

ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

CHAPTER 65

ELEVATOR SAFETY BOARD ADMINISTRATIVE AND REGULATORY AUTHORITY

875—65.1(89A) Definitions. The definitions contained in this rule apply to 875—Chapters 65 to 73.

“*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.

“*Conveyance*” means an elevator, construction personnel hoist, dumbwaiter, escalator, moving walk, lift or inclined or vertical wheelchair lift subject to regulation under Iowa Code chapter 89A, and includes hoistways, rails, guides, and all other related mechanical and electrical equipment.

[ARC 8621B, IAB 3/24/10, effective 4/28/10]

875—65.2(89A) Purpose and authority 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 relating to the safe and proper installation, repair, maintenance, alteration, use, and operation of conveyances in the state. The authority and responsibilities of the board include, but are not limited to:

65.2(1) Adopting rules necessary to protect public health, safety and welfare and to administer the duties of the board.

65.2(2) Hearing and deciding appeals concerning inspection reports that relate to the installation, alteration, operation, and maintenance of conveyances in the state.

65.2(3) Hearing and deciding appeals concerning actions by the commissioner to deny, suspend or revoke operating permits.

65.2(4) Establishing fees.

65.2(5) Establishing committees of the board.

65.2(6) Performing any other function authorized by law.

[ARC 8621B, IAB 3/24/10, effective 4/28/10; ARC 5570C, IAB 4/21/21, effective 6/1/21]

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 members and chairpersons of 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.

[ARC 8621B, IAB 3/24/10, effective 4/28/10; ARC 5570C, IAB 4/21/21, effective 6/1/21]

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 in accordance with Iowa Code chapter 21. The dates and locations of board meetings may be obtained from the division of labor services' website or 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 when a particular topic comes before the board may be granted at the discretion of the chairperson. The chairperson may limit total public comment time to ten minutes.

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.

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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, 150 Des Moines Street, Des Moines, Iowa 50309.

[ARC 5570C, IAB 4/21/21, effective 6/1/21]

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

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