

## **DEPARTMENT OF LABOR AND EMPLOYMENT**

### **Division of Oil and Public Safety**

## **EMERGENCY CONVEYANCE REGULATIONS**

### **7 CCR 1101-8**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

## **ARTICLE 1 GENERAL PROVISIONS [Emer. Rule eff. 4/3/2008]**

### **Section 1-1 Statement of Basis and Purpose**

These regulations are promulgated to establish rules for the design, installation, registration, construction, operation, and maintenance of conveyances, and for the licensing of conveyance mechanics, contractors, and inspectors. The purpose of these regulations is to ensure that elevators and other automated conveyances are correctly and safely installed and operated within the state.

### **Section 1-2 Statutory Authority**

These regulations have been created pursuant to the Elevator and Escalator Certification Act, Title 9 Article 5.5 Sections 1 through 7 of the Colorado Revised Statutes (C.R.S).

### **Section 1-3 Effective Date**

These emergency rules shall be effective on April 3, 2008.

### **Section 1-4 Definitions**

Terms in these regulations shall have the same definitions as those found in Articles 5.5 of Title 9 of the Colorado Revised Statutes. In addition, unless the context otherwise requires:

- (1) ADMINISTRATOR. The Director of the Division of Oil and Public Safety within the Department of Labor and Employment or the Director's designee.
- (2) ALTERATION. Any change to a conveyance as defined in ASME A17.1 and ASCE 21.
- (3) APPROVED LOCAL JURISDICTION. A local jurisdiction, or any agent thereof, that has been approved by the Administrator pursuant to Section 2-3 of these regulations.
- (4) ASCE 21. Automated People Mover Standards published as "ASCE Standard Number ASCE 21-96" as amended by the American Society of Civil Engineers.
- (5) ASME A17.1. The safety code for elevators and escalators published as "ASME A17.1 – 2000 Safety Code for Elevators and Escalators" as amended by the American Society of Mechanical Engineers International.
- (6) ASME A17.3. The safety code for elevators and escalators published as "A17.3 – 2002 Safety Code for Existing Elevators and Escalators" as amended by ASME International.
- (7) ASME A18.1. The safety code for elevators and escalators published as "The Safety Standard for Platform Lifts and Stairway Chairlifts" as amended by ASME International.
- (8) ASME QEI-1. The safety standard for elevator inspectors published as "The National Safety Standard

for the Qualifications of Elevator Inspectors” .

- (9) AUTOMATED PEOPLE MOVER. An installation as defined as an "automated people mover" in ASCE 21.
- (10) CERTIFICATE OF OPERATION. A document issued by the Administrator or an approved jurisdiction for a conveyance that indicates that the conveyance has had the required safety inspection and tests, and fees have been paid as set forth in these regulations.
- (11) CONVEYANCE. A mechanical device to which these regulations apply pursuant to § 9-5.5-104 C.R.S.
- (12) DORMANT CONVEYANCE. A conveyance altered according to § 9-5.5-119 (2) C.R.S.
- (13) ELEVATOR. An installation as defined as an "elevator" in ASME A17. 1.
- (14) ESCALATOR. An installation as defined as an "escalator" in ASME A17.1.
- (15) INJURY. An injury that results in death or requires medical treatment (other than first aid) administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment for one time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and any other minor injuries that do not ordinarily require medical care even though treatment is provided by a physician or by registered professional personnel.
- (16) LICENSE. A written license, duly issued by the Administrator, authorizing a sole proprietor, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining or performing inspections of conveyances covered by these regulations.
- (17) LICENSED CONVEYANCE MECHANIC. A license which is issued to a person who has proven his or her qualifications and ability and has been authorized by the Administrator to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on conveyances covered by these regulations.
- (18) LICENSED CONVEYANCE INSPECTOR. A license which is issued to a conveyance inspector, certified by a nationally recognized conveyance association, who has proven his or her qualifications and ability and has been authorized by the Administrator to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting conveyances covered by these regulations.
- (19) LICENSED ELEVATOR CONTRACTOR. A license which is issued to an conveyance contractor who has proven his or her qualifications and ability and has been authorized by the Administrator to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining conveyances covered by these regulations.
- (20) LICENSEE. A conveyance mechanic, conveyance contractor, conveyance inspector, or conveyance inspection agency.
- (21) THIRD-PARTY CONVEYANCE INSPECTOR. A disinterested conveyance inspector who is retained to inspect a conveyance but is not employed by or affiliated with the owner of the conveyance or the conveyance mechanic whose repair, alteration, or installation is being inspected.

**ARTICLE 2 ADMINISTRATION [Emer. Rule eff. 4/3/2008]**

## **Section 2-1 Registration**

- (1) The owner or lessee of a conveyance shall register the conveyance with the Administrator, pursuant to § 9-5.5-111 C.R.S. Registration must be submitted on the Registration Form approved by the Administrator on or before August 1, 2008. The registration must be approved by the Administrator.
- (2) Registration information will include the following and any other information that the Administrator may require.
  - (a) Building or facility name and address
  - (b) Building or facility owner name, contact name, and mailing address
  - (c) Number of conveyances at the facility
  - (d) Type of conveyance, which per § 9-5.5-104 (a) through (c) C.R.S., includes:
    - (i) Hoisting and lowering mechanisms equipped with a car or platform that moves between two or more landings. Such equipment includes, but is not limited to:
      - (I) Elevator
      - (II) Platform lift
      - (III) Personnel hoist
      - (IV) Stairway chair lift
      - (V) Dumbwaiter
    - (ii) Power-driven stairways and walkways for carrying persons between landings. Such equipment includes, but is not limited to:
      - (I) Escalators
      - (II) Moving walks
    - (iii) Automated people movers as defined in ASCE 21.
  - (e) Conveyance manufacturer name
  - (f) Rated car or vehicle load and speed of each conveyance
- (3) The Administrator shall assign a unique number to the conveyance and to the facility at which the conveyance is located.
- (4) Pursuant to § 9-5.5-111 (1) C.R.S., conveyances installed after July 1, 2008 shall be registered before they are placed into service.
- (5) The conveyance owner shall submit the payment of the registration fee of \$200.00 per each conveyance.

## **Section 2-2 Certificate of Operation and Inspection**

- (1) Pursuant to § 9-5.5-113 (2) C.R.S., the conveyance owner shall submit a 30-day notice with construction plans to the Administrator stating the owner's intent to install a new conveyance.
- (2) Prior to installation of the new conveyance, the construction plans will be reviewed and approved by the Administrator.
- (3) The conveyance owner must provide documentation to the Administrator of an inspection of a new conveyance pursuant to § 9-5.5-114 (1)(a) C.R.S. Following the Administrator's approval of the construction plans and inspection documentation, the Administrator will issue the Certificate of Operation.
- (4) For existing conveyances, pursuant to § 9-5.5-114 (3) C.R.S., the conveyance owner must provide documentation to the Administrator of an annual inspection by a licensed conveyance inspector of any existing conveyance. Following the Administrator's approval of the inspection documentation, the Administrator will issue a Certificate of Operation for the conveyance.
- (5) When an elevator or conveyance with a valid Certificate of Operation undergoes an alteration, the Certificate of Operation becomes suspended. To release the altered conveyance for use by the general public, the conveyance must pass an inspection conducted by a licensed conveyance inspector. Documentation of the alteration and subsequent inspection must be submitted to the Administrator within 30 days following the release of the conveyance for operation.

### **Section 2-3 Authority Having Jurisdiction**

- (1) In lieu of the Administrator conducting activities as described in Section 2-2 of these regulations, a municipality or county (an authority having jurisdiction [AHJ]), or any agent thereof, may enter into a Memorandum of Agreement (MOA) with the OPS under which the AHJ will operate a local program, provided that the local program standards are equal to or greater than those adopted in § 9-5.5-112 (1) C.R.S.
- (2) If an MOA as described above is executed, the AHJ will become an Approved AHJ and will be responsible for reviewing and approving construction plans and inspection documents, issuing the Certificate of Operation, providing for the inspection of conveyances, and enforcing the applicable provisions of The Elevator and Escalator Certification Act, § 9-5.5-101 through 120 C.R.S.
- (3) The Approved AHJ will submit to the Administrator information regarding inspections, installations, alterations, and maintenance activities performed on new or existing conveyances. This information will be reported, at a minimum, on an annually frequency.
- (4) A local AHJ with an existing conveyance program prior to the effective date of these regulations is delegated by the Administrator to regulate conveyances located in their jurisdiction provided that the rules of the AHJ meet the minimum requirements of § 9-5.5-101 through § 9-5.5-120. This delegation assumes that an MOA will be submitted to the Administrator for approval and execution by July 1, 2008.

### **Section 2-4 Enforcement**

- (1) The Administrator or Approved AHJ will investigate any alleged violation of these regulations pursuant to § 9-5.5-116.
- (2) Pursuant to § 9-5.5-119 (1)(b), if a conveyance is deemed dangerous, the Administrator or Approved AHJ may order alterations to the conveyance as necessary to eliminate the danger. In lieu of making these alterations, the conveyance owner may have the conveyance made dormant according to § 9-5.5-119 (2).

- (3) Pursuant to amendments to § 8-20-104, the Administrator may issue a notice of violation with associated fines to a person or company who is believed to have violated these regulations.

### **Section 2-5 Accident Reporting**

- (1) Any accident involving a conveyance that causes injury to an employee or passenger shall be reported to the Administrator or Approved AHJ within 24 hours after the accident by the owner or managing agent of the conveyance. A written report by the owner or agent shall be filed with the Agency within 72 hours.
- (2) Following a conveyance accident, the equipment shall not be operated until such operation is approved by the Administrator or Approved AHJ.

### **Section 2-6 Adoption of Nationally Recognized Safety Standards**

- (1) The Administrator shall adopt standards pursuant to § 9-5.5-112 CRS and as defined in § 9-5.5-103 C.R.S.
- (2) The Administrator may grant a variance, on a site-specific basis, for the implementation requirements of the standards identified in (1) of this Section.
- (3) In order for a variance request to be reviewed, the owner or designated representative shall submit:
  - (a) Evidence, letters, statements, or other supporting information as required to justify the request. Evidence that strict compliance with the code would entail practical difficulty or unnecessary hardship.
  - (b) Test results, construction documents, or other supporting information that any such variance secures the public safety and health and that the methods, means or practices proposed provide equal protection of the public safety and health.
- (4) The determination on the variance request shall be made in writing to the applicant.
- (5) A request for variance shall not relieve a person from complying with the code identified in (1) of this Section unless the Administrator expressly authorizes an extension of compliance period pending review of the request.

## **ARTICLE 3 LICENSING [Emer. Rule eff. 4/3/2008]**

### **Section 3-1 Licensing Qualifications**

This section describes the requirements for the licensing of contractors, mechanics and inspectors pursuant to § 9-5.5-106 through § 9-5.5-109 C.R.S. This license allows the licensee to perform installation, alteration, replacement, maintenance, removal, dismantling, or inspection activities of conveyances as identified in § 9-5.5-104 (1)(a) through (c) C.R.S., which includes, but is not limited to elevators, escalators as defined in ASME A17.1, and automated people movers (APM) as defined in ASCE 21.

- (1) To be considered as a licensed conveyance mechanic, the applicant shall submit to the Administrator documentation of qualifications according to § 9-5.5-107 (1) C.R.S. At a minimum, the applicant must submit documentation to the Administrator that he or she has worked as a conveyance mechanic on non-residential conveyances without supervision for three (3) years prior to January 1, 2008. This documentation will consist of a statement on the employer's letterhead and signed by the personnel administrator or other person of authority, that the above requirement was met by the applicant.

- (2) To be considered as a licensed conveyance contractor, the company must submit to the Administrator documentation of qualifications according to § 9-5.5-107 (3)(b) or (c) C.R.S. and insurance requirements according to § 9-5.5-115 (1) C.R.S.
- (3) To be considered as a licensed conveyance inspector, the applicant must:
  - (a) Submit to the Administrator documentation that he or she is certified to inspect conveyances by a nationally recognized conveyance association and that he or she complies with insurance requirements according to § 9-5.5-115 (2) C.R.S., or
  - (b) Submit documentation to the Administrator that he or she was appointed or designated as a conveyance inspector for an Approved AHJ prior to January 1, 2008. An applicant who qualifies to be licensed under this paragraph (b), shall not remain licensed after July 1, 2010, unless the applicant qualifies to be licensed according to paragraph (3)(a).

### **Section 3-2 License Administration**

- (1) Conveyance mechanics, contractors, and inspectors who conducted installation, alteration, modification, and inspection activities on conveyances prior to the effective date of these regulations are delegated by the Administrator to continue to conduct these activities provided that the work meets the minimum requirements of standards identified in § 9-5.5-112 (1). This delegation assumes that documentation of license qualifications will be submitted to the Administrator for approval by July 1, 2008.
- (2) The Administrator will review the documentation and will take the following actions:
  - (a) If the documentation sufficiently proves that the person or company possesses appropriate qualifications and abilities and the person or company has submitted the fee amount pursuant to § 9-5.5-108 (5) C.R.S., the Administrator will post the applicant's name and state license number on the Administrator's website.
  - (b) If the documentation does not sufficiently prove that the person or company possesses appropriate qualifications and abilities, the Administrator will notify the applicant of the application deficiencies.
- (3) The Administrator may suspend or revoke a license for reasons listed in § 9-5.5-109 C.R.S.
- (4) The Administrator may issue emergency or temporary mechanic licenses pursuant to § 9-5.5-108 (2) and (3) C.R.S.

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#### **Editor's Notes**

#### **History**

New Emergency Rule eff. 4/3/2008.