

ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

CHAPTER 65

ELEVATOR SAFETY BOARD ADMINISTRATIVE AND REGULATORY AUTHORITY

875—65.1(89A) Definitions.

“*Board*” means the elevator safety board.

“*Board office*” means the offices of the division of labor services of the department of workforce development.

“*Commissioner*” means the labor commissioner of the state of Iowa.

875—65.2(89A) Purpose of board. The purpose of the board is to perform statutory duties pursuant to Iowa Code chapter 89A. The mission of the board is to protect the public health, safety and welfare by formulating definitions and rules relating to the safe and proper installation, repair, maintenance, alteration, use, and operation of elevators, escalators, and related equipment in the state. The responsibilities of the board include, but are not limited to:

65.2(1) Adopting rules necessary to administer the duties of the board.

65.2(2) Hearing and deciding appeals concerning notices of defect and inspection reports that relate to the installation, operation, and maintenance of elevators, escalators, and related equipment in the state.

875—65.3(21,89A) Organization of board.

65.3(1) The board shall be composed of the commissioner or the commissioner’s designee and eight additional members appointed by the governor and confirmed by the senate.

65.3(2) The eight appointed members of the board shall include:

- a. Two representatives from an elevator manufacturing company or its authorized representative.
- b. Two representatives from elevator servicing companies.
- c. One building owner or manager.
- d. One representative employed by a local government in this state who is knowledgeable about building codes in this state.
- e. One representative of workers actively involved in the installation, maintenance, and repair of elevators.
- f. One licensed mechanical engineer.

65.3(3) The board shall elect a chairperson, vice chairperson, and secretary from its membership at the first meeting after July 1 of each year. Neither the commissioner nor the commissioner’s designee may serve as chairperson. The chairperson shall, when present, preside at meetings, appoint committees, and perform all duties and exercise all powers of the chairperson. The vice chairperson shall, in the absence or incapacity of the chairperson, perform all duties and exercise all powers of the chairperson.

65.3(4) The board has the authority to:

- a. Decide appeals concerning notices of defect or inspection reports issued by the commissioner pursuant to Iowa Code chapter 89A.
- b. Establish fees.
- c. Establish committees of the board, the members of which shall be appointed by the board chairperson and shall not constitute a quorum of the board. The board chairperson shall appoint committee chairpersons.
- d. Hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. The board shall cite the appropriate statute allowing for a closed session when voting to go into closed session. The board shall keep minutes of all discussions, persons present, and action occurring at a closed session and shall record the proceedings. The records shall be stored securely in the board office and shall not be made available for public inspection.
- e. Perform any other function authorized by a provision of law.

875—65.4(21,89A) Public meetings.

65.4(1) The board shall hold at least one meeting each calendar quarter.

65.4(2) Board meetings shall be governed in accordance with Iowa Code chapter 21, and the board's proceedings shall be conducted in accordance with Robert's Rules of Order.

65.4(3) The chairperson or the chairperson's designee shall prepare an agenda listing all matters to be discussed at the meeting.

65.4(4) A majority of the members of the board shall constitute a quorum, and all final motions and actions must receive a majority of a quorum vote.

65.4(5) Members of the public may be present during board meetings unless the board votes to hold a closed session. The dates and locations of board meetings may be obtained from the division of labor's Web site or directly from the board office.

65.4(6) At every regularly scheduled board meeting, time will be designated for public comment. During the public comment period, any person may speak for up to two minutes. Requests to speak for two minutes per person later in the meeting when a particular topic comes before the board should be made at the time of the public comment period and will be granted at the discretion of the chairperson. No more than ten minutes will be allotted for public comment at any one time unless the chairperson indicates otherwise. Persons who have not asked to address the board during the public comment period may raise their hands to be recognized by the chairperson. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

65.4(7) The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

65.4(8) Cameras and recording devices may be used at open meetings provided the cameras and recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding at the meeting may request the user to discontinue use of the camera or device.

875—65.5(89A) Official communications. All official communications, including submissions and requests, shall be addressed to the Elevator Safety Board, Department of Workforce Development, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319.

These rules are intended to implement Iowa Code chapters 21 and 89A.

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