

**875—71.11(89A) Inspection requirements.** Pursuant to Iowa Code section 89A.12, inspections by the director will be permitted at reasonable times with or without prior notice.

**71.11(1) Scope of inspections.**

*a. Comprehensive.* Periodic inspections will be comprehensive. Elevators being transferred from construction permits to operating permits, previously dormant conveyances being returned to service, relocated conveyances, and new conveyances will be inspected in their entirety prior to operation.

*b. Limited.* An alteration inspection is normally limited to the altered components. If the inspector notices a safety hazard in plain view during an inspection after alteration, or if the periodic inspection is due, the entire conveyance will be inspected.

**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.

*a. Periodic inspections.*

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

(2) Conveyance inspections by special inspectors will be conducted at least annually.

(3) The inspector will arrange to perform the periodic inspection of a broadcast tower elevator when the maintenance company is on site to perform the periodic tests. If the inspection is to be performed by employees of the director, the inspection will occur during the department's normal business hours, unless otherwise agreed to by the director.

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

(1) After each relocation,

(2) After each alteration,

(3) For a new installation, not less than two business days after a completed acceptance checklist is submitted by the conveyance installation company,

(4) Before an elevator subject to a construction permit receives an operating permit, and

(5) Before a previously dormant conveyance is returned to service.

*c. Other inspections.* Inspections may be made when the director reasonably believes that a conveyance is not in compliance with the rules. Accidents, complaints, or requests for consultative inspections may result in inspections by the director.

**71.11(3) Who may perform inspections.**

*a.* The director will inspect altered conveyances, construction elevators, CPHs, previously dormant conveyances being returned to service, relocated conveyances, and new conveyances.

*b.* Except as noted in 71.11(3)“c,” annual inspections may be performed by state inspectors or special inspectors authorized by the director.

*c.* An inspection report by a special inspector will not be accepted as the required, annual inspection if the conveyance is under contract for maintenance, installation or alteration by the special inspector or the special inspector's employer, or if the property is owned or leased by the special inspector or the special inspector's employer.

**71.11(4) Inspection standards.** Inspections will be performed in accordance with applicable safety codes or documents such as:

*a.* CCD;

*b.* ASME A17.1, Sections 8.10 and 8.11, except Section 8.11.1.1;

*c.* ANSI A10.4-2007; or

*d.* ASME A18.1.

**71.11(5) Inspection reports.**

*a.* All inspectors will file inspection reports on forms approved by the director within 30 days from the date of inspection and will provide owners of conveyances with copies of completed inspection reports.

The inspection report must separately list each unsafe condition and the applicable, specific code citation. Up to 30 days will be allowed for correction of the unsafe conditions.

*b.* The owner may file a petition for reconsideration of an inspection report. The timely and proper filing of a petition for reconsideration extends the deadline for correction of the hazards that are subject to the petition for reconsideration.

**71.11(6)** *Extension of time.* The owner may petition the director for up to 60 additional days to make the necessary corrections. The time frames may be adjusted by the director as necessary to accommodate an extension of time.

**71.11(7)** *Correction of unsafe conditions.* In the absence of a determination on reconsideration or appeal that correction of hazards is not required, all unsafe conditions identified in the inspection report will be corrected. The director will verify correction of all unsafe conditions identified in the inspection report by sending a state inspector to reinspect the conveyance for the applicable fee, or by reviewing appropriate documentation such as a photograph, invoice, other verifiable document, or subsequent inspection report. The time frames set forth in this subrule may be accelerated at the request of the owner.

*a.* Promptly upon receipt of an inspection report listing unsafe conditions, the director will send to the owner and the special inspector, if any, an abatement order. A copy of the inspection report will be attached to the abatement order. Unless a special inspector conducted the inspection, the order may specify a period that ends no more than 45 days after the inspection during which the owner may submit written evidence that the unsafe conditions have been corrected. The abatement order will:

- (1) Identify the equipment.
- (2) Demand that the unsafe conditions be corrected within the period set forth in the inspection report.
- (3) Set forth the consequences of failure to comply.

*b.* After the period specified on the inspection report has passed, the director may cause a state inspector to verify correction of all unsafe conditions. If reinspection reveals no significant progress toward correcting the unsafe conditions, or the remaining unsafe conditions create significant safety concerns, the director may serve a notice of intent to suspend, deny or revoke the operating permit.

If there is a serious danger, the director may seal off the conveyance and post notice on the conveyance that it is not to be used pending repairs. Use of a conveyance prior to completion of the required repairs may result in additional legal proceedings. The conveyance may be returned to service only after the serious danger has been corrected and the conveyance has passed a comprehensive inspection.

*c.* The director may issue an operating permit after receipt of the appropriate fee and verification that each unsafe condition identified in the inspection report has been corrected.

*d.* If written proof of correction was requested in the abatement order, but adequate proof was not received by the deadline set forth in the abatement order, the director may send a second abatement order or cause a state inspector to inspect the conveyance. If the director elects to send a second abatement order, it will notify the owner that, if written proof of abatement is not received within 20 days, a state inspector may be sent to the site. Copies of the abatement order and the inspection report will be attached to the second abatement order.

*e.* If a special inspector conducted the inspection, more than 45 days have passed since the deadline for correction of hazards, and an inspection report indicating the hazards are corrected has not been filed, the director may:

- (1) Contact the special inspector,
- (2) Send a second abatement order to the owner with copies of the inspection report and first abatement order, or
- (3) Send a state inspector to inspect the conveyance. If there is a serious danger, the director may seal off the conveyance and post notice on the conveyance that it is not to be used pending repairs. Use of a conveyance prior to completion of the required repairs may result in additional legal proceedings. The conveyance may be returned to service only after the serious danger has been corrected and the conveyance has passed a comprehensive inspection.

*f.* If an inspection as described in paragraph 71.11(7)“*d*” or “*e*” reveals no significant progress toward correcting the unsafe conditions, and the remaining unsafe conditions create no significant safety concerns, the director may extend the time for abatement of the unsafe conditions an additional ten days or

may serve a notice of intent to suspend, deny or revoke the operating permit. The director may also post a notice prohibiting use of the conveyance pending abatement of the unsafe conditions listed in the inspection report.

g. If an abatement order was provided and a conveyance is not in use and the owner does not intend to use the conveyance, repair the conveyance, or make the conveyance dormant, the director may seal off the conveyance.

**71.11(8)** *Imminent danger.* If the director determines that continued operation of a conveyance pending correction of unsafe conditions creates an imminent danger, the director may seal off the conveyance and post notice on the conveyance that it is not to be used pending repairs. Use of a conveyance contrary to posted notice by the director may result in additional legal proceedings pursuant to Iowa Code section 89A.10(3) or 89A.18. The conveyance may be returned to service only after the imminent danger has been corrected and the conveyance has passed a comprehensive inspection.

**71.11(9)** *Interference prohibited.* No person shall interfere with, delay or impede an inspector employed by the state during an inspection.

**71.11(10)** *Escalator inspections.* The owner will arrange for an escalator mechanic to be on site to assist with the inspection. The inspector will work with the owner to arrange an inspection time.

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