building codes in this state; one representative of workers actively involved in the installation, maintenance, and repair of elevators; and one licensed mechanical engineer.

3. A vacancy in membership shall be filled in the same manner as the original appointment. The members shall serve without salary, but shall be reimbursed for actual and necessary expenses incurred in the performance of official duties as a member.
4. The members of the safety board shall select a chairperson, vice chairperson, and a secretary from their membership. However, neither the commissioner nor the commissioner's designee shall serve as chairperson. The safety board shall meet at least quarterly but may meet as often as necessary. Meetings shall be set by a majority of the safety board or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson. A majority of the safety board members shall constitute a quorum.
5. The owner or user of equipment regulated under this chapter may appeal a notice of defect or an inspection report to the safety board within thirty days after the issuance of the notice or report. Safety board action constitutes final agency action for purposes of chapter 17A.
6. The safety board shall adopt rules pursuant to chapter 17A necessary to administer the duties of the board.
7. Not later than July 1, 2005, and every three years thereafter, the safety board shall conduct a comprehensive review of existing elevator and facility rules, regulations, and standards.

[C75, 77, 79, 81, § 104.13]

C87, § 89A.13

88 Acts, ch 1042, § 5; 2004 Acts, ch 1107, §23, 30

#### **Footnotes**

Confirmation, see §2.32

#### **89A.14 Continuing duty of owner.**

Every facility shall be maintained by the owner in a safe operating condition and in conformity with the rules adopted by the safety board.

[C75, 77, 79, 81, § 104.14]

C87, § 89A.14

2004 Acts, ch 1107, §24, 30

#### **89A.15 Inspections by local authorities.**

A city or other governmental subdivision shall not make or maintain any ordinance, bylaw, or resolution providing for the licensing of special inspectors. An ordinance or resolution relating to the inspection, construction, installation, alteration, maintenance, or operation of facilities within the limits of the city or governmental subdivision which conflicts with this chapter or with rules adopted pursuant to this chapter is void. The commissioner, in the commissioner's discretion, may accept inspections by local authorities in lieu of inspections required by section 89A.6, but only upon a showing by the local authority that applicable laws and rules will be consistently and literally enforced and that inspections will be performed by special inspectors.

[C75, 77, 79, 81, § 104.15]

C87, § 89A.15

2004 Acts, ch 1107, §25, 30

**89A.16 Prosecution of offenses.**

The division shall cause prosecution for the violation of the provisions of this chapter to be instituted by the attorney general in the county in which the violation occurred.

[C75, 77, 79, 81, § 104.16]

C87, § 89A.16

**89A.17 Penalties.**

1. Any owner who violates any of the provisions of this chapter shall be guilty of a simple misdemeanor, unless otherwise specifically provided in this chapter.
2. Any person who bribes or attempts to bribe an inspector shall be subject to criminal proceedings under section 722.1.

[C75, 77, 79, 81, § 104.17]

C87, § 89A.17

**89A.18 Civil penalty.**

If upon notice and hearing the commissioner determines that an owner has operated a facility after an order of the commissioner that suspends, revokes, or refuses to issue an operating permit for the facility has become final under section 89A.10, subsection 2, the commissioner may assess a civil penalty against the owner in an amount not exceeding five hundred dollars, as determined by the commissioner. An order assessing a civil penalty is subject to appeal under section 89A.10, subsection 2, in the same manner and to the same extent as decisions referred to in that subsection. The commissioner may commence an action in the district court to enforce payment of the civil penalty. No record of assessment against or payment of a civil penalty by any person for a violation of this section shall be admissible as evidence in any court in any civil action. Revenue from the penalty provided in this section shall be remitted to the treasurer of state for deposit in the state general fund.

[82 Acts, ch 1077, § 2]

C87, § 89A.18

2004 Acts, ch 1107, §26, 30

**89A.19 Elevator safety fund fees appropriated.**

1. A revolving elevator safety fund is created in the state treasury under the control of the commissioner and shall consist of moneys collected by the commissioner as fees. Moneys in the fund are appropriated to and shall be used by the commissioner to pay the actual costs and expenses necessary to operate the safety board and perform the duties of the commissioner as described in this chapter. All fees collected by the commissioner pursuant to this chapter shall be remitted to the treasurer of state to be deposited in the elevator

safety fund. All salaries and expenses properly chargeable to the fund shall be paid from the fund. Section 8.33 does not apply to any moneys in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. This section is repealed effective July 1, 2012.

2004 Acts, ch 1107, §27, 30

**89A.20 through 89A.24** Reserved.

**89A.25 Short title.**

This chapter shall be known as the "*Iowa State Elevator Code*".

[C75, 77, 79, 81, § 104.18]

C83, § 104.25

C87, § 89A.25