

**Department of State**  
**Division of Publications**  
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**For Department of State Use Only**

Sequence Number: 08-05-12  
 Rule ID(s): 5280  
 File Date: 8/7/12  
 Effective Date: 1/29/13

**Proposed Rule(s) Filing Form**

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and 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. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	Department of Labor and Workforce Development
<b>Division:</b>	Boiler, Elevator and Amusement Device Division
<b>Contact Person:</b>	Gary W. Cookston
<b>Address:</b>	Floor 2 - Side B, 220 French Landing Drive, Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	615-532-1929
<b>Email:</b>	Gary.Cookston@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0800-03-04	Elevators, Dumbwaiters, Escalators, Aerial Passenger Tramways, Moving Walks, and Amusement Devices
Rule Number	Rule Title
0800-03-04-.02	Definitions

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

**Amendment**

**Chapter 0800-03-04**

**Elevators, Dumbwaiters, Escalators, Aerial Passenger Tramways, Moving Walks, and Amusement Devices**

Paragraph (13) of Rule 0800-03-04-.02 Definitions is amended by deleting "2004, Seventeenth Edition" and replacing it with "2010/CSA B44-10, Nineteenth Edition"; deleting "January 14, 2004" and replacing it with "October 19, 2010"; deleting "October 31, 2004" and replacing it with "June 30, 2011"; and deleting "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." so that, as amended, paragraph (13) shall read:

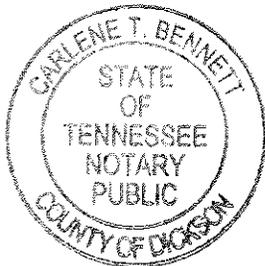
- (13) The Elevator Safety Code. The Safety Code for Elevators and Escalators, ASME A17.1 – 2010/CSA B44-10, Nineteenth Edition, approved by the American National Standards Institute on October 19, 2010, effective as of June 30, 2011, ASME A17.6 – 2010, approved by the American National Standards Institute on March 17, 2010, effective as of July 30, 2010, 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.

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

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jane Dawkins	X				
Perry Burch	X				
Jesse Cragwall				X	
John Downing				X	
Charles Edens	X				
Robbie Fox	X				
David Hale	X				
Lewis Moorner, Jr.				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Elevator and Amusement Device Safety Board on 06/05/2012, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.



Date: July 2, 2012

Signature: Jane W. Dawkins

Name of Officer: Jane W. Dawkins

Title of Officer: Madam Chairman

Subscribed and sworn to before me on: July 2, 2012

Notary Public Signature: Carlene J. Bennett

My commission expires on: July 24, 2013

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.

Robert E. Cooper, Jr.  
 Attorney General and Reporter  
7-27-12

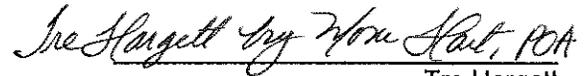
Date

RECEIVED  
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 TENNESSEE

Department of State Use Only

Filed with the Department of State on: 8-7-2012

Effective on: 1-29-2013

  
Tre Hargett  
Secretary of State

### Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

#### Regulatory Flexibility Addendum

The Department's Boiler, Elevator and Amusement Device Division submits the following economic impact statement in order to analyze how the proposed rules will affect small businesses in accordance with the Uniform Administrative Procedures Act, T. C. A. § 4-5-403.

1. The type or types of small businesses and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule:

There are approximately 15 companies that install elevators in the state of Tennessee who would directly benefit from the proposed rule. By updating the Elevator Safety Code, it will be quicker and easier for them to provide services and equipment to their customers. The companies currently must submit material and attend quarterly meetings of the Elevator and Amusement Device Safety Board in order to have exceptions granted to install equipment labeled as "new technology."

2. The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

There will be no additional requirements for compliance with the proposed rule. Promulgation of the rule will actually decrease reporting and recordkeeping costs required for compliance.

3. A statement of the probable effect on impacted small businesses and consumers:

The Department feels the proposed rule will not pose a significant detrimental impact on small businesses. By updating the Elevator Safety Code, it will be quicker and easier for companies to provide a wider variety of services and equipment to their customers.

4. A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business:

Updating the Elevator Safety Code by rule is the less burdensome, less intrusive and less costly method of providing statewide approval of equipment labeled as "new technology."

5. A comparison of the proposed rule with any federal or state counterparts:

Now that the American National Standards Institute has approved and published ASME A17.1 – 2010/CSA B44-10, Nineteenth Edition, it will be adopted in the majority of states across the United States.

6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule:

This rule is to update the Elevator Safety Code statewide. There will be no exemptions for large or small

businesses.

### Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Promulgation of the rule will not have an impact on local governments.

### Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Paragraph (13) of Rule 0800-03-04-.02 Definitions is amended by deleting "2004, Seventeenth Edition" and replacing it with "2010/CSA B44-10, Nineteenth Edition"; deleting "January 14, 2004" and replacing it with "October 19, 2010"; deleting "October 31, 2004" and replacing it with "June 30, 2011", and deleting "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."

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C. A. Section 68-121-103 grants the Elevator and Amusement Device Safety Board the authority to adopt and promulgate rules and regulations governing elevators, dumbwaiters, escalators, aerial passenger tramways, moving walks, and amusement devices that are adequate, reasonable and necessary to provide for the safety of life, limb and property, and to protect the public welfare.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Elevator companies installing equipment will be most directly affected by the proposed rule. Updating the Elevator Safety Code will allow them more flexibility in the products they choose to provide to their customers. To date, there haven't been any objections to this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There have been no opinions of the Attorney General and Reporter or any judicial ruling that directly relates to the rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

It is estimated that state and local government revenues and expenditures will not increase or decrease as a result of the promulgation of this rule.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Gary W. Cookston, Assistant Administrator and Ron Sidler, Chief Elevator Inspector, Boiler, Elevator and Amusement Device Division, Department of Labor and Workforce Development

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Gary W. Cookston, Assistant Administrator, Boiler, Elevator and Amusement Device Division, Department of Labor and Workforce Development

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Floor 2 - Side B, 220 French Landing Drive, Nashville, Tennessee 37243. Phone: 615-532-1929 Email: Gary.Cookston@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

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Sequence Number: 08-0572  
 Rule ID(s): 5280  
 File Date: 8-7-12  
 Effective Date: 1-29-13

**Proposed Rule(s) Filing Form**

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<b>Agency/Board/Commission:</b>	Department of Labor and Workforce Development
<b>Division:</b>	Boiler, Elevator and Amusement Device Division
<b>Contact Person:</b>	Gary W. Cookston
<b>Address:</b>	Floor 2 - Side B, 220 French Landing Drive, Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	615-532-1929
<b>Email:</b>	Gary.Cookston@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0800-03-04	Elevators, Dumbwaiters, Escalators, Aerial Passenger Tramways, Moving Walks, and Amusement Devices
Rule Number	Rule Title
0800-03-04-.02	Definitions

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amendment

Chapter 0800-03-04

Elevators, Dumbwaiters, Escalators, Aerial Passenger Tramways, Moving Walks, and Amusement Devices

Paragraph (13) of Rule 0800-03-04-.02 Definitions is amended by deleting "2004, Seventeenth Edition" and replacing it with "2010/CSA B44-10, Nineteenth Edition"; deleting "January 14, 2004" and replacing it with "October 19, 2010"; deleting "October 31, 2004" and replacing it with "June 30, 2011"; and deleting "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." so that, as amended, paragraph (13) shall read:

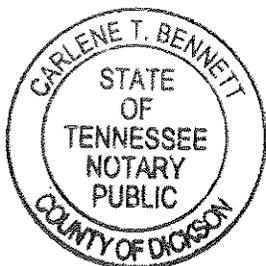
- (13) The Elevator Safety Code. The Safety Code for Elevators and Escalators, ASME A17.1 – 2010/CSA B44-10, Nineteenth Edition, approved by the American National Standards Institute on October 19, 2010, effective as of June 30, 2011, ASME A17.6 – 2010, approved by the American National Standards Institute on March 17, 2010, effective as of July 30, 2010, 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.

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

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jane Dawkins	X				
Perry Burch	X				
Jesse Cragwall				X	
John Downing				X	
Charles Edens	X				
Robbie Fox	X				
David Hale	X				
Lewis Mooror, Jr.				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Elevator and Amusement Device Safety Board on 06/05/2012, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.



Date: July 2, 2012

Signature: Jane W. Dawkins

Name of Officer: Jane W. Dawkins

Title of Officer: Madam Chairman

Subscribed and sworn to before me on: July 2, 2012

Notary Public Signature: Carlene T. Bennett

My commission expires on: July 24, 2013

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.

RE Cooper, Jr.

Robert E. Cooper, Jr.  
Attorney General and Reporter

7-27-12

Date

Department of State Use Only

Filed with the Department of State on: 8-7-12

Effective on: 1-29-13

\_\_\_\_\_  
Tre Hargett  
Secretary of State

### Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

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2. The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

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The Department feels the proposed rule will not pose a significant detrimental impact on small businesses. By updating the Elevator Safety Code, it will be quicker and easier for companies to provide a wider variety of services and equipment to their customers.

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5. A comparison of the proposed rule with any federal or state counterparts:

Now that the American National Standards Institute has approved and published ASME A17.1 – 2010/CSA B44-10, Nineteenth Edition, it will be adopted in the majority of states across the United States.

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businesses.

### Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Promulgation of the rule will not have an impact on local governments.

### Additional Information Required by Joint Government Operations Committee

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Paragraph (13) of Rule 0800-03-04-.02 Definitions is amended by deleting “2004, Seventeenth Edition” and replacing it with “2010/CSA B44-10, Nineteenth Edition”; deleting “January 14, 2004” and replacing it with “October 19, 2010”; deleting “October 31, 2004” and replacing it with “June 30, 2011”, and deleting “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.”

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C. A. Section 68-121-103 grants the Elevator and Amusement Device Safety Board the authority to adopt and promulgate rules and regulations governing elevators, dumbwaiters, escalators, aerial passenger tramways, moving walks, and amusement devices that are adequate, reasonable and necessary to provide for the safety of life, limb and property, and to protect the public welfare.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Elevator companies installing equipment will be most directly affected by the proposed rule. Updating the Elevator Safety Code will allow them more flexibility in the products they choose to provide to their customers. To date, there haven't been any objections to this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There have been no opinions of the Attorney General and Reporter or any judicial ruling that directly relates to the rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

It is estimated that state and local government revenues and expenditures will not increase or decrease as a result of the promulgation of this rule.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Gary W. Cookston, Assistant Administrator and Ron Sidler, Chief Elevator Inspector, Boiler, Elevator and Amusement Device Division, Department of Labor and Workforce Development

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Gary W. Cookston, Assistant Administrator, Boiler, Elevator and Amusement Device Division, Department of Labor and Workforce Development

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Floor 2 - Side B, 220 French Landing Drive, Nashville, Tennessee 37243. Phone: 615-532-1929 Email: Gary.Cookston@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

**RULES  
OF  
TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
DIVISION OF BOILER, ELEVATOR AND AMUSEMENT DEVICE INSPECTION  
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD**

**CHAPTER 0800-03-04  
ELEVATORS, DUMBWAITERS, ESCALATORS, AERIAL PASSENGER TRAMWAYS,  
MOVING WALKS, AND AMUSEMENT DEVICES**

**0800-03-04-.02 DEFINITIONS.**

- (13) The Elevator Safety Code. The Safety Code for Elevators and Escalators, ASME A17.1 –2004, ~~Seventeenth Edition~~ 2010/CSA B44-10, Nineteenth Edition, approved by the American National Standards Institute on ~~January 14, 2004~~ October 19, 2010, effective as of ~~October 31, 2004~~ June 30, 2011, 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~~, ASME A17.6 – 2010, approved by the American National Standards Institute on March 17, 2010, effective as of July 30, 2010, 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.

**Authority:** T.C.A. §§68-121-101, 68-121-102, 68-121-103, 68-121-103(d), 68-121-104(c) and 68-121-108. **Administrative History:** Original rule certified June 10, 1974. Amendment filed September 19, 1974; effective October 19, 1974. Amendment filed March 29, 1978; effective April 28, 1978. Amendment filed March 12, 1979; effective April 26, 1979. Amendment filed February 5, 1991; effective May 29, 1991. Amendment filed July 24, 2000; effective November 28, 2000. Amendment filed December 13, 2001; effective April 30, 2002. Amendment filed July 17, 2006; effective November 28, 2006. Amendment filed February 24, 2010; effective July 29, 2010. Amendment filed April 7, 2011; effective September 28, 2011.