

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 70. ELEVATOR SAFETY ACT**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

380:70-1-2 [AMENDED]

Subchapter 3. Administration

380:70-3-4 [AMENDED]

Subchapter 5. Licenses

380:70-5-1 [AMENDED]

380:70-5-3 [AMENDED]

SUMMARY:

A limited elevator contractor license is created in OAC 380:70-5-1 to allow facilities which had an elevator maintenance program prior to November 1, 2006 utilizing trained elevator mechanics employed by the facility to continue to perform minor repairs to the facility's elevators.

OAC 380:70-5-3 is amended to implement the provisions of SB 1529 which amended 59 O.S. §3023 to allow for inspections by licensed third party inspectors. The proposed rules increase the required experience to two years and require a training session and exam before an elevator inspector license will be issued. The rules also address possible conflicts of interest by prohibiting an elevator inspector from also holding an elevator contractor or mechanic license. The provision prohibiting elevator inspectors from having any financial interest in a business or operation which manufactures, installs, repairs, modifies or services elevators, escalators, or other such conveyances is clarified by adding that no inspector may be employed by or under contract to these parties.

The purpose of the proposed amendment to OAC 380:70-1-2 is to establish additional definitions. The amendment to OAC 380:70-3-4 is to clarify that OAC 380:70 will control when in conflict with adopted standards.

AUTHORITY:

Department of Labor; 59 O.S. §§ 3023 and 3024, Elevator Safety Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 4, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 4, 2009, at the Concourse Theater, Tunnel Level, Will Rogers Building, Oklahoma State Capital Complex, 2401 North Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 4, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln

Boulevard, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 4001 North Lincoln Boulevard, Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 16, 2009 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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