

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 70. ELEVATOR SAFETY ACT
SUBCHAPTER 1. GENERAL PROVISIONS**

380:70-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Acceptance Test" means a test or a group of tests required by the applicable standard that are performed prior to a conveyance being placed into service or after an approved alteration.

"The Act" means the Oklahoma Elevator Safety Act, Title 59 of the Oklahoma Statutes, Sections 3020 et seq. and the Administrative Rules contained in this Chapter.

"Alteration" means any change, including major repair, made to an existing elevator, escalator, moving walkway or conveyance, its hoistway, enclosure, doors, and controls, other than the repair or replacement of damaged, worn, or broken parts necessary for normal operation. The changing of the speed governor shall be considered an alteration.

"Annually" means a period of twelve (12) calendar months.

"ANSI" means the American National Standards Institute, 1819 L Street NW, 6th Floor, Washington, D.C., 20036.

"ASME" means the American Society of Mechanical Engineers, 3 Park Avenue, New York, NY, 10016-5990.

"ASSE" means the American Society of Safety Engineers, 1800 E. Oakton St., Des Plaines, IL., 60018.

"AWS" means the American Welding Society, 550 N.W. LeJune Road, Miami, Florida 33126.

"Chief Elevator Inspector" means the Chief Elevator Inspector appointed under the Act.

"Commissioner" means the Commissioner of Labor or his/her authorized representative.

"Certificate of Operation" means a document issued by the Commissioner of Labor, affixed to an elevator or conveyance that indicates it has been inspected, tested and found to be in compliance for operation as required by the Act.

"Conveyance" means any elevator, escalator, moving walkway, wheelchair lift or other such device subject to the provisions of the Act.

"Department" means the Elevator Inspection Bureau of the Safety Standards Division of the Oklahoma Department of Labor, ~~4001 North Lincoln Blvd. Oklahoma City, Oklahoma, 73105-5212~~ 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

"Deputy Inspector" means an inspector appointed by the Chief Elevator Inspector subject to the approval of the Commissioner under the provisions of the Act.

"Elevator" means any device for lifting or moving people, cargo, or freight within, or adjacent and connected to, a structure or excavation, and includes any escalator, power driven stairway, moving walkway or stairway chair lift. It does not mean any of the following:

- (A) Amusement ride or device subject to inspection and regulation under the provisions of Section 460 et seq. of Title 40 of the Oklahoma Statutes;
- (B) Mining equipment subject to inspection and regulation by the Department of Mines;
- (C) Aircraft, railroad car, boat, barge, ship, truck, or other self-propelled vehicle or component thereof;
- (D) Any boiler grate stoker or other similar firing mechanism subject to inspection under the

provisions of the Oklahoma Boiler and Pressure Vessel Safety Act; or

(E) A dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar devices used for the primary purpose of elevating or lowering materials. This list is not exhaustive.

"Elevator Apprentice" means an unlicensed person registered with the Department of Labor who works under the direct supervision of a licensed elevator mechanic, licensed elevator contractor, or licensed elevator inspector.

"Existing Installation" means any elevator, escalator, moving walkway or other conveyance subject to the provisions of this Act in operation before the effective date of this Act.

"Freight Elevator" means an elevator used for carrying freight and on which only the operator and the person(s) necessary for loading and unloading are permitted to ride.

"Installation Permit" means a document issued by the Commissioner to a licensed elevator contractor upon receipt of an application to install or construct an elevator or conveyance which indicates Department approval of the proposed installation or construction project.

"ICC" means the International Code Council, 5360 Workman Mill Road, Whittier, California, 90601-2298.

"Maintenance" means a process of routine examination, lubrication, cleaning, and adjustment of parts, components, and/or subsystems for the purpose of ensuring performance in accordance with the applicable Code requirements.

"May" means that an action or requirement is optional and non-mandatory.

"Mobility Restricted" means a person or persons unable to move freely without the aid of mechanical assistance such as walkers, wheelchairs, crutches or canes, and/or an inability to move freely because of a physical or mental disability, handicap or restriction.

"New Installation/New Construction" means a completely new elevator or conveyance installation or construction occurring on or after the effective date of this Act.

"NFPA" means The National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts, 02169-7471.

"Night Time Inspection" means any inspection that does not occur during "reasonable hours."

"Occurrence" means any event involving an elevator, escalator, moving walkway, wheel chair lift or other conveyance subject to the provisions of this Act, that the operation of which has caused personal injury or property damage.

"Owner-Occupied Private Residence" means a separate dwelling, or a separate apartment in a multiple dwelling/complex, which is occupied by the legal owner and/or his/her family.

"Periodic Test" means a group of tests performed at common time intervals required by the authority having jurisdiction.

"Professional Engineer" means a mechanical engineer registered as such in one or more states, or the equivalent certification registration if from another country.

"Reasonable Hours" means that period of time beginning one hour prior to normal advertised business hours and ending one hour after normal advertised business hours. For facilities normally open twenty-four (24) hours, reasonable hours shall be that period of time beginning at 7:00 a.m. and ending at 6:00 p.m.

"Red Tag" means a document issued by a licensed elevator inspector and attached to an elevator or conveyance declaring that any further operation of the elevator or conveyance shall constitute a violation of the Oklahoma Elevator Safety Act.

"Repair" means reconditioning or renewal of parts, components, and/or subsystems, not constituting an alteration, necessary to keep equipment in compliance with applicable Code

requirements and for which a permit is not required.

"Responsible Party" means that person(s) so named and designated on an elevator contractors license required to have met and maintain training credentials and knowledge necessary to satisfy the requirements of the Act.

"Shall" means that an action or requirement as stated in this Chapter is mandatory.

"Special Inspector" means an inspector, licensed by the Department, who is regularly employed by an insurance company providing liability insurance on an elevator, escalator, moving walkway, chairlift or conveyance subject to the provisions of the Act.

"State Special" means the designation applied to an elevator or conveyance subject to the provisions of this Act that is of special or unique construction and cannot be constructed, installed and/or operated in accordance with the applicable ASME Code and the provisions of this Act.

"Temporarily Dormant" means an elevator or conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position.

"Temporary Certificate of Operation" means a document issued by a licensed elevator inspector granting the temporary continued operation of a non-compliant elevator or conveyance for a period not to exceed thirty (30) days so that repairs can be performed; or to a licensed elevator contractor for the temporary continued operation of an elevator or personnel hoist for a specified period of time not to exceed the length of the applicable construction project.

"Triennially" means a period of thirty-six (36) calendar months.

SUBCHAPTER 3. ADMINISTRATION

380:70-3-4. National standards, adoption and availability

(a) The following American National Standards are hereby adopted:

- (1) Safety Code for Elevators and Escalators, ASME A17.1, latest edition and most current addenda.
- (2) Safety Code for Existing Elevators and Escalators, ASME A17.3, latest edition and most current addenda.
- (3) Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1, latest edition and most current addenda.
- (4) Safety Standard for Belt Manlifts, ASME A90.1, latest edition and most current addenda.
- (5) Safety Requirements for Personnel Hoists and Employee Elevators, ASSE A10.4, latest edition.
- (6) The National Electrical Code, NFPA 70, latest edition.
- (7) The International Building Code, latest edition.

(b) Standards referenced in this chapter are available for public viewing in the office of the Chief Elevator Inspector and may be purchased from the American Society of Mechanical Engineers, the National Fire Protection Association, the American Society of Safety Engineers, and the International Code Council.

(c) Compliance with the provisions of the Elevator Safety Act does not relieve an owner, operator, or licensed Elevator Contractor from the requirement to comply with Codes and Standards as may be adopted and enforced by the Construction Industries Board and the Office of the State Fire Marshal, or other such state or jurisdictional agency as may be required.

(d) Where there is a conflict between the adopted standard and this Chapter, the requirements of this

Chapter shall take precedence.

SUBCHAPTER 5. LICENSES

380:70-5-1. Elevator Contractor's License: Issuance, denial and renewal

(a) Upon the effective date of this Chapter, no elevator or conveyance subject to the provisions of this Act shall be installed in this state by any sole proprietor, firm or corporation not having first been issued at the time of the construction or installation a valid elevator contractor's license, issued by the Department of Labor. There shall be a six (6) month grace period from the date of enactment of this Chapter to allow new and existing elevator contractors an opportunity to comply with the provisions of this section.

(b) Any sole proprietor, firm or corporation wishing to engage in the business of installation, alteration, service, repair, replacement or maintenance of elevators, escalators, moving walkways, wheelchair lifts, or other such conveyances within the state of Oklahoma shall make application for an elevator contractor's license to the Oklahoma Department of Labor.

(c) No license shall be granted to any sole proprietor, firm or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an elevator contractor's license must have in their employ licensed elevator mechanic(s) who perform the work described herein.

(d) Application for elevator contractor's license shall be on forms provided by the Department and shall contain, as a minimum, the following information:

(1) If a person or sole proprietor, the name, residence and business address of the applicant;

(2) If a partnership, the name, residence and business address of each partner;

(3) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of said corporation;

(4) If a corporation other than a domestic corporation, the name and address of the local agent located in the State of Oklahoma who shall be authorized to accept service of process and/or official notices;

(5) The approximate number of licensed elevator mechanics expected to be employed by the elevator contractor applicant, and if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

(6) Verification of liability insurance as required by the Chapter;

(7) Such other information as the Chief Elevator Inspector may require;

(8) Designation of at least one but not more than two responsible parties to be named on the license. Such responsible parties shall have and maintain the training credentials required for a valid contractor's license. Documentation of satisfactory completion of the required training and all subsequent refresher training shall accompany the application;

(A) In the absence of such responsible party in the employ of the contractor, the contractor shall not be allowed to perform elevator or conveyance installation, service, repair, alteration, testing or maintenance work in the State of Oklahoma.

(B) Responsible party(ies) may be changed or added to the license at any time by providing written notice to the Department of such change.

(9) Written notice of change shall be provided to the Department when any item on the application changes.

(10) A limited contractor license may be issued to those facilities that have a maintenance

program for elevators and/or conveyances using mechanics trained in elevator and/or conveyance maintenance and employed by that facility. The limited contractor license shall not apply to installation, major repair or alterations as required by the applicable ASME code.

(A) The limited contractor shall be required to submit an application for approval listing qualifications, scope of work to be performed under the license, and any additional information deemed necessary by the Chief Elevator Inspector.

(B) Mechanics working under a limited contractor license shall be required to make application to the Department and provide evidence to the Commissioner or Chief Elevator Inspector they are qualified to perform the work under the limited contractor scope of work.

(C) All other requirements of the Elevator Safety Act shall apply.

(e) Upon approval of an application and receipt of fees as provided for by the Act, the Commissioner may issue the elevator contractor's license.

(f) Upon receipt of fees as established in the Act, and such additional documentation as may be required by the Commissioner, a license may be issued to a sole proprietor, firm or corporation holding a valid license from a state or jurisdiction having standards substantially equal to those contained in this Act.

(g) The Department may deny approval or renewal of an elevator contractor's license for cause. The Department shall mail written notice to the applicant of the denial, the reason for the denial, and a statement that the applicant may appeal to the Commissioner provided their written request is received by the Department within fifteen (15) days of the date of the denial notice.

(h) The Department shall notify holders of valid elevator contractor's licenses not more than sixty (60) days prior to the expiration date of the license that it must be renewed prior to the last day of the month in which it was initially issued. Elevator Contractor's licenses not renewed on or before the expiration date shall become invalid.

(i) Elevator Contractor's licenses not renewed prior to the expiration date shall be subject to late fee and renewal fees as provided for in the Act.

(j) Elevator contractors may have in their employ elevator inspectors licensed in accordance with the provisions of this Chapter for the purpose of witnessing and certifying conveyance tests as required by the Act, this Chapter and the applicable ASME Code(s).

380:70-5-3. Elevator Inspector's License: Issuance, denial, and renewal

(a) No elevator inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the Commissioner or Chief Elevator Inspector that he/she meets the current ASME QEI-1 Standards for the Qualification of Elevator Inspectors and/or state standards as described in this Chapter. No elevator inspector's license shall be granted to any person who also holds an elevator contractor's license or an elevator mechanic's license.

(b) Applicants for a license to inspect elevators or conveyances for the purpose of recommending the issuance of Certificates of Operation as required by this Act shall be required to meet the following qualifications:

(1) Have at least ~~one (1) year~~ two (2) years experience in designing, installing, maintaining or inspecting elevators, escalators and other such conveyances;

(2) Have successfully passed the written examination for elevator inspectors administered by an organization accredited by the ASME to certify elevator inspectors in accordance with the ASME, QEI-1 Standard.

(3) Attend an indoctrination training session covering the Oklahoma Elevator Safety Act and

Department of Labor procedures for the purpose of issuing a certificate of Operation for those conveyances covered under this act. Indoctrination will be a minimum of eight (8) hours.

(4) Successfully complete an examination covering the Oklahoma Elevator Safety Act and Department of Labor procedures. This test will consist of 100 questions and the applicant will have a maximum of four (4) hours to complete the examination. A passing score will be no less than eighty percent (80%).

(5) The indoctrination training session will take place on the second Wednesday of January and the July of each year. The Examination will be given on the second Thursday of January and July of each year. The hour and place will be posted on the Department of Labor's website. If there are no applicants, the indoctrination and examination will not take place.

(3) (6) An Elevator Inspector's license may be granted to an individual not satisfying the requirements contained in 380:70-5-3(b)(1) and (2) at the discretion of the Commissioner upon the review of documents attesting to comparable qualifications. An Elevator Inspector's license may be granted to an employee of the Oklahoma Department of Labor not satisfying the requirements contained in 380:70-5-3(b)(3) and (4) at the discretion of the Commissioner upon the review of documents attesting to comparable qualifications. In such event, the employee of the Department of Labor shall attend the indoctrination training session and successfully complete the examination at the next available date.

(4) ~~Have no~~ (7) Must not be employed by or have any financial interest in any business or operation which manufactures, installs, repairs, modifies or services elevators, escalators, or other such conveyances. This qualification does not prohibit employees of insurance companies insuring elevators and conveyances from obtaining a license as an elevator inspector.

(c) The Commissioner may appoint a Chief and Deputy Elevator Inspector who at the time of appointment are not in possession of a valid ASME QEI Certification, but are in a trainee status, provided they successfully complete the required examination within ~~eighteen (18)~~ twenty-four (24) months of appointment.

(d) Applications for an elevator inspector's license shall be on forms provided by the Department.

(e) Elevator inspector licenses shall be valid for a period of one (1) year and shall expire each year on the last day of the month of initial issuance. Elevator inspector's licenses not renewed on or before the expiration date shall become invalid.

(f) Elevator inspector's licenses for special inspectors may be issued and renewed upon receipt of payment of such fees as provided for in the Act and receipt of documentation on company letterhead from the inspectors employer that the licensee is a full time employee of the company.

(g) Elevator inspector's licenses not renewed prior to the expiration date shall be subject to late fees and renewal fees as provided for in this Act.

(h) The Department may deny approval or renewal of an elevator inspector's license for cause. The Department shall mail written notice to the applicant of the denial, the reason for the denial, and a statement that the applicant may be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedures Act, provided their written request is received by the Department within fifteen (15) days of the date of the denial notice