Oklahoma Department of Labor

Elevator Safety Act and Administrative Rules
59 O.S. § 3020, *et seq*.
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Melissa McLawhorn Houston
Commissioner of Labor

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Elevator Safety Act
and Administrative Rules

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Elevator Safety Act

59 O.S. § 3020 Short Title

This act shall be known and may be cited as the "Elevator Safety Act".

59 O.S. § 3021 Legislative Findings – License Requirement – Violations – Penalties – Enforcement and Procedure – Conflicts With Other Laws

A. The Legislature, finding that the protection of public health and safety requires that elevators and similar devices be installed, maintained, and regularly inspected in compliance with recognized safety standards and codes, declares that elevator contractors, elevator mechanics, and elevator inspectors shall be licensed by this state pursuant to the Elevator Safety Act.

B. 1. Effective November 1, 2006, except as otherwise provided for by the Elevator Safety Act or rules promulgated pursuant thereto, no person shall erect, construct, install, wire, alter, replace, maintain, remove, repair, or dismantle any elevator unless the person holds a valid elevator mechanic's license pursuant to the Elevator Safety Act and is employed by a person or business entity licensed as an elevator contractor pursuant to the Elevator Safety Act. Any person violating the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, subject to a fine of not more than Five Hundred Dollars ($500.00) for the first offense and up to One Thousand Dollars ($1,000.00) for each additional offense, or imprisonment in the county jail for not more than ten (10) days, or both such fine and imprisonment. Each day's violation shall constitute a separate offense. Conviction as provided herein shall not preclude any filing of a civil action.

2. Whenever an emergency exists in this state due to disaster, act of God or work stoppage, and the number of persons in the state holding licenses issued by the Commissioner of Labor is insufficient to cope with the emergency, licensed elevator contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall apply for an emergency elevator mechanic license from the Department of Labor within five (5) business days after commencing work requiring a license. The Commissioner shall issue emergency elevator mechanic licenses.

The licensed elevator contractor shall furnish proof of competency as the Commissioner may require. Each such license shall state that it is valid for a period of forty-five (45) days from the date thereof and for such particular elevators or geographical areas as the Commissioner may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic license issued pursuant to the Elevator Safety Act. The Commissioner shall renew an emergency elevator mechanic license upon proper application during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic license or renewal thereof.

3. A licensed elevator contractor shall notify the Commissioner of Labor when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Commissioner issue temporary elevator mechanic licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have any combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately apply for a temporary elevator mechanic license from the Commissioner and shall pay such fee as the Commissioner shall determine. Each such license shall state that it is valid for a period not to exceed forty-five (45) days and while employed by the licensed elevator contractor that certified the individual as qualified. The Commissioner shall renew such licenses upon proper application and payment of any required fees as long as the shortage of license holders shall continue.
4. The Commissioner of Labor or an authorized representative may issue a written order for the temporary cessation of operation of an elevator if it has been determined after inspection to be hazardous, unsafe, or in violation of any provisions of the Elevator Safety Act or rules promulgated by the Commissioner. Operations shall not resume until such conditions are corrected to the satisfaction of the Commissioner. The Commissioner or an authorized representative may inspect any elevator without notice. The Commissioner or an authorized representative may issue a written order for the temporary cessation of any licensing violations and/or any violations of any rule or order promulgated pursuant to the provisions of the Elevator Safety Act.
5. Any alleged violator of paragraph 2 of this subsection shall be afforded an opportunity for a fair and swift administrative

hearing. The hearing may be conducted by the Commissioner or his/her designated hearing officer in conformity with, and records made thereof as provided by, Sections 308a through 323 of Title 75 of the Oklahoma Statutes.

6. Any order issued by the Commissioner or an authorized representative may be enforced in the district court in an action for an injunction or writ of mandamus upon the petition of the district attorney or Attorney General, upon the request of the Commissioner. Provided further, an injunction without bond may be granted by the district court to the Commissioner, for the purpose of enforcing the Elevator Safety Act.

C. Effective November 1, 2006, except as otherwise provided by the Elevator Safety Act, every elevator in this state shall be subject to the provisions as required by this act. Within six (6) months of November 1, 2006, the owner or lessee of every elevator already in service or put into service by November 1, 2006, shall register the elevator with the Department of Labor, giving the type, rated load and speed, name of manufacturer, location of the elevator, and purpose for which used, as well as such other information as the Commissioner of Labor may require. Elevators newly constructed or installed on or after November 1, 2006, shall be registered and inspected before being put into service.

D. The provisions of the Elevator Safety Act shall not apply to elevators that are:

1. In or adjacent to buildings or excavations owned by and/or under the operational control of the government of the United States or located on federal property and/or a sovereign tribal nation. Such elevators shall be inspected if the authorized representative of the owner request such an inspection in writing and agrees to pay inspection fees established pursuant to the Elevator Safety Act;
2. In an existing owner-occupied private residence or an existing building of not more than two floors owned by a municipal public trust that is used solely for independent living apartments for persons sixty-two (62) years of age or older; provided, such elevators shall be inspected if the property owner so requests and pays inspection fees established pursuant to the Elevator Safety Act. Inspection of an elevator pursuant to this paragraph shall not cause any other provision of the Elevator Safety Act to apply to the owner with respect to the private residence or building; or
3. Located in or adjacent to a building or structure within a manufacturing, utility or industrial facility. Such elevators shall be inspected if the authorized representative of the facility

requests such an inspection in writing and agrees to pay inspection fees established pursuant to the Elevator Safety Act.

E. Nothing in the Elevator Safety Act shall be construed as prohibiting municipalities, counties, or other political subdivisions of the state from enacting and enforcing licensure requirements or safety standards exceeding those required by the Elevator Safety Act.

F. Provisions of Section 863.1 et seq. of Title 19 of the Oklahoma Statutes that are in conflict with provisions of the Elevator Safety Act shall prevail over provisions of the Elevator Safety Act unless the provisions of Section 863.1 et seq. of Title 19 of the Oklahoma Statutes are less stringent than the provisions of the Elevator Safety Act.

G. No person, firm, or corporation shall interfere with, obstruct, or hinder by force or otherwise the Commissioner of Labor or an authorized representative while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the laws over which he or she has supervision under the provisions of the Elevator Safety Act, or refuse them admittance to any place where an elevator is located which is affected by the act.

59 O.S. § 3022 Definitions

As used in the Elevator Safety Act:

1. "Agency" means the Oklahoma Department of Labor;
2. "Certificate of operation" means a document issued by the Commissioner and affixed to an elevator that indicates that the elevator has been inspected and tested and found to be in compliance with all applicable standards of operation as determined by the Department of Labor;
3. "Certificate of operation - temporary" means a document issued by the Commissioner that permits temporary use of a noncompliant elevator by the general public for not more than thirty (30) days while minor repairs are being completed;
4. "Commissioner" means the Commissioner of Labor or his/her authorized representative;
5. "Chief elevator inspector" means the chief elevator inspector appointed under the Elevator Safety Act;
6. "Deputy inspector" means an inspector appointed by the chief elevator inspector subject to the approval of the Commissioner under the provisions of the Elevator Safety Act;
7. a. "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.
   b. The term "elevator" does not mean any:

(1) amusement ride or device subject to inspection and regulation under the provisions of Section 460 et seq. of Title 40 of the Oklahoma Statutes,
(2) mining equipment subject to inspection and regulation by the Department of Mines,
(3) aircraft, railroad car, boat, barge, ship, truck, or other self-propelled vehicle or component thereof,
(4) boiler grate stoker or other similar firing mechanism subject to inspection under the provisions of the Oklahoma Boiler and Pressure Vessel Safety Act,
(5) dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar devices used for the primary purpose of elevating or lowering materials, or
(6) elevator, conveyance, manlift or similar device in grain elevators, grain warehouses, seed processing facilities, feed mills and/or flour mills which is used by employees, but is not accessible to or used by customers or members of the general public. This list is not exhaustive;

8. "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;
9. "Licensed elevator contractor" means a person or business entity that possesses a valid elevator contractor's license issued by the Department of Labor pursuant to the provisions of the Elevator Safety Act and is thus entitled to engage in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators;
10. "Licensed elevator inspector" means a person who possesses a valid elevator inspector's license issued by the Department of Labor pursuant to the provisions of the Elevator Safety Act and is thus entitled to engage in the business of inspecting elevators;
11. "Licensed elevator mechanic" means a person who possesses a valid elevator mechanic's license issued by the Department of labor in accordance with the provisions of the Elevator Safety Act and is thus, when employed by a licensed elevator contractor, entitled to install, construct, alter, service, repair, perform electrical work on, test, and maintain elevators; and
12. "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling that is occupied by members of a single-family unit.

59 O.S. § 3023 Elevator Inspection Bureau – Duties of the Chief Elevator Inspector – Rules

A. There is hereby established an Elevator Inspection Bureau in the Department of Labor under the direction of the chief elevator inspector, who shall be responsible to the Commissioner of Labor or a duly authorized representative for the supervision, inspection, alteration, installation, testing, and maintenance of elevators and other such devices within the definitions of the Elevator Safety Act. The Elevator Inspection Bureau shall be furnished with sufficient personnel, deputy inspectors, and clerical aids to perform the assigned duties within the limits prescribed by the Commissioner of Labor. The chief elevator inspector and deputy inspectors, under the supervision of the Commissioner of Labor, shall:

1. Take action necessary for the enforcement of the Elevator Safety Act and these rules;
2. Make available upon request copies of the rules promulgated by the agency; and
3. Issue, suspend or revoke for cause certificates, licenses, and registrations as may be issued by the provisions of the Elevator Safety Act, and administer other disciplinary actions as prescribed in rules as promulgated by the Commissioner of Labor.

B. The Commissioner of Labor is authorized to adopt and promulgate rules pursuant to the Administrative Procedures Act. Definitions, rules, and regulations so adopted shall be based upon and follow generally accepted national engineering standards, formula, and practices. The Commissioner of Labor may adopt an existing American national standard known as the Safety Code for Elevators and Escalators of the American Society of Mechanical Engineers (ASME).

C. Under the provisions of the Elevator Safety Act, the Commissioner of Labor is responsible to provide rules for the safety of life, limb, and property and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules. Inspection during construction and installation shall certify as to the minimum requirements for safety as defined in the American Society of Mechanical Engineers Code or other construction standards acceptable to the Commissioner of Labor. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions such as:

1. History of previous experience, previous records of inspection, performance, and maintenance;

2. Location, with respect to personnel hazard;
3. Quality of inspection and operating personnel;

4. Provisions for related safe operating controls; and
5. Interrelation with other operations outside the scope of the Elevator Safety Act.

D. Inspections required by the Elevator Safety Act shall be conducted by inspectors licensed by the Department of Labor.

E. Inspections conducted for the issuance of a certificate of operation shall be performed by the Commissioner or his or her designee.

F. Periodic inspections shall be performed by:
1. A licensed third party inspector who at the time of inspection possesses a valid elevator inspector's license issued by the Department of Labor;
2. An elevator inspector employed by the liability insurance company of record of the owner of the elevator or device who at the time of inspection is in possession of a valid elevator inspector's license issued by the Department of Labor; or
3. An elevator inspector employed by the Department of Labor.

G. Elevator Inspectors, not employed by the Department of Labor, shall submit to the Commissioner of Labor, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in this state to provide general liability coverage of a least One Million Dollars ($1,000,000.00) for injury or death of any number of persons in any one occurrence, with the coverage of at least Five Hundred Thousand Dollars ($500,000.00) for property damage in any one occurrence and proof of workers' compensation coverage.

H. Elevators, escalators, and other such devices within the definitions of the Elevator Safety Act shall receive an inspection for the purpose of obtaining a certificate of operation:
1. Two-floor to four-floor elevator units, not to exceed two (2) years;
2. Any wire-rope elevator, regardless of floors, annually;
3. Escalators and moving walkways, annually;
4. Wheelchair lifts, triennially;
5. Temporary elevators shall be inspected at each erection and every ninety (90) days or as the code requires; and
6. Any elevator or other such device subject to the provisions of the Elevator Safety Act located in a structure whose occupants are mobility restricted, such as hospitals, nursing homes, and residential care facilities, shall be inspected annually.

59 O.S. § 3023.1 License Required for Inspections – Licensing Standards

A. Any person, sole proprietor, partnership, firm, joint venture, association, corporation or any other business entity wishing to engage in the business of elevator, escalator, moving walk or platform or

stairway chairlift inspections within the jurisdiction of this state shall make application for a license with the Department of Labor on a form to be provided by the Department. An inspector shall possess those qualifications established by rule of the Department of Labor.

B. No inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the Commissioner of Labor that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

59 O.S. § 3023.2 Certificate of Operation Fee – Inspection by Commissioner

A. The certificate of operation fee for newly installed elevators, platform lifts, and stairway chairlifts for private residences shall be subsequent to an inspection by the Commissioner or his or her designee.

B. The Commissioner, or his or her designee, shall inspect, in accordance with the requirements set forth in this chapter, all newly installed elevators, platform lifts, and stairway chairlifts for private residences. For newly installed residential elevators and other residential elevators, the inspector shall note on the inspection report compliance with the applicable codes governing protection of hoist way openings, commonly known as the 3x5 rule.

59 O.S. § 3023.3 Elevator Inspector Insurance – Minimum Coverage Requirements

Elevator inspectors, not employed by the authority having jurisdiction, shall submit to the Department of Labor an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least One Million Dollars ($1,000,000.00) for injury or death of any number of persons in any one occurrence and with coverage of at least Five Hundred Thousand Dollars ($500,000.00) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.

59 O.S. § 3023.4 Enforcement Program – Persons Who May Request Investigations

A. It shall be the duty of the Department of Labor to develop an enforcement program which will ensure compliance with regulations and requirements referenced in this chapter. An enforcement program may include, but is not limited to, regulations for identification of property locations which are subject to the regulations and requirements; issuing notifications to violating property owners or operators; random on-site inspections and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, sole proprietors,

firms or corporations; and assisting in the development of public awareness programs.

B. Any person may request an investigation into an alleged violation of this chapter by giving notice to the Department of Labor of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request.

C. Upon receipt of a notification, if the Commissioner determines that there are reasonable grounds to believe that a violation or danger exists, the Commissioner shall cause to be made an investigation in accordance with this chapter as soon as practicable to determine if such violation or danger exists. If the Commissioner determines that there are no reasonable grounds to believe that a violation or danger exists, the Department of Labor shall notify the party in writing of such determination.

59 O.S. § 3023.5 Effect of Act on Liability for Damages

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing or repairing any elevator or other related mechanism covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefor or any liability to any person for whatever reason whatsoever by the enactment of this chapter or any acts or omissions arising hereunder.

59 O.S. § 3023.6 Initial and Periodic Inspections – Standards – Who May Perform Tests

A. Initial inspections shall be conducted by the Commissioner or his or her designee. It shall be the responsibility of the owners of all new and existing conveyances located in any building or structure to have the conveyances inspected annually (ASME A17.1, category one) by a licensed elevator inspector. Subsequent to inspection, the licensed elevator inspector shall supply the property owner or lessee and the Commissioner with a written inspection report describing any and all violations. Property owners shall have thirty (30) days from the date of the published inspection report to be in full compliance with correcting the violations.

B. It shall be the responsibility of the owners of conveyances to have a licensed elevator inspector, as described in this chapter, ensure that the required tests are performed at intervals in compliance with ASME A17.1, ASME A18.1 and ASCE 21.

C. All tests shall be performed by a licensed elevator mechanic.

59 O.S. § 3024 Powers and Duties of the Commissioner of Labor – Fines – Elevator Safety Revolving Fund – License Renewal

A. The Commissioner of Labor shall have the following powers and duties:

1. The Commissioner shall:
   a. adopt or determine standards of elevator safety,
   b. license elevator contractors, elevator mechanics, and elevator inspectors,
   c. register elevator apprentices,
   d. determine qualifications for examination, establish application processes, and examine applicants for licensure,
   e. establish terms of licensure and renewal procedures,
   f. attempt to achieve reciprocity agreements whereby licenses issued by other jurisdictions may be accepted in this state in lieu of examination,
   g. establish grounds for revocation, suspension, and nonrenewal of licenses and policies for reinstatement of licenses and for imposition of lesser disciplinary measures,
   h. establish continuing education requirements,
   i. provide for the inspection and certification of elevators,
   j. provide for the enforcement of the Elevator Safety Act,
   k. hear appeals pursuant to the Administrative Procedures Act,
   l. establish a procedure for the reporting and investigation of accidents, and
   m. establish a procedure to allow variances from the literal requirement of the code;
2. The Commissioner shall publish informational brochures about license examinations that indicate the scope of the examinations, include suggestions about how to prepare for the examinations, and may include sample questions of the type to be expected, but shall never include test items that will be used in future examinations. In no case shall information about forthcoming examinations, that is not generally available, be given to any school, coaching service, or individual privately; and
3. The Commissioner shall have subpoena powers and shall have the right to seek injunctive relief to prevent the operation of elevators lacking a certificate of operation after November 1, 2006, or failing inspection. For any violation of the Elevator Safety Act, the Commissioner may assess an administrative fine, which fine may be assessed in addition to any other penalties provided pursuant to the Elevator Safety Act. The Commissioner of Labor may promulgate rules establishing a schedule of

administrative fines for violations of the Elevator Safety Act. Upon collection of an assessed fine, the funds shall be deposited in the Department of Labor Administrative Penalty Revolving Fund created in Section 11 of this act.

B. The Commissioner of Labor may promulgate rules establishing a schedule of administrative fees for the implementation of the Elevator Safety Act. The following fees shall remain in effect until such rules become effective, at which time the fees contained in this subsection shall be superseded by rule. Fees shall be as follows:

1.	Elevator contractor examination	$100.00
2.	Elevator inspector examination	$100.00
3.	Elevator mechanic examination	$100.00
4.	Initial and renewal elevator contractor license	$100.00
5.	Initial and renewal elevator inspector License	$ 75.00
6.	Initial and renewal elevator mechanic License	$ 50.00
7.	Annual elevator apprentice registration	$ 25.00
8.	Late renewal - in addition to license fee	$ 10.00
9.	Replacement of lost or mutilated license	$ 10.00
10.	Reinstatement - in addition to license fee	$100.00
11.	Existing elevator - certification of operation	$ 25.00
12.	New elevator - inspection and certification	$150.00
13.	Elevator temporary certification	$ 25.00
14.	Elevator temporary mechanic license for 30 days	$ 10.00
15.	Labor for chief elevator inspector or deputy elevator inspector to perform inspection for issuance of certificate of operation:	
a.	any escalator or moving walkway	$125.00
b.	elevator, two-four floors	$ 75.00
c.	elevator, five-ten floors	$100.00
d.	elevator, eleven floors and over	$125.00
e.	wheelchair lift	$ 25.00

C. All revenues received shall be deposited to the Department of Labor Revolving Fund. It is the intent of the Legislature that fees charged pursuant to the Elevator Safety Act be adjusted to provide sufficient income, but not substantially more than sufficient income, to ensure elevator safety as provided by the Elevator Safety Act. Accordingly, the Commissioner of Labor shall make an annual study of the revenues to and expenditures from the Department of Labor Revolving Fund related to elevator safety and shall prepare a report indicating what fee adjustments, if any, shall be recommended. The report shall be submitted by September 1 each year to the Director of the Office of Management and Enterprise Services, the Chair of the Appropriations Committee of the Senate, and the Chair of the Appropriations and Budget Committee of the House of Representatives, and shall be filed with the Department of Labor.

D. Licenses and certifications issued in accordance with the provisions of the Elevator Safety Act shall be renewed according to the following schedule:

1. Elevator contractor, elevator inspector, elevator mechanic licenses and elevator apprentice registration shall be renewed annually prior to the last day of the calendar month in which the license or registration was initially issued;
2. Any such license, registration or certificate required by the Elevator Safety Act not renewed by the last day of the calendar month in which renewal is required shall be subject to a late fee as provided by this act;
3. Any elevator contractor, elevator inspector, elevator mechanic license or apprentice registration having been expired for a period of not less than thirty (30) days nor more than three hundred sixty-five (365) days shall be subject to a reinstatement fee as provided for in the Elevator Safety Act; and
4. Any elevator contractor, elevator inspector, elevator mechanic license or apprentice registration being expired for a period of one (1) year or longer from the last day of the month in which renewal was required shall be considered void and the licensee shall be subject to all requirements for new issuance.

Administrative Rules

SUBCHAPTER 1. GENERAL PROVISIONS

380:70-1-1. Purpose

These rules are promulgated as required by Title 59 O.S. Section 3020 et seq. They are specific as to definitions, adopted national standards, rules and regulations for the safe construction, installation, inspection, operation, maintenance, repair, alteration and licensing of elevators and conveyances, as defined herein, and the licensing of elevator contractors, elevator mechanics, and elevator inspectors.

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) calender 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, 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

380:70-3-1. Responsibilities

Responsibility for the installation, alteration, operation, maintenance, inspection and reporting of accidents, incidents and/or occurrences for elevators, escalators, moving walkways, wheelchair lifts and conveyances shall be as follows:

(1) The equipment manufacturer shall be responsible for designing and manufacturing equipment in compliance with the applicable code.

(2) The person or firm installing or altering elevators, escalators, moving walkways, wheelchair lifts and conveyances shall be responsible for obtaining all permits and approvals. He/she shall be responsible for the safe operation of equipment during the installation until a Certificate of Operation has been issued and for conducting all tests required by these rules.

(3) The owner, his duly appointed agent, or the lessee shall be responsible for the safe operation and proper maintenance of elevators, escalators, moving walkways, wheelchair lifts and conveyances after the installation has been approved and a Certificate of Operation has been issued. The owner his duly appointed agent, or the lessee shall be responsible for conducting all periodic maintenance and/or testing as required by these rules.

(4) The owner, his duly appointed agent, or the lessee shall also be responsible for having conveyances subject to the provisions of this Act inspected as required by the Act. Failure to do so will subject the owner, his duly appointed agent, or lessee to penalties and/or administrative fines as provided by this Act and these rules.

(5) The owner, his duly appointed agent, or the lessee shall be responsible for reporting occurrences to the department as required in these rules and regulations.

(6) The inspector shall be responsible for the performance and reporting of inspections as required by this Act. Such inspections shall be performed in a professional manner so as to factually document the "as found" condition of the conveyance at the time of the inspection without consideration of cost or inconvenience that may be incurred or caused as a result of the inspection.

380:70-3-2. Minimum construction standards for elevators, escalators, moving walkways, chairlifts or other conveyances; special construction

(a) **Construction.** All new elevators, escalators, moving walkways, chairlifts, and conveyances unless otherwise exempt, to be operated in this jurisdiction shall be designed, constructed, installed, inspected, repaired, altered, maintained and operated in accordance with the ASME Code, most current edition and the latest addenda thereto in effect, and these rules and regulations.

(b) **Special construction.** The provisions of this Chapter are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the ASME Code, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device to the standards and provisions of this Act. If a device subject to the provisions of this Act is of special construction and cannot be constructed, installed and/or operated in accordance with the ASME Code and the provisions of this Act, details in the English language and United States customary units of the proposed construction and material specifications and calculations shall be submitted to the Chief Elevator Inspector for approval as a "State Special" before construction is started.

(c) **Miscellaneous.** The requirements of the Americans With Disabilities Act dealing with accessibility guidelines, as applicable, shall apply to all elevators and conveyances subject to the provisions of the Act.

380:70-3-3. Variances

(a) Any owner or user who believes that under his or her particular circumstances the rules and regulations promulgated by the Commissioner are unnecessary or impose an undue burden may request a variance from the applicable rule or regulation. The variance request shall be in writing and shall specify how safety equivalence is to be maintained in accordance with the provisions of this Chapter. The Commissioner may grant the variance, provided that the safety of employees or general public is not adversely affected. Any variance request on a new elevator installation must be submitted by the elevator contractor performing the installation. At the Department's discretion, the elevator owner may be requested to state, in writing, his concurrence with the requested variance.

(b) When there is reason to believe, or upon receipt of a complaint, that a variance does not provide the safety equivalence to the provisions of this Act, the Commissioner, after notice to the owner or user and complainant, may continue, suspend, revoke, or modify the conditions specified in any variance.

(c) No statement, act, or omission of the Commissioner of Labor, the Chief Elevator Inspector, Deputy Inspector or Special Inspector, other than a written variance described above, shall exempt any owner or user from full compliance with the terms of any law of the State of Oklahoma or rule of the Elevator Safety Act.

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.

380:70-3-5. Inspection frequencies; variations

(a) Elevators, escalators, moving walkways, chairlifts and conveyances subject to the provisions of this Act shall be inspected for the purpose of issuing a Certificate of Operation in accordance with the following frequencies:
   (1) Any hydraulic elevator or conveyance shall be inspected not less than once every 2 (two) years;
   (2) Any wire rope elevator, regardless of floors, shall be inspected annually;
   (3) Escalators and moving walkways shall be inspected annually;
   (4) Wheelchair lifts shall be inspected triennially;

(5) Temporary elevators shall be inspected at each installation/erection; and

(6) Any elevator or other such conveyance subject to the provisions of this Act located in a structure whose occupants are mobility restricted, such as hospitals, nursing homes and residential care facilities, shall be inspected annually;

(7) Any other type of elevator or conveyance not addressed under these provisions, in the Act or rules, shall be inspected annually.

(b) Elevators and conveyances located in owner-occupied private residences shall be exempt from the provisions of these rules, except:

(1) All such devices shall be designed, constructed, and installed in accordance with the applicable ASME Code and this Act.

(2) New installations shall receive a Final Acceptance Inspection from the Department in accordance with the provisions of this Act.

(3) Any elevator or conveyance located in an owner-occupied private residence shall be evaluated and tested by a licensed elevator mechanic or inspected by a licensed elevator inspector as provided in this Chapter, prior to a transfer of title or ownership of the property.

(4) All occurrences shall be reported to the Department and investigated in accordance with the provisions of this Act and these Rules.

(c) Based upon documentation of such actual service conditions by the owner or user of the operating equipment, the Commissioner may, at his/her discretion, permit variations in the inspection frequency as provided in the Act.

(d) The inspections herein required shall be made by the Commissioner, Chief Elevator Inspector, Deputy Inspector, Certificate Inspector or a Special Inspector as provided for in the Act. Inspectors shall have free access during reasonable hours, to any premises in the state where an elevator, escalator, moving walkway, wheelchair lift, conveyance or other device covered by this Act, is being installed, constructed, repaired, altered, or operated, for the purpose of ascertaining whether such device is being constructed, installed, repaired , altered and/or operated in accordance with the provisions of the Act. Inspections may be conducted without prior notice.

(e) Anytime the Chief or Deputy Elevator Inspectors arrive for a scheduled inspection of an elevator or conveyance and said inspection cannot be conducted and therefore needs to be rescheduled, the Department will still charge the fee for the labor and costs associated with the originally scheduled inspection in accordance with the fees listed in 59 O.S. 3024(B)(15), in addition to any other fines or penalties assessed.

380:70-3-6. Requests for night time inspections

(a) **Night time Inspections.** The Commissioner may allow for the night time inspection of elevators or conveyances subject to the provisions of the Act if such inspection is in the best interest of business and safety.

(b) **New installation/New construction.** Requests for night time inspections of new elevator or conveyance installation/construction shall be made on forms provided by the Department and shall be received by the Department not less than five (5) working days prior to the requested inspection date.

(c) **Existing installations.** Requests for night time inspections of existing elevator or conveyance installations shall be made as far in advance of the requested date as is reasonably possible, but in no case less than thirty (30) working days prior to the requested date of inspection.

380:70-3-7. Assignment and application of state identification numbers

(a) Upon completion of the installation of an elevator or conveyance, or at the time of the initial certificate inspection of an existing installation, each elevator or conveyance shall be identified by a unique six digit state identification number. The six digit state identification numbers shall begin with the capital letter "E" and shall be followed by a five digit numeric identification number.

(b) The state identification number shall appear on all Certificates of Operation issued pursuant to the provisions of this Act.

(c) State identification numbers, once issued shall not be reissued.

(d) State identification numbers shall be permanently affixed to, stamped or etched onto the elevator or conveyance by the installing contractor for new installations and by the owner/user or their designated agent for existing installations.

380:70-3-8. Certificates of Operation

(a) Any conveyance inspected in accordance with the provisions of this Act and found to be, in the opinion of the inspector, safe for continued operation and in compliance with the requirements of this Act, and upon payment of the required fee to the Department, shall be issued a Certificate of Operation by the Department.

(b) All Certificates of Operation issued by the Department shall be maintained in a suitable frame under transparent cover.

(c) All Certificates of Operation issued by the Department shall contain at a minimum the name and complete mailing address of the structure where the conveyance is installed or erected, the state identification number assigned to the conveyance, the date of the most recent inspection and the expiration date of the Certificate of Operation.

(d) The required Certificates of Operation shall be posted conspicuously as follows:
   (1) inside elevator cars, or
   (2) inside escalator and moving walkway machinery rooms, or
   (3) in some other location acceptable to the Department.

(e) If the Certificate of Operation is not conspicuously displayed in, upon, or adjacent to the conveyance for viewing by the general public, the conveyance must be equipped with a sign, placard, or other device informing those persons utilizing the conveyance of the location of the valid Certificate of Operation.

(f) When an elevator or conveyance with a valid Certificate of Operation undergoes an alteration or is remodeled, the Certificate of Operation becomes invalid. To release the altered or remodeled elevator for use by the general public, the elevator must pass an inspection conducted by the Department.

380:70-3-9. Temporary Certificates of Operation

(a) Temporary Certificates of Operation may be issued for established elevators or conveyances after the required inspection to renew a Certificate of Operation subject to the following conditions:
   (1) When a routine inspection is performed and the inspector finds that the elevator or conveyance does not comply with the provisions of the Act, the inspector will explain what the violations are, what repairs are required, and shall also document them on an inspection report and/or checkoff list. Upon agreement of a reinspection date between the inspector and the owner or lessee of not more than 60 days, the inspector may issue a Temporary Certificate of Operation for the elevator or conveyance.
   (2) Elevators or conveyances granted a Temporary Certificate of Operation shall be re-inspected prior to the expiration date of the Temporary Certificate of Operation. If any of the conditions that caused the issuance of a Temporary Certificate of Operation are found to have not been corrected, no further Certificates shall be issued and the Chief Elevator Inspector shall be consulted about future operations of the unit including but not limited to extensions of time, restricted operations or up to being Red Tagged.
   (3) In addition to any other fee provided for in the Act, a fee for the issuance of a Temporary Certificate of Operation shall be accessed.
   (4) The issuance of a Temporary Certificate of Operation shall be reported to the Department by the inspector within 24 hours or the first working day after its issuance.

(b) Temporary Certificates of Operation may be issued for new elevators or conveyances at the request of a licensed elevator contractor for elevators or conveyances and personnel hoists in accordance with the following requirements:

(1) **Issuance for Elevators.** The Chief Elevator Inspector may allow the temporary use of any elevator for passenger or freight service during its new installation or alteration under the authority of a Temporary Certificate of Operation, issued for each class of service. Such limited certificates shall not be issued for elevators until the elevator has been tested with a rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment for the specified construction purposes.

(2) **Issuance for Personnel Hoists.** The Chief Elevator Inspector may allow the temporary use of any personnel hoist under the authority of a Temporary Certificate of Operation. Such limited certificate shall not be issued until the personnel hoist has been tested with a rated load, and the car safety, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment.

(3) **Expiration.** Temporary Certificates of Operation issued in accordance with Subsections (b)(1) and (b)(2) shall expire pursuant to the following:

(A) Temporary Certificates of Operation for new elevators or conveyances may be issued for a period not to exceed ninety (90) days.

(B) Temporary Certificates of Operation for personnel hoists may be issued for a period of time not to exceed the length of the applicable construction project.

(C) Such certificates may be renewed at the discretion of the Chief Elevator Inspector upon receiving a written request showing justifiable cause for renewal.

380:70-3-10. Noncomplying conveyances

(a) Whenever the Commissioner or his/her duly appointed representative determines that an elevator or conveyance is subject to the provisions of this Act and that the operation of such conveyance is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, he/she may immediately order in writing that the use of the elevator or conveyance be stopped until such time as it is determined that the conveyance has been made safe for use by the public. Any such written order shall constitute an immediate suspension of any valid Certificate of Operation granted under the provisions of this Act.

(b) Whenever the Commissioner or his/her duly appointed representative determines that the provisions of this Act and these rules and regulations have not been complied with, he/she may refuse to issue or renew, or may revoke or suspend a Certificate of Operation.

(c) Written notification as required in subsection (a) of this section may be in the form of a "Red Tag" affixed to the elevator or conveyance at the time of inspection by the elevator inspector stating that any further operation of the conveyance is in violation of the provisions of the Elevator Safety Act.

(d) Any elevator or conveyance "Red Tagged" shall be rendered disabled by the owner/user or their authorized agent or contractor in the presence of the elevator inspector issuing the "Red Tag" and such elevator or conveyance shall remain inoperative until further operation is authorized by the Commissioner after reinspection and found to be in compliance with the provisions of this Act .

380:70-3-11. Appeals and/or hearings

Any denial of an issuance of a Certificate of Operation, Temporary Certificate of Operation, or any order issued by the Commissioner, or any Red Tag notification may be appealed and the appropriate party(ies) shall be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedures Act, if written request is received by the Department within fifteen days (15) of the denial letter or notification.

380:70-3-12. Operation of unsafe conveyance

(a) No person shall operate, permit to be operated or use any elevator or conveyance subject to the provisions of this Act if such person knows, or reasonably should know that such operation or use could expose the public to an unsafe condition which is likely to result in personal injury or property damage.

(b) Any licensed elevator contractor, licensed elevator mechanic or licensed elevator inspector that fails to immediately report an unsafe conveyance to the Chief Elevator Inspector shall be guilty of a misdemeanor and subject to such fine and/or imprisonment as provided for in the Act.

380:70-3-13. Operation without Certificate; operation not in accordance with Act or Rules; operation after refusal to issue or after revocation of Certificate

(a) No person shall operate, use or permit to be operated any elevator or conveyance subject to the provisions of this Act, without a valid Certificate of Operation unless the absence of a valid certificate is the result of the Commissioner's failure to inspect such elevator or conveyance.

(b) No person shall operate, use or permit to be operated any elevator or conveyance subject to the provisions of this Act, other than in accordance with this Act and the rules and regulations promulgated hereunder.

(c) No person shall operate, use or permit to be operated any elevator or conveyance subject to the provisions of this Act, after the Commissioner has refused to issue or has suspended or revoked the Certificate of Operation for such elevator or conveyance.

380:70-3-14. Interfering with Inspector

No person, firm or corporation shall interfere with, obstruct or hinder by force or otherwise, the Commissioner of Labor or his/her authorized representatives while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the law over which he/she has supervision under the provisions of this Act, or refuse them admittance to any place where an elevator or conveyance is located which is affected by this Act.

380:70-3-15. Penalties

(a) Any person violating the provisions of the Act and this Chapter shall be guilty of a misdemeanor and, upon conviction, subject to a fine of not more than Five Hundred Dollars ($500.00) for the first offense and up to One Thousand Dollars ($1,000.00) for each additional offense, or imprisonment in the county jail for not more than ten (10) days, or both such fine and imprisonment. Each day's violation shall constitute a separate offense. Conviction as provided herein shall not preclude any filing of a civil action.

(b) The Commissioner shall have subpoena powers and shall have the right to seek injunctive relief to prevent the operation of elevators and/or conveyances lacking a Certificate of Operation after November 1, 2006, or failing inspection.

(c) For any violation of the Elevator Safety Act, including failure to pay any invoice issued by the Department as directed by instruction on the invoice, the Commissioner may assess an administrative fine of not more that Five Hundred Dollars ($500.00), which fine may be assessed in addition to any other penalty provided pursuant to this Act.

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) 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).

380:70-5-2. Elevator Mechanic's License: Issuance, denial, and renewal

(a) Upon the effective date of this Chapter, no person shall work as an elevator mechanic to install, service, repair, alter, remodel or maintain any elevator or conveyance subject to the provisions of this Act and this Chapter without having first been issued a valid elevator mechanic's license by the Department. There shall be a six (6) month grace period after the effective date of this Chapter to allow new and existing elevator mechanics to comply with the requirements of this Section.

(b) No license shall be granted to any person who has not sufficiently demonstrated their qualifications and abilities. Applicants for an elevator mechanic's license must demonstrate the following qualifications:

(1) An acceptable combination of documented experience and education credits: Not less than three (3) years work experience in the elevator industry, in construction, maintenance and service/repair, as verified by current and previous employers licensed to do business in this state or other such jurisdiction having an elevator program substantially equal to this Act; Satisfactory completion of a written examination administered by the Chief Elevator Inspector on the most recent referenced codes, standards, and this Act;

(2) Any person who furnishes the Commissioner with acceptable and verified proof that they have previously worked in elevator construction, maintenance, or repair may, upon making application for an elevator mechanic's license and paying the license fee, be entitled to receive a license without an examination. They shall have worked without direct or immediate supervision for an elevator contractor licensed to do business in this state or other jurisdiction having a program substantially equal to this Act. This employment shall not be less than three (3) years immediately prior to the effective date of this Act;

(3) Provide certificates of completion demonstrating successful passage of a mechanic's examination of a nationally recognized

training program for the elevator industry such as the National Elevator Industry Education Program or its equivalent; or

(4) Provide certificates of completion of an apprenticeship program for elevator mechanic's registered with the Bureau of Apprenticeship and Training, of the U.S. Department of Labor or a state apprenticeship council;

(5) A license may be issued to an individual holding a valid elevator mechanic's license from a state having standards substantially equal to those of this Act, upon application and payment of such fees as provided for in this Act, without examination.

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

(d) Elevator mechanic's licenses shall be valid for a period of one (1) year and expire on the last day of the month of initial issuance. The Department shall notify holders of valid elevator mechanic's licenses not less than sixty (60) days prior to the expiration date of the license that it must be renewed within the next sixty (60) days. Elevator mechanic's licenses not renewed on or before the expiration date shall become invalid.

(e) Elevator mechanic's licenses not renewed on or before the expiration date shall be subject to late fee and renewal fees as provided for in the Act.

(f) Elevator mechanic's licenses once issued become the property of the licensee and must be carried on his/her person at all times when working on elevators or conveyances and made available upon request by the Commissioner, Chief or Deputy Elevator Inspector, or any Special Inspector.

(g) The Department may deny approval or renewal of an elevator mechanic'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

(h) Whenever an emergency exists in this state due to disaster, act of God or work stoppage and the number of persons in the state holding licenses granted by the Commissioner is insufficient to cope with the emergency, temporary elevator mechanic's licenses may be issued. A licensed elevator contractor shall notify the Chief Elevator Inspector when there are no licensed personnel available to perform elevator or conveyance work. The licensed elevator contractor may request that the Chief Elevator Inspector issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to

perform elevator work without direct or immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct or immediate supervision shall immediately seek a temporary elevator mechanic's license from the Chief Elevator Inspector and shall pay such fees as provided for in this Act. Each such license shall recite that it is only valid for a period of thirty (30) days from the date of issuance and while employed by a licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue, as determined by the Chief Elevator Inspector.

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

(a) **Elevator Witness Inspector.** No elevator witness 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 or equivalent standard as determined by the Commissioner. No elevator witness inspector's license shall be granted to any person who also holds an elevator contractor's license or an elevator mechanic's license. The elevator witness inspector applicant must have at least one (1) year of experience in designing, installing, maintaining or inspecting elevators, escalators and other such conveyances. An elevator witness inspector license allows the licensee to witness periodic tests as required by the Elevator Safety Act and administrative rules.

(b) **Elevator Certificate Inspector.** 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 two (2) years of experience as a licensed elevator witness inspector for 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 or equivalent standard as determined by the Commissioner.

(3) 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.

(4) 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.

(5) No elevator certificate inspector's license shall be granted to any person who also holds an elevator contractor's license or an elevator mechanic's license.

(6) An elevator certificate inspector may witness periodic tests and conduct inspections for the purpose of recommending a certificate of operation.

(c) **Elevator Special Inspector.** No elevator special 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 or equivalent standard as determined by the Commissioner. No elevator special inspector's license shall be granted to any person who also holds an elevator contractor's license or an elevator mechanic's license. The elevator special inspector applicant must have at least one (1) year of experience in designing, installing, maintaining or inspecting elevators, escalators and other such conveyances. 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 inspector's employer that the licensee is an employee of the company. An elevator special inspector license allows the licensee to witness periodic tests and inspect elevators or conveyances insured by the special inspector's employer for the purpose of recommending the issuance of Certificates of Operation as required by the Elevator Safety Act and administrative rules.

(d) 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 or equivalent standard as determined by the Commissioner, but are in a trainee status, provided they successfully complete the required examination within twenty-four (24) months of appointment.

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

(f) 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.

(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.

380:70-5-4. Elevator Apprentice Registration

(a) Upon the effective date of this Act, no person shall function in the capacity of an elevator apprentice without first having been registered as an elevator apprentice with the Department. There shall be a six (6) month grace period from the date of enactment of this Chapter to allow new and existing elevator apprentices an opportunity to comply with the provisions of this Section.

(b) Application for elevator apprentice registration shall be on forms provided by the Department and shall document enrollment in an elevator apprentice program recognized by the United States Department of Labor.

(c) Upon approval of an application and receipt of fees as provided for by this Act, the Commissioner may register an elevator apprentice.

(d) Elevator apprentice registration shall be valid for a period of one (1) year and expire on the last day of the month of initial issuance. Elevator apprentice registrations not renewed prior to the expiration date shall become invalid.

(e) Elevator apprentice registration not renewed prior to the expiration date shall be subject to late fees and renewal fees as provide for in this Act.

(f) The Department may deny approval or renewal of an elevator apprentice registration 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.

380:70-5-5. License not required

A licensed elevator contractor is not required for removing or dismantling elevators or conveyances which are destroyed as a result of a complete demolition of a secured building or structure, or where the hoistway or wellway is demolished back to the basic support structure

whereby no access is permitted therein to endanger the safety and welfare of a person.

380:70-5-6. Conflicts of interest

An elevator inspector shall not engage in the sale of any service, article or device relating to elevators or conveyances or their appurtenances covered by this Act.

380:70-5-7. Continuing education

(a) The renewal of all licenses granted under the provisions of this Section shall be conditioned upon the submission of evidence of successful completion of course(s) designed to ensure the continuing education of the holder of a license on new and existing provisions of this Act and the Codes and Standards referenced herein. Such course(s) shall consist of not less than eight (8) hours of instruction that shall be attended and successfully completed within the year immediately preceding the renewal. Eight (8) hours of training need not be continuous but may be an accumulation of shorter periods of instruction that equal at least eight (8) hours.

(b) The course(s) shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars, labor training programs, career technology centers, and the Department. The Chief Elevator Inspector shall approve the continuing education providers.

(c) A holder of a license who is unable to complete the continuing education course required under this Section prior to the expiration of their license due to a temporary disability may apply for a waiver from the Department.

380:70-5-8. Suspension/revocation of license, registration, or certification

(a) Any license or registration issued in accordance with the provisions of this Act may be suspended or revoked by the Commissioner of Labor after due investigation for the incompetence or untrustworthiness of the licensee or registrant, or for the willful falsification of any matter or statement contained in his/her application, or in a report of any inspection made by him/her. Written notice of any such suspension shall be transmitted by the Commissioner of Labor to the licensee and his employer, not more than ten (10) days following the suspension or revocation. Any person whose license, certificate or registration has been suspended or revoked shall be entitled to a hearing as provided by the Oklahoma Administrative Procedures Act, if written request for such hearing is received by the Department within fifteen (15) days of the date of suspension/revocation letter.

(b) Licenses, certificates and registrations may be suspended indefinitely or for some other shorter period of time as determined by the Commissioner.

(c) Any person whose license, certificate or registration has been suspended or revoked pursuant to the provisions of this Section may petition the Commissioner for reinstatement of the suspended or revoked document. Such petition shall be in writing and shall include such documentation as may be requested by the Commissioner to verify that any deficiency(ies) or condition(s) have been corrected.

(d) The Commissioner may communicate with employers and educational institutions as may be needed to verify that the deficiency(ies) and/or conditions have been corrected.

(e) Reinstatement of any license, certificate or registration shall be subject to a reinstatement fee as provided in this Act.

380:70-5-9. Replacement licenses, certificates, registrations

The Department may issue replacements for lost or destroyed licenses, certificates and registrations upon payment of a replacement fee as provided for in this Act.

SUBCHAPTER 7. EXISTING INSTALLATIONS

380:70-7-1. Existing installation, definition

Existing installation shall mean any elevator, escalator, moving walkway or other conveyance subject to the provisions of this Act in operation before the effective date of this Act.

380:70-7-2. Minimum standards for existing installations

(a) **Maintenance.** Existing installations subject to the provisions of this Act shall be maintained in accordance with the original manufacturer's installation, operation and maintenance requirements. For those installations where the original manufacturer's requirements are not available, they shall be operated, repaired and maintained in accordance with the Safety Code for Existing Elevators and Escalators, ASME A17.3, good engineering practices, current acceptable industry standards and this Act.

(b) **Existing installation requirements.** Existing installations in operation before the enactment date of this Act shall be subject to the following requirements contained in the Safety Code for Existing Elevators and Escalators, ASME A17.3:

(1) Electrically-powered elevator driving machines shall be equipped with a friction brake applied by a spring or springs or by gravity and released electrically;

(2) The car of every elevator suspended by wire ropes shall be provided with one or more safety devices. These safeties shall be attached to the car frame and one safety shall be located within or below the lowest members of the car frame (safety plank);

(3) Operating devices for electrically-powered or electrically-controlled elevators shall be of the enclosed electric type;

(4) Rope or rod operating devices activated directly by hand, or rope operating devices activated by wheels, levers or cranks shall not be used;

(5) Elevator hoistways shall be enclosed throughout their height and all hoistway landing openings shall be protected with doors or gates. Hoistway enclosures shall be constructed to have a fire resistive rating of not less than one (1) hour;

(6) Each elevator car shall be permanently enclosed on all sides and the top, except the sides for entrance and exit. Car side enclosures shall be of such strength and so designed and installed that when subjected to a pressure of 75 pounds applied horizontally at any point on the walls of the enclosure, the deflection will not exceed one inch;

(7) Car top enclosures shall be so designed and installed as to be capable of sustaining a load of not less than 100 pounds at any one (1) point;

(8) An emergency exit with cover shall be provided in the top of all elevator cars. The exit opening shall have an area of not less than 400 square inches and shall not measure less than 16 inches on any side. The exit shall be so located as to provide a clear unobstructed passage through it. The exit cover shall open outward and be hinged or otherwise attached to the car top and arranged to be opened from the top of the car only;

(9) A door or gate shall be provided at each entrance to the car;

(10) Doors shall be of horizontally or vertically sliding type. Gates shall be of the vertically sliding or horizontally sliding collapsible type located not more than 1-3/4 inches from the car sill. Gates shall extend from a point not less than one inch above the car floor to not less than six (6) feet above the car floor;

(11) Vertically sliding gates when in the fully opened position shall provide an entrance of not less than six (6) feet in height. Such gates shall be provided with pull straps to facilitate closing of the gate;

(12) Each car door shall be equipped with a car door or gate electric contact so located as to be inaccessible from inside the car door and shall stop the car when the gate is opened a maximum of two (2) inches.

(c) **Exceptions.** Existing installations in warehouses of not more than two (2) floors that are not accessible to the general public are exempt from Sub-Section (b)(4) through (b)(12) of this Section provided that all of the following conditions are met:

(1) The warehouse shall be used solely for the purpose of storing materials and products;

(2) Hoistways that are not fully enclosed shall be protected by guards to prevent access to the hoistways by other than elevator personnel;

(3) All capabilities of operating the elevator from the car or platform shall be removed;

(4) Riders shall not be permitted to ride the car or platform; and

(5) A sign stating "Absolutely No Riders Permitted" in letters not less than one (1) inch high on a contrasting background shall be posted at each entrance to the elevator.

(d) **Time extension for compliance.** Upon the recommendation of a licensed elevator inspector, an existing installation may be granted an extension from compliance to the provisions of this Section, at the discretion of the Chief Elevator Inspector. All such extension requests shall be in writing and contain a list of non-compliant conditions and indicate the required date of compliance. All such extension requests shall be subject to approval of the Chief Elevator Inspector.

(e) **Conflicts.** If a conflict exists between the requirements of the original manufacturer's instructions and recommendations and the ASME Code, the Chief Elevator Inspector shall make a determination as to which requirement is to take precedence.

380:70-7-3. Conditions not covered

All conditions not covered in these rules and regulations shall be referred to the Chief Elevator Inspector for consideration on a case by case basis.

SUBCHAPTER 9. NEW INSTALLATIONS

380:70-9-1. New installation requirements; conflicts

(a) The design, construction, installation, inspection and operation of all new installations of elevators, escalators, moving walkways and other conveyances subject to the provisions of this Act shall conform to the rules of this Section and the Safety Code for Elevators and Escalators, ASME A17.1, most current edition and addenda thereto and/or the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1, most current edition and addenda thereto, and/or the Safety Standard for Belt Manlifts, ASME A90.1, most current edition and addenda thereto, and the National Electric Code, NFPA 70, as applicable.

(b) All new installations subject to the provisions of this Act to be installed within this State shall be designed by a professional engineer familiar with elevators and conveyances. Documents and/or specification packages submitted to the Department for review subject to the issuance of an installation permit shall bear the signature of a professional engineer.

(c) If there exists a conflict between the requirements of this Act, its rules and regulations, and any of the codes or standards referenced herein, the most stringent requirement as determined by the Chief Elevator Inspector shall be applied.

380:70-9-2. Installation permits

(a) No elevator, escalator, moving walkway or other such conveyance subject to the provisions of this Act shall be installed in this State without first being issued an installation permit by the Department to a licensed elevator contractor to perform the installation.

(b) Application for an installation permit shall be made on forms furnished by the Department and shall be submitted by the installing licensed elevator contractor. Each application for a permit shall be accompanied by copies of specifications and accurately scaled, full dimensioned plans showing the location of the installation in relation to the plans and elevation of the building; the location of the machinery room and the equipment to be installed therein, relocated or altered; and all structural supporting members thereof, including foundations, and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(c) Applications for installation permits shall be submitted to the Department sufficiently in advance of the requested start date to allow for a complete and thorough review of the plans and specifications.

(d) Upon receipt of an application for installation and payment of all prescribed fees, the Department shall review the application for compliance with the provisions of this Act and these rules and regulations. The Department may issue an installation permit or shall notify the applicant in writing of the reasons the installation permit was denied.

(e) Any applicant who has been denied an installation permit by the Department may be afforded the opportunity for hearing in accordance with the Administrative Procedures Act, provided a written request is received by the Department within fifteen (15) days of the date denial notice.

(f) Installation permits shall be conspicuously posted at the place of installation or construction and shall remain so posted until an

acceptance inspection has been performed and a Certificate of Operation has been issued.

(g) Permits issued in accordance with this Section may be revoked for the following reasons:
   (1) Where any false statements or misrepresentations as to the material facts in the application, plans or specifications on which the permit was based;
   (2) Where the permit was issued in error and should not have been issued in accordance with this Act, and the rules, regulations and codes cited herein;
   (3) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans or specifications or with this Act, the rules, regulations and codes cited herein or conditions of the permit; or
   (4) Where the elevator contractor to whom the permit was issued fails or refuses to comply with any order of the Commissioner, Chief or Deputy Elevator Inspector.

(h) Permits issued under the provisions of this Act shall expire:
   (1) If the work authorized by such permit is not commenced within six (6) months after the date of issuance, or within a shorter period of time as the Chief Elevator Inspector in his discretion may specify at the time the permit is issued; or
   (2) If the work is suspended or abandoned for a period of sixty (60) days, or such shorter period of time as the Chief Elevator Inspector in his/her discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Chief Elevator Inspector may allow extension of the forgoing period at his/her discretion.

380:70-9-3. Pre-Inspection Checklist for new elevator installations

The installing licensed elevator contractor shall cause to be completed and delivered to the Deputy Inspector upon his arrival to conduct the initial certificate inspection of an elevator or conveyance, a pre-inspection checklist for new elevator installations.

380:70-9-4. Conditions not covered

All conditions not covered by this Act, the rules and regulations and interpretations of codes cited herein and standard requirements shall be referred to the Chief Elevator Inspector for consideration on a case by case basis.

SUBCHAPTER 11. GENERAL REQUIREMENTS

380:70-11-1. Report of inspection

(a) A report of inspection shall be completed and submitted to the Department for every inspection conducted as required by the provisions of the Act and this Chapter. Reports of inspection shall be on forms acceptable to the Department.

(b) Special Inspectors and Certificate Inspectors shall submit reports of inspection to the Department within thirty (30) days of the completion of the inspection.

(c) Reports of inspection shall be provided to the owner/operator, contractor or his/her authorized agent at the time of the inspection or soon thereafter, but in no instance more than thirty (30) days following the completion of the inspection.

380:70-11-2. Report of occurrence

(a) The owner of any conveyance regulated under the provisions of this Act, or his authorized agent, shall within 24 hours notify the Commissioner of each and every occurrence involving such elevator or conveyance subject to the provisions of this Act when:

(1) The occurrence results in death or injury requiring medical treatment by a physician, other than first aid. First aid means the one time treatment or observation of scratches, cuts not requiring stitches, minor burns, splinters or contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or

(2) The occurrence results in damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear.

(b) The Commissioner, without delay, after notification and determination that an occurrence involving injury or property damage has occurred, shall make a complete a thorough investigation of the occurrence.

(c) No person, following an occurrence as specified in subsection (a), shall operate, attempt to operate, use or move or attempt to move such elevator or conveyance, or part thereof, without the approval of the Commissioner, unless so as to prevent injury to any person or persons.

(d) No person, following an occurrence as specified in subsection (a), shall remove or attempt to remove from the premises any damaged or undamaged part of such elevator or conveyance, or repair or attempt to repair any damaged part necessary to a complete a thorough investigation.

(e) The Department must initiate its investigation within 24 hours of being notified.

380:70-11-3. Preparation for inspection

(a) The owner or user shall prepare each elevator or conveyance for inspection. For new/remodeled installations this preparation is completed by the licensed elevator contractor. Proper preparation for inspection includes verification that all control and safety devices of the conveyance are connected and functioning.

(b) If necessary, the inspector may require the owner or licensed elevator contractor to isolate hazardous energy sources. The inspector may add his/her personal lock to the hazardous energy isolation to assure his personal safety.

380:70-11-4. Temporarily dormant elevator/conveyance

(a) An elevator or conveyance may be classified as temporarily dormant when it is to be taken out of service for a prolonged period of time. Any elevator or conveyance classified as temporarily dormant shall:

(1) Have its power supply disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position;

(2) Have the elevator cars shall be parked and the hoistway doors shall be in the closed position and latched;

(3) Have all elevator hoistway and floor access doors and gates be clearly labeled indicating that the elevator is out of service;

(4) Have a suitable seal installed on the mainline disconnect switch by a licensed elevator inspector; and

(5) Be in temporarily dormant status renewable on an annual basis that shall not exceed a five-year period.

(b) A temporarily dormant elevator or conveyances shall not be used again until it has been put in safe running order and is deemed safe for use as determined by a licensed elevator inspector.

380:70-11-5. Insurance requirements

Licensed elevator contractors shall submit to the Chief Elevator Inspector, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in this State, to provide general liability coverage of at least one million dollars for injury or death of any number of persons in any one occurrence, and with coverage of at least five hundred thousand dollars for property damage in any one occurrence and the statutory workers compensation insurance coverage.

380:70-11-6. Cities and municipalities: Concurrent inspection and licensing programs

(a) Notwithstanding any other provision, cities and municipalities may engage in the safety inspection of existing elevators and related conveyances, the permitting and inspection of new or modernized elevators and conveyances, and the licensing of city/municipal elevator inspectors, provided that such programs meet the following requirements:
   (1) The inspection and safety requirements of the program shall be at least equal to or exceed the requirements of this Act.
   (2) The city/municipal inspectors licensing requirements shall be at least equal to or exceed the elevator inspector licensing requirements contained in this Act.

(b) The following exemptions shall be applicable to cities and municipalities that have established elevator safety programs meeting the requirements of subsection (a) of this section:
   (1) Elevators, escalators and conveyances routinely inspected by city/municipal inspectors shall be exempt from inspection and any associated fees as provided for in this Act.
   (2) City and municipal inspectors licensed in accordance with the provisions of a recognized city or municipal elevator safety program shall be exempt from the licensing requirements and any associated fees as provided for in this Act.

(c) Immediately upon the disestablishment or termination of any city or municipal elevator safety program all exemptions allowed in subsection (b) of this section shall be voided and the applicable provisions of this Act shall become immediately effective.

380:70-11-7. Inspection of exempted conveyances

The Commissioner may provide for the inspection of elevators or conveyances that are exempt from the provisions of this Act upon receiving a written request from the owner or his/her authorized agent. These inspections will be performed and a fee charged as provided for in this Act. Upon completion of the inspection, the inspector will notify the owner or his/her authorized agent of any safety code violations. Correction of the code violations in exempt elevators or conveyances is solely at the discretion of the owner.

380:70-11-8. Major repairs and alterations: Permits

(a) Prior to the alteration or major repair of any elevator or conveyance subject to the provisions of this Act, an alteration permit shall be obtained from the Department. Applications for alteration permits shall be on forms provided by the Department and shall be submitted by the installing licensed elevator contractor. The application shall require the submission of detailed plans and specifications bearing the seal of

a registered professional engineer familiar with elevators and conveyances.

(b) All alterations and major repairs to elevators and conveyances shall be made in conformity with the requirements of the applicable ASME Code(s) and this Chapter.

(c) Upon receipt of an application for an alteration permit to perform an alteration or major repair, and the required plan and specifications, the Department shall review the application for compliance with the Act and this Chapter. The Department may issue an alteration permit or shall notify the applicant in writing of the reason(s) the alteration permit was denied.

(d) Any applicant who has been denied a permit or alteration of major repair by the Department may appeal that denial to the Commissioner, provided written request to appeal is received by the Department within fifteen (15) days of the date of the applicant's notice of denial.

(e) When an elevator or conveyance with a valid Certificate of Operation undergoes an alteration or major repair, the Certificate of Operation shall become invalid until such time as the conveyance undergoes an inspection by a licensed elevator inspector. Reports of such alteration or major repair shall be filed with the Department within thirty (30) days of the inspection and shall be on forms acceptable to the Department.

(f) If the Report of Inspection required by this Chapter indicates that there is a failure to comply with the plans and specifications approved by the Department, or provisions this Act, the Certificate of Operation may be denied. The Department shall notify the owner of the conveyance in writing of the reason(s) for the denial.

(g) An owner who has been denied an operating permit by the Department may appeal that denial to the Commissioner, provided a written request to appeal is received by the Commissioner within fifteen (15) days of the date of the owner's notice of denial.

380:70-11-9. Remodeled conveyances

(a) When an elevator or conveyance is remodeled, the remodeled portions must comply with the Safety Code for Existing Elevators and Escalators in effect at the time the remodeling contract is signed. The portions of the elevator or conveyance which are not remodeled must continue to meet the requirements of the current adopted edition of the Safety Code for Existing Elevators and Escalators.

(b) The licensed elevator contractor is responsible for arranging inspections and correcting code violations.

380:70-11-10. Periodic testing

(a) Periodic testing of elevators covered under ASME, A17.1, 8.11.1.3 shall be as outlined in **Appendix A.** Such tests shall be performed by a

licensed elevator mechanic and witnessed and reported by a licensed elevator inspector.

(b) Fees for the labor required to have the Chief Elevator Inspector or a Deputy Elevator Inspector witness any periodic testing as prescribed in **Appendix A** shall be in accordance with the fee schedule listed in Title 59 of the Oklahoma statutes, Section 3024(B)(15).

380:70-11-11. Emergency keys

Keys for the emergency operation of elevators and conveyances subject to the provisions of this Act shall be kept on the premises in a location readily accessible to firefighters and emergency personnel, but not where they are available to the public.

380:70-11-12. Welding

(a) Whenever welding is to be performed on elevators or conveyances subject to the provisions of this Act, or any of their parts, all such weldment, except tack welds later incorporated into final weldment, shall be performed by welders qualified in accordance with the requirements of ANSI/AWS D1.1 or the latest AWS requirements applicable to the specific materials to be welded.

(b) Welder certification testing shall be performed by Weld Test Facilities licensed in accordance with the Oklahoma Welding Law, Title 59 of the Oklahoma Statutes, Section 1624 et seq.

380:70-11-13. Maintenance, repair, and replacement

All elevators and conveyances subject to the provisions of this Act shall have a written Maintenance Control Program in place to maintain the equipment in compliance with ASME A17.1, Section 8.6. Such program shall at a minimum:

(1) Include a listing of examinations, maintenance, and tests of equipment at scheduled intervals in order to ensure that the installation conforms to the requirements of ASME A17.1, Section 8.6;

(2) Contain instructions for locating the Maintenance Control Program that shall be provided in or on the controller along with instructions on how to report any corrective action that might be necessary to the responsible party;

(3) Shall be maintained in a central location and be accessible to the elevator personnel; and

(4) Contain maintenance records that shall document compliance with the requirements of ASME A17.1, Section 8.6 and shall include records on the following activities:

(A) Description and dates of maintenance tasks performed;

(B) Description and dates of examinations, tests, adjustments, repairs, and replacements;

(C) Description and dates of call backs (trouble calls) or reports that are reported to elevator personnel by any means, including corrective action taken; and

(D) Written record of the findings on the firefighter's service operation required by A17.1, sub-section 8.6.10.1.

380:70-11-14. Conditions not covered

All cases not specifically covered by this Act and these rules and regulations shall be referred to the Chief Elevator Inspector for consideration on a case by case basis.

APPENDIX A

		Category One		Category Five	
A17.1 Reference Section	Equipment Type **Periodic Tests**	Requirement	Interval Months	Requirement	Interval Months
8.11.2	Electric Elevators	8.11.2.2	12	8.11.2.3	60
8.11.3	Hydraulic Elevators	8.11.3.2	12	8.11.3.4	60
8.11.4	Escalators and Moving Walks	8.11.4.2	12	N/A	N/A
8.11.5.1	Sidewalk Elevators	8.11.2.2 & 8.11.3.2	12	8.11.2.3 & 8.11.3.4	60
8.11.5.6	Special purpose personnel elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
8.11.5.7	Inclined Elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
8.11.5.9	Screw-column elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
8.11.5.12	Limited-Use/Limited Application Elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
8.11.5.13	Construction Use Elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
	Seismic Tests				
8.4.10	Electric Elevators	8.4.10.1	12	N/A	N/A
8.4.11	Hydraulic Elevators	N/A	N/A	8.4.11.2	60
8.5.4	Escalators	8.5.4	12	N/A	N/A