

Proposed Rules
of
Tennessee Department of Labor and Workforce Development
Division of Boiler and Elevator Inspection
Elevator Safety Board

Chapter 0800-3-4
Elevators, Dumbwaiters, Escalators, and Other Lifts

Chapter 0800-3-6
Special Purpose Personnel Elevators

Chapter 0800-3-9
Operation Under Emergency Conditions

Chapter 0800-3-10
Fees

Chapter 0800-3-14
Rules of Procedure for Hearing Contested Cases
Before the Elevator Safety Board

Presented herein are proposed amendments of the Department of Labor and Workforce Development, Division of Boiler and Elevator Inspection, Elevator Safety Board, submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Labor and Workforce Development to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in the Legal Division of the Department of Labor and Workforce Development, Andrew Johnson Tower, 2nd Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243, and in the Administrative Procedures Division of the Department of State, William R. Snodgrass Tennessee Tower, 8th Floor, 312 8th Avenue North, Nashville, Tennessee, 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the amendments or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed amendments, contact Gary W. Cookston, Director, Division of Boiler and Elevator Inspection, Tennessee Department of Labor and Workforce Development, Andrew Johnson Tower, 3rd Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243-0663, telephone: (615) 532-1929.

The text of the proposed amendments is as follows:

Amendments

Rule 0800-3-4-.01 Definitions is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

- (1) Board. The Tennessee Elevator Safety Board described in T.C.A. Section 68-121-102 of the Elevator Safety Act.
- (2) Commissioner. The Commissioner of Labor and Workforce Development.
- (3) Department. The Tennessee Department of Labor and Workforce Development.

- (4) Elevator, dumbwaiter, escalator, and other lift. Hoisting and lowering mechanisms as defined in Section 1.3 of the Elevator Safety Code.
- (5) New Installation. Any new installation of elevators, dumbwaiters, escalators, or other lifts as defined in Section 1.3 Definitions of the Elevator Safety Code for which the plans and specifications and the application for the construction permit are filed as required by T.C.A. Section 68-121-108.
- (6) Other Terms. All other terms used in this Chapter shall have the meaning as defined by Section 1.3 of the Elevator Safety Code, and Section 1.4 of the Safety Code for Existing Elevators and Escalators.
- (7) The Elevator Safety Code. The Safety Code for Elevators and Escalators, ASME A17.1 - 2004, Seventeenth Edition, approved by the American National Standards Institute on January 14, 2004, effective as of October 31, 2004, with Addenda ASME A17.1a – 2005, approved by the American National Standards Institute on March 18, 2005, effective as of October 29, 2005, and the Supplement to ASME A17.1 - 2004, ASME A17.1S - 2005, approved by the American National Standards Institute on March 23, 2005, effective as of February 12, 2006, prepared and published by The American Society of Mechanical Engineers, except as modified in subparagraphs (a) through (s) shall be considered a part of this Chapter.
 - (a) The note in Requirement 2.11.1.3 Telephone as Alternative to Emergency Doors shall read as follows: Examples are pulp mills, grain elevators and dams;
 - (b) Section 4.3 Hand Elevators is deleted in its entirety;
 - (c) Section 5.2 Limited-Use/Limited-Application Elevators is deleted in its entirety;
 - (d) Section 5.3 Private Residence Elevators is deleted in its entirety;
 - (e) Section 5.4 Private Residence Inclined Elevators is deleted in its entirety;
 - (f) Section 5.8 Shipboard Elevators is deleted in its entirety;
 - (g) Section 5.9 Mine Elevators is deleted in its entirety;
 - (h) Section 7.4 Material Lifts Without Automatic Transfer Devices is deleted in its entirety;
 - (i) Section 7.5 Electric Material Lifts Without Automatic Transfer Devices is deleted in its entirety;
 - (j) Section 7.6 Hydraulic Material Lifts Without Automatic Transfer Devices is deleted in its entirety;
 - (k) Section 7.9 Electric Material Lifts With Automatic Transfer Devices is deleted in its entirety;
 - (l) Section 7.10 Hydraulic Material Lifts With Automatic Transfer Devices is deleted in its entirety;
 - (m) Section 7.11 Material Lifts With Obscured Transfer Devices is deleted in its entirety;
 - (n) Requirement 8.6.7.2 Limited-Use/Limited-Application Elevators is deleted in its entirety;

- (o) Requirement 8.6.7.3 Private Residence Elevators is deleted in its entirety;
 - (p) Requirement 8.6.7.4 Private Residence Inclined Elevators is deleted in its entirety;
 - (q) Requirement 8.6.7.8 Shipboard Elevators is deleted in its entirety;
 - (r) Requirement 8.6.7.9 Mine Elevators is deleted in its entirety; and
 - (s) Nonmandatory Appendix H Private Residence Elevator Guarding (5.3.1.6.2) is deleted in its entirety.
- (8) The Safety Code for Existing Elevators and Escalators. ASME A17.3 - 1996, Fourth Edition, approved by the American National Standards Institute on October 3, 1996, effective as of August 21, 1997, prepared and published by The American Society of Mechanical Engineers shall be considered a part of this Chapter.

Authority: T.C. A. §§68-121-101, 68-121-102, 68-121-103, and 68-121-108.

Subparagraph (c) of paragraph (3) of Rule 0800-3-4-.03 Design, Installation and Alterations is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

- (c) Other combinations of elevator replacement and repair of existing installations shall be considered a minor alteration, and shall at all times comply with Part 8 General Requirements of the Elevator Safety Code. If the contractor or owner determines that an inspection of a minor alteration pursuant to Rule 0800-3-4-.04 of this Chapter is appropriate, the contractor or owner shall direct such request for inspection to the local state elevator inspector, and pay the applicable fee as provided for in Rule 0800-3-10-.01.

Authority: T.C.A. §§68-121-103, 68-121-106, and 68-121-110.

Paragraph (4) of Rule 0800-3-4-.03 Design, Installation and Alterations is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

- (4) Repairs and Replacements. Repairs and replacements of damaged, broken, or worn parts shall conform to Requirement 8.6 Maintenance, Repair, and Replacement of the Elevator Safety Code.

Authority: T.C.A. §§68-121-103 and 68-121-106.

Subparagraphs (a) and (b) of paragraph (1) of Rule 0800-3-4-.04 Inspection and Tests are amended by deleting that language entirely and substituting the following language, so that as amended the rules shall read:

- (a) Acceptance Tests. The person or firm installing, relocating or altering elevators, dumbwaiters, escalators or other lifts shall notify the Department in writing at least seven (7) days before completion of the work and shall subject the new, moved, or altered portions of the equipment to the tests specified in Section 8.10 Acceptance Inspections and Tests of the Elevator Safety Code-insofar as the equipment mentioned therein is required or provided, to show that such equipment conforms to the requirements specified.
- (b) Acceptance Inspection. All new, altered and relocated elevators, dumbwaiters, escalators and other lifts shall be inspected for compliance with the requirements of

this Chapter. Such inspections shall conform to the requirements in Section 8.10 Acceptance Inspections and Tests of the Elevator Safety Code to determine whether such equipment conforms to the requirements specified.

Authority: T.C.A. §§68-121-103 and 68-121-106.

Paragraph (2) of Rule 0800-3-4-.06 Qualifications and Licensing of Inspectors is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

- (2) Inspectors that are qualified and licensed as prescribed in T.C.A. §68-121-110 shall obtain certification in accordance with Requirement 8.10.1.1.3 of the Elevator Safety Code as soon as possible, but no later than twelve (12) months from the date of qualification and licensing under T.C.A. §68-121-110.

Authority: T.C.A. §§68-121-103 and 68-121-110.

Rule 0800-3-4-.09 Specifications for Tests and Inspections is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

0800-3-4-.09 Specifications for Tests and Inspections.

- (1) The guide for making the inspections and tests shall be the Guide for Inspection of Elevators, Escalators, and Moving Walks, ASME A17.2 – 2004, Second Edition, approved by the American National Standards Institute on July 22, 2004, effective as of March 31, 2005, prepared and published by The American Society of Mechanical Engineers.

Authority: T.C.A. §§68-121-103 and 68-121-106.

Rule 0800-3-6-.01 Safety Standards is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

0800-3-6-.01 Safety Standards.

- (1) All new special purpose personnel elevators shall comply with the Safety Code for Elevators and Escalators, ASME A17.1 - 2004, Seventeenth Edition, approved by the American National Standards Institute on January 14, 2004, effective as of October 31, 2004, with Addenda ASME A17.1a – 2005, approved by the American National Standards Institute on March 18, 2005, effective as of October 29, 2005, and the Supplement to ASME A17.1 - 2004, ASME A17.1S - 2005, approved by the American National Standards Institute on March 23, 2005, effective as of February 12, 2006, prepared and published by The American Society of Mechanical Engineers.

Authority: T.C.A. §§68-121-103 and 68-121-109.

Rule 0800-3-9-.01 Safety Standards is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

0800-3-9-.01 Safety Standards.

- (1) All elevators installed after the effective date of this regulation shall comply with the safety standards for the operation of elevators under fire or other emergency conditions prescribed in the Safety Code for Elevators and Escalators, ASME A17.1 - 2004, Seventeenth Edition, approved by the American National Standards Institute on January 14, 2004, effective as of October 31, 2004, with Addenda ASME A17.1a – 2005, approved by the American National Standards Institute on March 18, 2005, effective as of October 29, 2005, and the Supplement to ASME A17.1 - 2004, ASME A17.1S - 2005, approved by the American National

Standards Institute on March 23, 2005, effective as of February 12, 2006, prepared and published by The American Society of Mechanical Engineers.

Authority: T.C.A. §§68-121-103 and 68-121-109

Subparagraph (a) of paragraph (4) of Rule 0800-3-10-.01 Fees is amended by deleting that language entirely and substituting the following language, so that as amended the rule shall read:

- (a) All passenger and freight elevators with two (2) or more landings..... \$50.00

Authority: T.C.A. §68-121-103(a)(5).

Chapter 0800-3-14 Rules of Procedure for Hearing Contested Cases Before the Elevator Safety Board is amended by deleting that language entirely and substituting the following language, so that as amended the chapter and rule shall read:

Chapter 0800-3-14
Rules of Procedure for Hearing Appeals
Before the Elevator Safety Board

0800-3-14-.01 Appeals.

- (1) For the rules of procedure for hearing appeals before the Board, see the Rules of the Tennessee Department of State, Chapter 1360-4-1.

Authority: T.C.A. §§68-121-103 and 68-121-112.

Legal Contact and/or party who will approve final copy: Sydné Ewell
Legal Counsel
Tennessee Department of Labor
and Workforce Development
Andrew Johnson Tower, 2nd Floor
710 James Robertson Parkway
Nashville, Tennessee 37243
(615) 741-4356

Contact for disk acquisition: Sydné Ewell
Legal Counsel
Tennessee Department of Labor
and Workforce Development
Andrew Johnson Tower, 2nd Floor
710 James Robertson Parkway
Nashville, Tennessee 37243
(615) 741-4356

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

Nathan E. Light
Chairman
Elevator Safety Board

The roll call vote by the Elevator Safety Board on these proposed rules was as follows:

	Aye	No	Absent
Jane Dawkins	___	___	___
Nathan E. Light	___	___	___
Lester McClain	___	___	___
Webb Morris	___	___	___

I certify that this is an accurate and complete copy of proposed rules lawfully promulgated and adopted by the Elevator Safety Board on the ____ day of _____, 20__.

James G. Neeley
Commissioner of Labor and Workforce Development

The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

James G. Neeley
Commissioner of Labor and Workforce Development

Subscribed and sworn to before me this the ____ day of _____, 20__.

Notary Public

My commission expires on the ____ day of _____, 20__.

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers
Attorney General and Reporter

The proposed rules set out herein were properly filed in the Department of State on the ____ day of _____, 20__, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the ____ day of _____, 20__.

Riley C. Darnell
Secretary of State

By: _____