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Elevator Advisory Committee Report

Legislative report about the study of periodic inspections
and operating fees of elevators as required by
S.F. No. 1425, 2nd Engrossment - 86th Legislative Session (2009-2010)
Sec. 2. REGULATION OF ELEVATORS; STUDY.



January 2010

History

Minnesota has had new installation inspections on all elevators for more than 40 years. The cities of Minneapolis and St. Paul, which perform their own elevator inspections, also perform new and existing elevator inspections.

In 2006, the State of Minnesota had five escalator accidents in locations outside of Minneapolis and St. Paul. These accidents resulted in a heightened awareness about escalator safety in the media and a number of legislative inquiries about why existing escalator devices did not have some type of maintenance inspection to review whether the device was operating safely.

In response, the Department of Labor and Industry and representatives from the elevator industry formed an elevator advisory committee to review the national model elevator code. The advisory committee recommended using the national standards to create new rules that require an inspection program to improve the maintenance and operation of existing elevators and escalators in Minnesota.

These new rules required annual inspections and annual operating fees for all devices.

After the rules took effect, the Minnesota Legislature heard from owner groups representing non-public devices and small churches and charged the department to establish an advisory committee to review current procedures, permits and fees.

The 2009 legislative session amended 326B.163. It added two exceptions to the definition of elevators that exempted churches and manlifts in grain elevators and feed mills from all new installation inspections along with periodic inspections and fees for existing devices.

Section 1. Minnesota Statutes 2008, section 326B.163, subdivision 5, is amended to read:

Subd. 5. **Elevator.** As used in this chapter, "elevator" means moving walks and vertical transportation devices such as escalators, passenger elevators, freight elevators, dumbwaiters, hand-powered elevators, endless belt lifts, and wheelchair platform lifts; ~~but~~ Elevator does not include:

(1) external temporary material lifts or temporary construction personnel elevators at sites of construction of new or remodeled buildings;

(2) manlifts in grain elevators and feed mills subject to installation limitations under Minnesota Rules, part 5205.0550-; or

(3) platform wheelchair lifts and elevators in churches.

EFFECTIVE DATE. This section is effective the day following final enactment.

Subdivision 5, clauses (2) and (3), expire on July 1, 2010.

The Legislature also charged the Department of Labor and Industry to establish an advisory committee to review the current criteria for annual operating permits, fees, periodic inspections, maintenance and qualifications of maintenance personnel.

Sec. 2. **REGULATION OF ELEVATORS; STUDY.**

The Department of Labor and Industry shall establish an advisory committee to review existing rules and laws relating to: special purpose lifts, hand elevators, platform wheelchair lifts and elevators in churches, and manlifts in grain elevators, feed mills,

and similar facilities not for public use. The department shall report to the legislature by January 30, 2010, any statutory or rule changes needed to address the appropriate maintenance criteria, qualifications of maintenance personnel, and annual operating permits, inspections, audits, and fees for manlifts, hand elevators, platform wheelchair lifts and elevators in churches, or special purpose lifts in grain elevators, feed mills, or similar facilities not for public use.

The department established two advisory committees: one for churches and one for manlifts in grain elevators and feed mills. Each committee conducted three meetings and shared e-mail message discussions in between the meetings.

The department heard comments from many different industries represented on each committee. The overall goal was to balance the safe operation of all existing elevator devices and provide a cost-effective inspection program.

The department drafted proposals to each committee regarding reductions in inspection timelines in churches without attached schools and non-public use devices in grain elevators and feed mills.

The concepts and recommendations are as follows:

1. Clarify that all new installations of any elevator device, in any location, require new installation, alteration and repair, permits and associated fees. Repairs and alterations are defined in Minnesota Rules 1307.0030, subp. 1.
2. Establish three levels of existing elevator devices regarding timelines for periodic inspections.
 - a. Propose one-year, three-year and five-year inspection timelines.
 - b. Address which types of devices fit into each category.
3. Establish operating fees for each level requiring periodic inspections.
4. Establish in law an exemption for hand-powered manlifts and electric endless belt manlifts exempting them from periodic inspections and operating fees.
5. The department will provide training and assistance to all industries regarding qualifications of elevator maintenance personnel and when repair permits are required.

Attached is draft legislative language which the department believes meets the intent of its charge in Chapter 76, Senate File 1425, 2009 Regular Session.

Draft legislative language:

326B.163 DEFINITIONS; ELEVATORS.

Subd. 5. **Elevator.** As used in this chapter, "elevator" means moving walks and vertical transportation devices such as escalators, passenger elevators, freight elevators, dumbwaiters, hand-powered elevators, endless belt lifts, and wheelchair platform lifts. Elevator does not include:

- (1) external temporary material lifts or temporary construction personnel elevators at sites of construction of new or remodeled buildings;
- (2) ~~manlifts in grain elevators and feed mills subject to installation limitations under Minnesota Rules, part 5205.0550; or~~
- (3) ~~platform wheelchair lifts and elevators in churches.~~

326B.184 FEES FOR LICENSURE AND PERMIT.

Subd. 2. ~~Annual operating permit~~ **Operating permits and fees; periodic inspections.**

(a) No person may operate an elevator without first obtaining an annual operating permit from the department or a municipality authorized by subdivision 4 to issue annual operating permits. A \$100 annual operating permit fee must be paid to the department for each annual operating permit issued by the department, except that the original annual operating permit must be included in the permit fee for the initial installation of the elevator. Annual operating permits must be issued at 12-month intervals from the date of the initial annual operating permit. For each subsequent year, an owner must be granted an annual operating permit for the elevator upon the owner's or owner's agent's submission of a form prescribed by the commissioner and payment of the \$100 fee. Each form must include the location of the elevator, the results of any periodic test required by the code, and any other criteria established by rule. An annual operating permit may be revoked by the commissioner upon an audit of the periodic testing results submitted with the application or a failure to comply with elevator code requirements, inspections, or any other law related to elevators.

Except for an initial operating permit fee, hand powered manlifts and electric endless belt manlifts shall not be subject to a subsequent operating permit fee.

(b) All elevators shall be subject to periodic inspections by the department or a municipality authorized by subdivision 4 to perform periodic inspections. Periodic inspections by the department shall be performed at the following intervals:

- i) A special purpose personnel elevator shall be subject to inspection not more than once every five years;
- ii) An elevator located within a church that does not have attached school facilities shall be subject to inspection not more than once every three years;
- iii) All other elevators shall be subject to inspection not more than once each year.

Hand powered manlifts and electric endless belt manlifts are exempt from periodic inspections pursuant to this subdivision.

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