

Senate File 1370  
Stanley, Chairman  
Bittle  
Brantstad  
Monroe  
Wells

SENATE FILE 1370

FILED APR 9 1974  
Harg and Moore 4/18, Pass 4/24

By COMMITTEE ON HUMAN AND  
INDUSTRIAL RELATIONS

Passed Senate, Date 4-17-74 (1397) Passed House, Date 4-30-74 (2235)

Vote: Ayes 43 Nays 4 Vote: Ayes 74 Nays 17

Approved 5-28-74

Passed Senate as amended by House  
5-2-74 (1895)  
4-3

Return to recorder last 4/30

## A BILL FOR

1 An Act creating a state elevator code, requiring the owners  
2 of elevators to register and comply with rules of the labor  
3 commissioner, authorizing the labor commissioner to promul-  
4 gate standards for the construction, maintenance, and use  
5 of elevators, establishing licensing requirements and pro-  
6 cedures for elevator inspectors, and requiring liability  
7 insurance and fees and providing penalties for violations.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

### FISCAL NOTE SENATE FILE 1370

Date prepared April 26, 1974

Requested by Representative Stanley.

Prepared in regard to Senate File 1370 - An Act creating a state elevator code. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

The estimated first year cost of administering Senate File 1370 is as follows:

Personnel	\$42,624
1 Supervisor	
2 Inspectors	
1 Secretary	
Travel	16,092
Telephone & Telegraph	1,344
Equipment	2,224
Supplies	480
Printing	1,000
	<u>\$63,764</u>

Source: Bureau of Labor.

Filed  
April 26, 1974

GERRY D. RANKIN  
Legislative Fiscal Director

1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act, except as otherwise expressly provided:

3 1. "Facility" means any elevator, dumbwaiter, escalator,  
4 moving walk, or manlift subject to regulation under the provi-  
5 sions of this Act, and includes hoistways, rails, guides and  
6 all other related mechanical and electrical equipment.

7 2. "Alteration" means any change made to an existing  
8 facility, other than the repair or replacement of damaged,  
9 worn, or broken parts necessary for normal maintenance.

10 3. "Division" means the elevator safety division created  
11 by this Act as a part of the bureau of labor.

12 4. "Commissioner" means the labor commissioner or his  
13 designee.

14 5. "Elevator" means a hoisting and lowering mechanism  
15 equipped with a car or platform which moves in guides in a  
16 substantially vertical direction, and which serves two or  
17 more floors of a building or structure. The term elevator  
18 does not include a dumbwaiter, endless belt, conveyor, chain  
19 or bucket hoist, construction hoist, or other device used  
20 for the primary purpose of elevating or lowering building  
21 or other materials and not used as a means of conveyance for  
22 individuals, nor shall it include tiering, piling, feeding,  
23 or other machines or devices giving service within only one  
24 story.

25 6. "Dumbwaiter" means a hoisting and lowering mechanism  
26 equipped with a car which moves in guides in a substantially  
27 vertical direction, when the floor area does not exceed nine  
28 square feet, the total compartment height does not exceed  
29 four feet, the capacity does not exceed five hundred pounds,  
30 and which is used exclusively for carrying materials.

31 7. "Escalator" means a power-driven, inclined, continuous  
32 stairway used for raising or lowering passengers.

33 8. "Moving walk" means a type of passenger-carrying device  
34 on which passengers stand or walk, and in which the passenger  
35 carrying surface remains parallel to its direction in motion

1 and is uninterrupted.

2 9. "Manlift" means a device consisting of a power-driven  
3 endless belt, provided with steps or platforms and handholds  
4 attached to it for the transportation of persons from floor  
5 to floor.

6 10. "Passenger elevator" means an elevator that is used  
7 to carry persons other than the operator and person necessary  
8 for loading and unloading.

9 11. "Freight elevator" means an elevator used for carrying  
10 freight and on which only the operator and persons necessary  
11 for unloading and loading the freight are permitted to ride.

12 12. "Dormant facility" means an elevator or dumbwaiter  
13 whose cables have been removed, whose car and counterweight  
14 rest at the bottom of the shaftway and whose shaftway doors  
15 are permanently boarded up or barricaded such that entry into  
16 the shaft through each door or other entryway is substantially  
17 precluded, or an escalator, moving walk, or manlift, the main  
18 power feed lines of which have been disconnected, and the  
19 top and bottom entrances of which have been permanently boarded  
20 up or barricaded.

21 13. "New installation" means a facility the construction  
22 or relocation of which is begun, or for which an application  
23 for a new installation permit is filed, on or after the  
24 effective date of rules relating to those permits adopted  
25 by the commissioner under authority of this Act. All other  
26 installations are existing installations.

27 14. "Inspector" means an inspector employed by the bureau  
28 of labor for the purpose of administering this Act.

29 15. "Special inspector" means an inspector licensed by  
30 the labor commissioner, and not employed by the bureau of  
31 labor.

32 16. "Provisions of this Act" includes rules adopted by  
33 the commissioner pursuant to this Act.

34 Sec. 2. NEW SECTION. SCOPE OF ACT. The provisions of  
35 this Act shall not apply to any facility installed in any

1 single private dwelling residence, to facilities subject to  
2 regulation under I.D.R., chapter twenty-six (26) of the bureau  
3 of labor rules (regulation twenty-nine (29) C.F.R. one thousand  
4 nine hundred twenty-six point five hundred fifty-two  
5 (1926.552)), to manlifts subject to regulation under chapter  
6 eighty-eight (88) of the Code or to facilities over which  
7 an agency of the federal government is asserting similar  
8 enforcement jurisdiction. Provisions of this Act supersede  
9 similar provisions contained in building codes of this state  
10 or any subdivision thereof.

11 Sec. 3. NEW SECTION. PROMULGATION OF RULES.

12 1. The commissioner may adopt rules governing maintenance,  
13 construction, alteration, and installation of facilities,  
14 and the inspection and testing of new and existing installa-  
15 tions as necessary to provide for the public safety, and to  
16 protect the public welfare.

17 The commissioner shall adopt, amend, or repeal rules  
18 pursuant to chapter seventeen A (17A) of the Code as he deems  
19 necessary for the execution of his duties under this Act,  
20 which shall include, but not be limited to, rules providing  
21 for:

- 22 a. Classifications of types of facilities.
- 23 b. Maintenance, inspection, testing, and operation of  
24 the various classes of facilities.
- 25 c. Construction of new facilities.
- 26 d. Alteration of existing facilities.
- 27 e. Minimum safety requirements for all existing facilities.
- 28 f. Control or prevention of access to facilities or dor-  
29 mant facilities.
- 30 g. The reporting of accidents and injuries arising from  
31 the use of facilities.
- 32 h. The specification of hearing and appeal procedures  
33 used by the commissioner.
- 34 i. Qualifications for obtaining an inspector's license.
- 35 j. The adoption of procedures for the issuance of

1 variances.

2 k. The amount of fees charged and collected for inspection,  
3 permits, and licenses.

4 2. Insofar as applicable, rules adopted for facilities  
5 installed after the effective date of this Act shall be based  
6 on the American National Standard Safety Code for Elevators,  
7 Dumbwaiters, Escalators, and Moving Walks, and supplements  
8 thereto, A point seventeen point one (A.17.1). The commis-  
9 sioner shall adopt rules and regulations for facilities  
10 installed prior to the effective date of this Act according  
11 to the applicable provisions of such American National Standard  
12 Safety Code as he deems necessary. In adopting rules the  
13 commissioner may adopt the American National Standard Safety  
14 Code, or any part thereof, by reference. Before adopting,  
15 amending, or repealing any rule, the commissioner shall hold  
16 a public hearing on the proposed rule, amendment or repeal.  
17 The commissioner shall notify in writing each permit holder  
18 and any other person requesting notification of each hearing  
19 at least thirty days in advance of the hearing date. Any  
20 interested person may appear and be heard at the hearing in  
21 person or by agent or counsel. The commissioner shall give  
22 the news media notice of each hearing at least thirty days  
23 in advance of the hearing date and shall make available a  
24 copy of the proposed rule or amendment to a rule to any person  
25 requesting same.

26 3. The commissioner shall furnish copies of the rules  
27 adopted by the commissioner to any person who requests them,  
28 without charge, or upon payment of a charge not to exceed  
29 the actual cost of printing of the rules.

30 Sec. 4. NEW SECTION. COMMISSIONER'S DUTIES AND PERSONNEL.  
31 The commissioner shall enforce the provisions of this Act.  
32 The commissioner shall employ personnel for the administration  
33 of this Act pursuant to chapter nineteen A (19A) of the Code.

34 Sec. 5. NEW SECTION. REGISTRATION OF FACILITIES. Within  
35 three months after the date of adoption of rules under this

1 Act relating to registration of facilities, the owner of every  
2 existing facility, whether or not dormant, shall register  
3 each such facility with the commissioner, giving type, contract  
4 load and speed, name of manufacturer, its location and the  
5 purpose for which it is used, and such other information as  
6 the commissioner may require. Registration shall be made  
7 on a form to be furnished by the division upon request.  
8 Facilities the construction of which is commenced subsequent  
9 to the date of adoption of those rules shall be registered  
10 in the manner prescribed by the commissioner.

11 Sec. 6. NEW SECTION. INSPECTION OF FACILITIES. All new  
12 and existing facilities, except dormant facilities, shall  
13 be tested and inspected in accordance with the following  
14 schedule:

15 1. Every new or altered facility shall be inspected and  
16 tested before the operating permit is issued.

17 2. Every existing facility registered with the commissioner  
18 shall be inspected within one year after the effective date  
19 of the registration, except that the commissioner may, at  
20 his discretion, extend by rule the time specified for making  
21 inspections.

22 3. Every facility shall be inspected not less frequently  
23 than annually.

24 4. The inspections required by subsections one (1) through  
25 three (3) of this section shall be made only by inspectors  
26 or special inspectors. An inspection by a special inspector  
27 may be accepted by the commissioner in lieu of a required  
28 inspection by an inspector.

29 5. A report of every inspection shall be filed with the  
30 commissioner by the inspector or special inspector, on a form  
31 approved by and containing all information required by the  
32 commissioner, after the inspection has been completed and  
33 within the time provided by rule, but not to exceed thirty  
34 days. The report shall include all information required by  
35 the commissioner to determine whether the owner of the facility

1 has complied with applicable rules. For the inspection  
2 required by subsection one (1) of this section, the report  
3 shall indicate whether the facility has been installed in  
4 accordance with the detailed plans and specifications approved  
5 by the commissioner, and meets the requirements of the  
6 applicable rules.

7 6. In addition to the inspections required by subsections  
8 one (1) through three (3) of this section, the commissioner  
9 may provide by rule for additional inspections as he deems  
10 necessary to enforce the provisions of this Act.

11 Sec. 7. NEW SECTION. ALTERATION PERMITS. On and after  
12 the effective date of rules relating to alterations, detailed  
13 plans of each facility to be altered shall be submitted to  
14 the commissioner, together with an application for an  
15 alteration permit, on forms to be furnished or approved by  
16 the commissioner. Repairs or replacements necessary for  
17 normal maintenance are not alterations, and may be made on  
18 existing installations with parts equivalent in material,  
19 strength and design to those replaced and no plans or  
20 specifications or application need be filed for such repairs  
21 or replacements. However, nothing in this section shall  
22 authorize the use of any facility contrary to an order issued  
23 pursuant to subsections two (2) and three (3) of section ten  
24 (10) of this Act.

25 Sec. 8. NEW SECTION. NEW INSTALLATION PERMITS. A permit  
26 shall be issued by the commissioner before construction on  
27 a new installation is begun. The division shall issue a  
28 permit for relocation or installation, as applicable, if the  
29 plans and specifications indicate compliance with applicable  
30 rules.

31 If such plans and specifications indicate a failure of  
32 compliance with applicable rules, the division shall give  
33 notice of necessary changes to the person filing the applica-  
34 tion. After such changes have been made and approved, the  
35 division shall issue a permit.

1 Plans shall be submitted in triplicate and shall be accom-  
2 panied by an application for the permit on a form to be  
3 furnished by the commissioner. The plans shall include:

4 1. Sectional plan of car and hoistway.

5 2. Sectional plan of machine room.

6 3. Sectional elevation of hoistway and machine room,  
7 including the pit, bottom and top clearance of car, and  
8 counterweight.

9 4. Size and weight of guide rails, and guide rail bracket  
10 spacing.

11 5. Other information which the division may require.

12 Sec. 9. NEW SECTION. OPERATING PERMITS. Operating permits  
13 shall be issued by the commissioner to the owner of every  
14 facility when the inspection report indicates compliance with  
15 the applicable provisions of this Act. However, no permits  
16 shall be issued if the fees required by section fourteen (14)  
17 of this Act have not been paid. Permits shall be issued  
18 within thirty days after filing of the inspection report  
19 required by section six (6) of this Act, unless the time is  
20 extended for cause by the division. No facility shall be  
21 operated after the thirty days or after any extension granted  
22 by the commissioner has expired, unless an operating permit  
23 has been issued.

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

30 Sec. 10. NEW SECTION. ENFORCEMENT ORDERS BY COMMISSIONER.

31 1. If an inspection report indicates a failure to comply  
32 with applicable rules, or with the detailed plans and specifi-  
33 cations approved by the commissioner, the commissioner may,  
34 upon giving notice, order the owner thereof to make the changes  
35 necessary for compliance.

1 2. If the owner does not make the changes necessary for  
2 compliance as required in subsection one (1) of this section  
3 within the period specified by the commissioner, the commis-  
4 sioner, upon notice and hearing, may suspend or revoke the  
5 operating permit, or may refuse to issue the operating permit  
6 for the facility. The commissioner shall notify the owner  
7 of any action to suspend, revoke or refuse to issue an  
8 operating permit and the reason therefor by certified mail.  
9 Any owner who, after hearing before the commissioner, is  
10 aggrieved by a suspension, revocation or refusal to issue  
11 an operating permit may appeal to the occupational safety  
12 and health review commission established under chapter eighty-  
13 eight (88) of the Code. Notice of appeal shall be filed with  
14 the occupational safety and health review commission within  
15 thirty calendar days from receipt of the notice of the  
16 commissioner's action. Any party adversely affected or  
17 aggrieved by an order of the occupational safety and health  
18 review commission issued under this subsection may obtain  
19 a review of such order in the district court of the county  
20 in which the facility is located by filing in such court  
21 within sixty days following the issuance of such order a  
22 written petition that the order be modified or set aside.  
23 A copy of such petition shall be forthwith transmitted by  
24 the clerk of the court to the occupational safety and health  
25 review commission and to all other parties, and thereupon  
26 the occupational safety and health review commission shall  
27 promptly file in the court the transcript of record in the  
28 proceedings. Upon filing of the petition, the court shall  
29 have jurisdiction of the proceedings and of the questions  
30 determined therein, and shall have power to grant such  
31 temporary relief or restraining order as it deems just and  
32 proper, and to make and enter upon the pleadings, testimony  
33 and proceedings set forth in such record a decree affirming,  
34 modifying or setting aside in whole or in part, the order  
35 of the occupational safety and health review commission and

1 enforcing the same to the extent that such order is affirmed,  
2 modified or denied. No proceedings before the commissioner  
3 or his agents, the occupational safety and health review  
4 commission or any district court of this state shall be deemed  
5 to deny any owner his operating permit until there is a final  
6 adjudication of the matter. No objection which has not been  
7 urged before the occupational safety and health review  
8 commission shall be considered by the court, unless the failure  
9 or neglect to urge such objection shall be excused because  
10 of extraordinary circumstances. The findings of the  
11 occupational safety and health review commission with respect  
12 to questions of fact, if supported by substantial evidence  
13 on the record considered as a whole, shall be conclusive.  
14 The occupational safety and health review commission's copy  
15 of the testimony shall be available to all parties for  
16 examination at all reasonable times, without cost, and for  
17 the purpose of judicial review of the occupational safety  
18 and health review commission's orders. Upon the filing of  
19 the record with it, the jurisdiction of the court shall be  
20 exclusive and its judgment and decree shall be final, except  
21 that the same shall be subject to review by the Iowa Supreme  
22 Court.

23 3. If the commissioner has reason to believe that the  
24 continued operation of a facility constitutes an imminent  
25 danger which could reasonably be expected to seriously injure  
26 or cause death to members of the public, the commissioner  
27 may apply to the district court in the county in which such  
28 imminently dangerous condition exists for a temporary order  
29 for the purpose of enjoining such imminently dangerous  
30 facility. Upon hearing, if deemed appropriate by the court,  
31 a permanent injunction may be issued to insure that such  
32 imminently dangerous facility be prevented or controlled.  
33 Upon the elimination or rectification of such imminently  
34 dangerous condition the temporary or permanent injunction  
35 shall be vacated.

1     Sec. 11. NEW SECTION. INSURANCE. No person shall be  
2 issued a permit under this Act to operate a facility unless  
3 he first obtains a liability insurance policy in amounts of  
4 not less than one hundred thousand dollars for bodily injury  
5 to or death of one person in any one accident and not less  
6 than three hundred thousand dollars for bodily injury to or  
7 death of two or more persons arising out of any one accident,  
8 and of not less than five thousand dollars for damage to or  
9 destruction of property of others in any one accident. The  
10 policy shall insure the owner against liability for injury,  
11 death, or damage arising out of the ownership, operation,  
12 use, loading or unloading of any facility.

13     The permit holder shall file an affidavit in a form approved  
14 by the commissioner stating that the facility is insured.  
15 Submitting a false affidavit shall constitute perjury punish-  
16 able as provided in section seven hundred twenty-one point  
17 one (721.1) of the Code.

18     Sec. 12. NEW SECTION. NONCONFORMING FACILITIES. The  
19 commissioner, pursuant to rule, may grant exceptions and  
20 variances from the requirements of rules adopted for any  
21 facility existing on the effective date of this Act.  
22 Exceptions or variations shall be reasonably related to the  
23 age of the facility, and may be conditioned upon a repair  
24 or modification of the facility deemed necessary by the  
25 commissioner to assure reasonable safety. However, no  
26 exception or variance may be granted except to prevent undue  
27 hardship, and no exception or variation shall be granted for  
28 a period extending beyond five years from the effective date  
29 of applicable rules. Such facilities shall be subject to  
30 orders issued pursuant to section ten (10) of this Act.

31     Sec. 13. NEW SECTION. ACCESS TO FACILITIES. Every owner  
32 of a facility subject to regulation by this Act shall grant  
33 access to that facility to the commissioner and bureau of  
34 labor personnel administering the provisions of this Act.  
35 Inspections shall be permitted at reasonable times, with or

1 without prior notice.

2       Sec. 14. NEW SECTION. FEES. The commissioner, pursuant  
3 to chapter seventeen A (17A) of the Code, shall adopt rules  
4 to charge and collect fees for inspection, permits and  
5 licenses. Fees may be set by rule not more than once each  
6 year, and shall be effective from the first day of January  
7 next following the date of adoption of the rule. Fees  
8 established by the commissioner shall be based upon the costs  
9 of administering the provisions of this Act, and shall give  
10 due regard to the time spent by bureau of labor personnel  
11 in performing duties, and to any travel expenses incurred.  
12 Before adopting any rule to establish or increase any fees  
13 for inspection, permits or licenses, the commissioner shall  
14 hold a public hearing on the proposed rule or amendment.  
15 The commissioner shall notify in writing each permit holder  
16 and any other person requesting notification of each hearing  
17 at least thirty days in advance of the hearing date. Any  
18 interested person may appear and be heard at the hearing in  
19 person or by agent or counsel.

20       Sec. 15. NEW SECTION. CONTINUING DUTY OF OWNER. Every  
21 facility shall be maintained by the owner in a safe operating  
22 condition and in conformity with the rules adopted by the  
23 commissioner.

24       Sec. 16. NEW SECTION. INSPECTIONS BY LOCAL AUTHORITIES.  
25 No city, town, or other governmental subdivision shall make  
26 or maintain any ordinance, bylaw or resolution providing for  
27 the licensing of special inspectors. An ordinance or  
28 resolution relating to the inspection, construction,  
29 installation, alteration, maintenance, or operation of  
30 facilities within the limits of the city, town, or governmental  
31 subdivision, which conflicts with this Act or with rules  
32 adopted by the commissioner is void. The commissioner, in  
33 his discretion, may accept inspections by local authorities  
34 in lieu of inspections required by section six (6) of this  
35 Act, but only upon a showing by the local authority that

1 applicable laws and rules will be consistently and literally  
 2 enforced, and that inspections will be performed by special  
 3 inspectors.

4 Sec. 17. NEW SECTION. PROSECUTION OF OFFENSES. The  
 5 division shall cause prosecution for the violation of the  
 6 provisions of this Act to be instituted by the attorney gen-  
 7 eral in the county in which the violation occurred.

8 Sec. 18. NEW SECTION. PENALTIES.

9 1. Any owner who violates any of the provisions of this  
 10 Act shall be punished for each offense by a fine of not more  
 11 than one hundred dollars, or by imprisonment for not more  
 12 than thirty days in the county jail or by both such fine and  
 13 imprisonment, unless otherwise specifically provided in this  
 14 Act.

15 2. Any person who bribes or attempts to bribe an inspector  
 16 shall be subject to criminal proceedings under section seven  
 17 hundred thirty-nine point one (739.1) of the Code.

18 Sec. 19. This section shall take effect on January 1,  
 19 1975. Chapter one hundred four (104), Code 1973, is repealed.

20 Sec. 20. NEW SECTION. SHORT TITLE. This chapter shall  
 21 be known as the "Iowa State Elevator Code".

22 EXPLANATION

23 This bill authorizes the commissioner and the bureau of  
 24 labor, to supervise and inspect facilities, including  
 25 elevators, dumbwaiters, escalators, moving walks, and manlifts.  
 26 The labor commission may appoint a chief inspector and such  
 27 other inspectors as required, and shall license all special  
 28 inspectors. The commissioner shall adopt rules to provide  
 29 for the safe construction and operation of facilities, and  
 30 for periodic inspections. Permits will be issued for  
 31 constructing and operating approved facilities. Penalties  
 32 are provided for violations, and fees are required for permits,  
 33 licenses, and inspections.

34

35

LSB 1473  
 lb/cw/1

S-2786

1 Amend Senate File 1370, page 13, lines 12 and 13 by  
2 striking the words "or by both such fine and  
3 imprisonment".

S-2786 Filed and adopted  
April 17, 1974

By DE KOSTER

H-2908

1 Amend Senate File 1370, as amended and passed by  
2 the Senate, as follows:  
3 1. Page 11, by striking lines 1 through 17.  
4 2. By renumbering the following sections.

H-2908 Filed - *Adopted, reconsidered* By ANDERSON of Ringgold  
April 17, 1974 *and adopted 4/30*

H-3062

1 Amend the title to Senate File 1370 by striking  
2 from lines 6 and 7 the words "liability insurance  
3 and fees" and inserting in lieu thereof the words  
4 "fees for inspection, permits and licenses".

H-3062 Filed and adopted  
April 30, 1974

By MILLEN of Van Buren

HOUSE AMENDMENT TO SENATE FILE 1370

1 Amend Senate File 1370, as amended and passed by the  
2 Senate, as follows:  
3 1. Page 11, by striking lines 1 through 17.  
4 2. By renumbering the following sections.  
5 3. Amend the title by striking from lines 6 and 7 the  
6 words "liability insurance and fees" and inserting in lieu  
7 thereof the words "fees for inspection, permits and  
8 licenses".

Received from the House  
May 1, 1974

*Senate concurred 5/2*