

Elevators

Statutes and Regulations

February 2011

**Labor Standards and Safety Division
Mechanical Inspection**



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ALASKA STATUTES

Article 10.

ELEVATORS

Section

- 800. Elevator safety standards
- 810. [Repealed – Emergency power source]
- 820. Enforcement of compliance

Sec. 18.60.800. Elevator safety standards.

- (a) Unless the Department of Labor and Workforce Development establishes by regulation a different edition, the most current edition of the American Society of Mechanical Engineers Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers constitutes the minimum elevator safety code in the state. Section 1001.1, Inspection and Test Periods, of the American Society of Mechanical Engineers Safety Code for Elevators and Escalators is not adopted as a part of the minimum elevator safety code in the state.
- (b) The Department of Labor and Workforce Development shall
 - (1) adopt or change regulations to carry out the provisions of AS 18.60.800 - 18.60.820;
 - (2) inspect and certify elevators to meet the safety requirements, but need not inspect or certify elevators in a municipality that has adopted or prescribed elevator safety standards under (d) of this section if the commissioner determines that inspection and certification by the municipality adequately protect the public;
 - (3) establish, by regulation, fees for inspections performed under AS 18.60.800 - 18.60.820; and
 - (4) maintain a record of all inspections performed and of all inspection fees collected.
- (c) Inspections of elevators by the department shall be performed in accordance with the procedures set out in the most recent edition of the National Standard Practice for the Inspection of Elevators and Escalators published by the American Society of Mechanical Engineers.
- (d) A municipality may adopt the standards established by this section or prescribe standards more stringent than those established by this section.

(e) *[Renumbered as AS 18.60.825]*.

(f) Inspection fees collected under (b) of this section shall be deposited into the building safety account created under AS 44.31.025.

Sec. 18.60.810. Emergency power source. [Repealed, Sec. 5 ch 31 SLA 1983].

Repealed or Renumbered

Sec. 18.60.820. Enforcement of compliance.

A Department of Labor and Workforce Development inspector shall give written notice to the owner of an elevator of each violation of safety standards as a result of inspection by the inspector. If within 15 days after receipt of written notice of a safety violation the person notified does not rectify the condition, the commissioner of the Department of Labor and Workforce Development shall authorize the elevator to be closed until the safety violations are rectified.

Sec. 18.60.825. Definition.

In AS 18.60.800 - 18.60.820, "elevator" includes elevators, dumbwaiters, escalators, and moving walks.



ALASKA ADMINISTRATIVE CODE

Article 1 Elevator Safety Standards Code

Section

5. Elevator safety standards code.

8 AAC 77.005. Elevator safety standards code

(a) The minimum elevator safety standards applicable to elevators, escalators, and similar devices in the state are set out in the following editions of safety codes for elevators, escalators, platform lifts and stairway chairlifts, published by the American Society of Mechanical Engineers (ASME) and are adopted by reference:

(1) the *Safety Code for Elevators and Escalators*, 2004 edition (ASME A17.1-2004),

(A) including *Addenda to ASME A17.1-2004: Safety Code for Elevators and Escalators*, dated April 29, 2005 (ASME A17.1a-2005), and *Supplement to ASME A17.1-2004: Safety Code for Elevators and Escalators*, 2005 edition (ASME A17.1S-2005);

(B) except as provided in (c) of this section, and with the following revisions:

(i) Section 8.11.1.1.2 of ASME A17.1-2004 is revised by deleting subparagraphs (a) – (b) and replacing (a) – (b) with the following language:

“(a) Periodic tests shall be witnessed by an inspector employed by the authority having jurisdiction, or by persons authorized by the authority having jurisdiction.

(b) The owner or the owner’s authorized agent shall have all of the tests required by section 8.11 made by qualified elevator personnel to perform such services and have those persons record all applicable data on a form provided by the department.”;

(ii) Section 8.11.1.3 of ASME A17.1 – 2004 is revised by adding the following language:

“(a) Periodic inspections of all devices subject to compliance with this code shall be inspected as directed in 8 AAC 77.025.

(b) Periodic category 1 testing shall be accomplished at an interval not to exceed 12 months.

(c) Periodic category 5 testing shall be accomplished at an interval not to exceed 60 months.”;

(iii) Section 8.11.1.6 ASME A17.1 is revised by replacing the existing language to read: “8.11.1.6 Proof of Periodic Testing. Periodic testing of elevator equipment will be documented on a form provided by the department and that form will become a permanent part of the maintenance control program required by 8 AAC77.025(f).”; and

(C) except that the following sections are not adopted as part of the minimum elevator safety standards applicable to elevators, escalators, and similar devices in the state:

(i) Section 1.1.2(v) (Dock Levelers); regardless of their length of travel, dock levelers are not subject to the minimum elevator safety standards applicable to elevators, escalators, and similar devices in the state;

(ii) Section 4.3 (Hand Elevators);

(iii) Section 5.3 (Private Residence Elevators);

(iv) Section 5.4 (Private Residence Inclined Elevators);

(v) Section 5.8 (Shipboard Elevators);

(vi) Section 5.9 (Mine Elevators);

(vii) Section 7.4 (Material Lifts Without Automatic Transfer Devices);

(viii) Section 7.5 (Electric Material Lifts Without Automatic Transfer Devices);

(ix) Section 7.6 (Hydraulic Material Lifts Without Automatic Transfer Devices);

(x) Section 7.7 (Automatic Transfer Devices), as applied to material lifts);

(xi) Section 7.9 (Electric Material Lifts with Automatic Transfer Devices);

(xii) Section 7.10 (Hydraulic Material Lifts with Automatic Transfer Devices);

(xiii) Section 7.11 (Material Lifts with Obscured Transfer Devices);

(xiv) repealed 2/23/2011;

(xv) repealed 2/23/2011;

(2) the *Safety Code for Existing Elevators and Escalators, 2002 edition (ASME A17.3-2002)*; the *Safety Code for Existing Elevators and Escalators*

(A) applies to an alteration, as that term is defined in Section 1.4 (Definitions); and

(B) does not apply to maintenance, repair, or replacement, as those terms are defined in Section 1.4 (Definitions);

(3) the *Safety Standard for Platform Lifts and Stairway Chairlifts, 2003 edition (ASME A18.1-2003)*, except that the following sections are not adopted as part of the minimum elevator safety standards applicable to elevators, escalators, and similar devices in the state:

(A) Section 4 (Inclined Stairway Chairlifts);

(B) Section 5 (Private Residence Vertical Platform Lifts);

(C) Section 6 (Private Residence Inclined Platform Lifts);

(D) Section 7 (Private Residence Inclined Stairway Chairlifts).

(b) Repealed 2/23/2011.

(c) The requirements of Section 8.4 (Elevator Safety Requirements for Seismic Risk Zone 2 or Greater) of the *Safety Code for Elevators and Escalators*, adopted by reference in (a)(1) of this section, do not apply to an elevator in a private residence. In this subsection, "private residence" has the meaning given in Section 1.3 (Definitions) of the *Safety Code for Elevators and Escalators*, adopted by reference in (a)(1) of this section.

History: Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 6/14/2006, Register 178; am 2/23/2011, Register 197)

Authority: AS 18.60.800

Editor's note: Copies of the materials adopted by reference in 8 AAC 77.005 are available for public review at the Mechanical Inspection Section, Division of Labor Standards and Safety, Department of Labor and Workforce Development, 3301 Eagle Street, Suite 302, Anchorage, AK 99503, telephone (907) 269-4925. Additionally, copies of those materials may be obtained by contacting the American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016; telephone: (800) 843-2763; facsimile: (973) 882-1717; Internet address: <http://www.asme.org>.

Article 2

Inspection, Registration, and Certificate of Operation

Section

- 25. Elevator and escalator inspection
- 30. Registration.
- 35. Certificate of operation.
- 40. Display of certificate of operation.
- 45. Suspension, revocation, or denial of a certificate of operation.

8 AAC 77.025. Elevator and escalator inspection.

(a) Except as specified in (b) of this section, an elevator will be inspected by the department on a biennial basis. However, the department may reinspect an elevator on a random basis between biennial inspections on the department's own initiative or on the complaint of a person to assure continued compliance with applicable safety standards or if the department has reason to believe the condition complained of poses a present danger to persons in or about the elevator.

(b) An escalator will be inspected by the department on an annual basis. However, the department may reinspect an escalator on a random basis between annual inspections based on the department's own initiative or on the complaint of a person to assure continued compliance with the applicable safety standards or if the department has reason to believe the condition complained of poses a present danger to person in or about the escalator. If reasonable advance notice of the inspection is given, an escalator owner must have qualified personnel available to open up the devices for inspection and to perform the required inspection testing. A routine maintenance visit may be performed during the inspection visit if the maintenance function does not interfere or prolong the state inspection. During an inspection all records reflecting the daily startup and shut down procedures and the applicable logs must be available for review, including the maintenance control program required on each device.

(c) An owner who intends to install or alter an elevator shall ensure that the elevator contractor that will install or alter the elevator submits a working layout of the equipment or apparatus to the department before equipment is installed so that the department may determine whether the installation will meet the minimum safety standards established by AS 18.60.800(a) and this chapter. Before the device is placed in service, the owner shall arrange for inspection by an authorized inspector of the department. The inspection is a special inspection and billed in one-hour minimum increments for work associated with the inspection and evaluation of inspection reports.

(d) An owner or operator shall report any entrapment or accident that results in the injury of a person and that involves an elevator or escalator, to the director in detail, within 48 hours from the time of the occurrence. If the deadline falls on a weekend or state holiday, the report must be made at the beginning of the next state working day. The report shall be in the form of a written narrative to the director.

(e) The owner of an elevator or escalator shall immediately, by telephone, report to the department's mechanical inspection section any accident involving an elevator or escalator that results in a fatality or an injury that requires a person to receive a doctor's care. If the section's office is closed, the owner shall notify the local police or local office of the Department of Public Safety, division of state troopers. Within 48 hours after the accident, the owner shall mail a written report of the accident to the department's mechanical inspection section. The scene of the accident must be secured and not disturbed to any great extent than is necessary to prevent additional injuries and to remove the deceased or injured person. If, in order to secure the area, the device is removed from service, the department will conduct an immediate investigation. The device may not be repaired or operated until the investigation is completed.

(f) The owner of an elevator or escalator must establish a maintenance control program that conforms to Sections 8.6 and 8.11 of the current A17.1 *Safety Code for Elevators and Escalators* adopted by reference under 8 AAC 77.005, and that at a minimum includes:

- (1) maintenance records;
- (2) qualifications of elevator maintenance personnel, employed by the owner or contractor personnel if maintenance for the device is performed by an authorized elevator contractor personnel;
- (3) quarterly Fire Emergency Service Phase 1 testing;
- (4) responsible evacuation personnel listing;
- (5) wiring diagrams;
- (6) oil usage log;
- (7) security, including keys;

- (8) code data plates;
- (9) approval of persons authorized to perform periodic testing; and
- (10) periodic testing forms.

(g) The following items related to an elevator or escalator are required to be on the premises and subject to inspection, as follows:

- (1) keys for elevator room access shall be kept on the premises and accessible during normal business hours, as follows:
 - (A) stored in a area not accessible to public, such as a lock box located outside the elevator machine room;
 - (B) access to the lock box shall be provided to an authorized elevator inspector by either the elevator maintenance contractor or the owner; a minimum of four keys that will provide access to the lock box are required; these keys may not be maintained in the elevator pit; other elevator keys shall be maintained in the elevator room;
- (2) approved evacuation procedures and evacuation personnel list must be on the premises where the elevator is located and in the same area as required keys, these lists may not be maintained in the elevator pit;
- (3) instructions must be posted in the elevator machine room (elevator controller) for locating the required maintenance control program records; the records shall be maintained for historical purposes in a written format and remain available for inspection even if maintenance contractors change, or are not available at the time of the inspection;
- (4) contact information must be posted in elevator machine room (elevator controller) for the current owner's agent responsible for the elevator and identity of the current elevator maintenance contractor, if the device maintenance is under contract; posted code data plate with all applicable code years entered for installation and any alterations on the elevator controller or the elevator controller's mainline disconnect switch in the elevator machine room; posted master periodic test tag in the elevator machine room;
- (5) current elevator wiring diagrams in the elevator machine room;
- (6) posted record of oil usage in the machine room of unexposed hydraulic elevators;
- (7) qualifications of persons performing the elevator or escalator maintenance and periodic tests; these are persons who have received formalized training, either through a formal apprenticeship school or on-the-job through their employers, in the construction, maintenance, repair, inspection, or testing of code covered equipment.

(h) The owner of an elevator or escalator shall maintain the written maintenance and repair records on-site and shall make the records available for review by an authorized elevator inspector during normal business hours. Maintenance, repair, inspection reports and testing records must remain with the owner and on-site, available for review during normal business hours. Historic records shall remain with the device regardless of maintenance contractor.

(i) The owner of an elevator or escalator shall maintain a legible and permanent record in the machine room or other approved location of any rescues, repairs, or services or existing department approved code variances or waivers or special operating conditions to the device. The record must show who performed the action, what action was taken, and the date of the action. In addition, the record must show each variance approved under 8 AAC 77.085.

(j) An acceptance inspection may not result in the issuance of a certificate of operation, unless the department has

(1) verified all inspection reports for the device and determined that the reports are complete to illustrate code compliance;

(2) received verification submitted by the building owner or elevator contractor to illustrate that any code violations identified in the inspection report have been remedied; if code violations have not been remedied, the department must receive an explanation of the identified hazards associated with the violations, the reasons why the violations have not been remedied, the extended date of compliance and which code violations are under contract to be corrected;

(3) received in writing any request for a delay or waiver of code violation correction or special operating conditions; and

(4) determined that the inspection report is complete and all deficiencies in the report have been corrected, are under contract to be corrected, or have been approved through a departmental waiver.

(k) The department may perform a reinspection of any new or altered elevator as soon as practicable after a certificate of operation is issued. A reinspection will be conducted without charge, unless substantial non-compliance with a safety code or special operating condition is found, in which case the inspection will be charged as a special inspection. The department inspector may cite and enforce any code violations discovered during reinspection.

(History: Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 9/27/2008, Register 187; am 02/23/2011, Register 197)

Editor's Note: The address and telephone number for reporting as required in 8 AAC 77.025 is **Mechanical Inspection Section, Division of Labor Standards and Safety, Department of**

Labor and Workforce Development, 3301 Eagle Street, Suite 302, Anchorage, AK 99503 (907) 269-4925.

8 AAC 77 is amended by adding new sections to read:

Authority: AS 18.60.800

AAC 77.026. Registration requirements for authorized elevator inspector.

- (a) Before a person may perform an inspection of an elevator, the person must be authorized by the department under this section by meeting the registration requirements of this section.
- (b) An applicant for an initial registration under this section shall submit a
 - (1) completed application of a form provided by the department;
 - (2) copy of both sides of the applicant's valid ASME QEI-1 elevator inspector certification card, in good standing; and
 - (3) resume or curriculum vitae reflecting that the applicant has a minimum of one year QEI-1 elevator inspector acceptance inspection experience for the type of equipment to be inspected.
- (c) Before conducting an inspection, the applicant must complete an orientation session conducted by the department regarding approved inspection procedures, forms, and applicable laws and rules.
- (d) An authorized elevator inspector's registration expires on December 31, of each year. An authorized elevator inspector must renew the inspector's registration by December 31 by submitting
 - (1) a completed renewal application on a form provided by the department;
 - (2) proof of the applicant's renewal of the applicant's Qualified Elevator Inspector (QEI-1) certification and proof of continuing education with the following documents:
 - (A) a copy of both sides of a valid ASME QEI-1 elevator safety inspector certification card;
 - (B) notice of any official complaints, criminal, or civil actions against the inspector, pending or otherwise, prior to the renewal application being submitted.
- (e) In addition to the requirements for renewal under (d) of this section, the director may require that an applicant for renewal under (d) of this section, the director may require that an applicant for renewal attend an updated orientation session described in (c) of this section.

(f) An authorized elevator inspector shall notify the department in writing no later than 30 days after any change to information submitted to the department for the previous year. (Eff. 02/23/2011, Register 197)

Authority: AS 18.60.800

8 AAC 77.028. Standards for authorized elevator inspector.

(a) An authorized elevator inspector must meet the following reporting requirements:

(1) an authorized elevator inspector shall conduct all inspections in accordance with the currently adopted edition of ASME A17.1, *Safety Code for Elevators and Escalators*; A18.1, *Safety Standard for Platform Lifts and Stairway Chairlifts* or the adopted portions of A17.3 *Safety code for Existing Escalators and Escalators Code*;

(2) any violation of code shall be cited in the inspection report along with the applicable code, section, and rule;

(3) no later than seven working days after completing an inspection, the authorized elevator inspector shall complete an inspection report on a form provided by the department, including a description of tests conducted and the results; the report must also include the following information in addition to all identified code violation and hazards:

- (A) address, legal description and location of device;
- (B) the device owner and invoice address;
- (C) date of inspection;
- (D) Alaska Device Number;
- (E) kind of device, such as elevator or escalator;
- (F) type of device, such as hydro or electric;
- (G) size capacity by weight limits;
- (H) manufacturer name;
- (I) date of manufacture and installation;
- (J) speed and number of stops;

- (K) number of passenger;
 - (L) applicable code year for installation;
 - (M) applicable code year for inspection (modernization/alteration);
 - (N) name and contact information for the device owner or individual on behalf of the device owner who received an inspection report;
- (4) all inspection reports and any related correspondence must reference the equipment's device number;
- (5) an authorized elevator inspector shall clearly note on the inspection report any equipment found to be an imminent or present danger, and shall report this status immediately by submitting a copy of the inspection report or other written notice to the building owner and t the department; the written notices shall be followed by the completed inspection report as required in (3) of this subsection;
- (6) an authorized elevator inspector shall note on the inspection report whether or not the equipment is approved for use, the type of use, the certificate of operation expiration date, and any violation abatement date in accordance with 8AAC 77.105.
- (b) An authorized elevator inspector responsibilities include the following:
- (1) the following inspection procedures:
 - (A) new or altered elevator installations may not be used by the public until the equipment is completely installed and all work is completed: a construction use inspection must be approved by the department in writing;
 - (B) an authorized elevator inspector shall only witness acceptance inspection tests performed by competent elevator personnel, as defined in ASME A17.1, employed by the installing or altering elevator contractor;
 - (2) an authorized elevator inspector shall use equipment as necessary to conduct and document a proper inspection;
 - (3) the following test tag requirements:
 - (A) an authorized elevator inspector shall be the person who fills out and attaches test tags to equipment;
 - (B) the authorized elevator inspector shall legibly inscribe, by printing, all required information on each test tag;

(C) upon completion of an acceptance test, test tags shall be attached to the tested equipment with wire rope and lead seal; where possible, any adjustment requiring sealing shall be tightly sealed with wire rope and lead seal, or by an approved alternated method;

(D) the lead seal shall be crimped onto the wire rope using a crimping tool die bearing the department's seal and number assigned to the authorized elevator inspector;

(4) the following decal requirements:

(A) each unit of equipment shall be identified with a unique identification number decal issued by the department, which the authorized elevator inspector must affix in a conspicuous place on the front exterior of the main control panel;

(B) for altered elevators, any department decal displayed may be replaced by the more current decal. (Eff. 2/23/2011, Register 197)

Authority: AS 18.60.800

8 AAC 77.030. Registration

(a) The department will register and maintain a permanent record of all elevators inspected by an authorized elevator inspector.

(b) Each elevator inspected by an authorized elevator inspector will be assigned a serial number and a tag or plate containing that number to be permanently affixed to the elevator machine controller.

(c) Repealed 12/17/99.

History: Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152 (Eff. 2/23/2011, Register 197)

Authority: AS 18.60.800

8 AAC 77.035. Certificate of operation

(a) If, after inspection, the department finds an elevator to be in substantial compliance with the safety code set out in AS 18.60.800 and 8 AAC 77.005, the department will issue a regular certificate of operation that is valid for two years.

(b) A temporary certificate of operation valid for not more than sixty days will be issued by the department for elevators not in substantial compliance with safety codes described in (a) of this section but which pose no more than a remote danger during the term of the certificate and for which the owner has developed a written plan for substantial compliance acceptable to the department. This plan must be received within fifteen days of the date of the inspection resulting in the temporary certificate of operation. The department will reinspect this device before the issuance of a regular certificate of operation. The department will consider the reinspection to be a special inspection.

(c) A temporary certificate of operation will be reissued, any number of times, if the department is satisfied the owner is making reasonable progress in implementing the written plan.

(d) If an elevator is operated without a valid certificate of operation, the department will order the owner to stop operation of the elevator.

History: Eff. 10/21/79, Register 72; am 12/17/99, Register 152

Authority: AS 18.60.800

8 AAC 77.040. Display of certificate of operation

(a) Elevators that carry or could carry persons must display a certificate of operation in a conspicuous place in the interior of the elevator.

(b) A certificate of operation must be displayed in a conspicuous place on the elevator equipment whenever possible or, alternatively, in the building or maintenance office at the location where the elevator is operated and be available for inspection on demand.

History: Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152

Authority: AS 18.60.800

8 AAC 77.045. Suspension, revocation, or denial of a certificate of operation

(a) A certificate of operation for an elevator will be suspended, revoked, or denied if the authorized elevator inspector as a result of an inspection determines that the elevator does not meet the safety requirements of AS 18.60.800 or this chapter and, in the case of a suspension or

revocation of a certificate of operation, that the violation poses a present danger before the expiration date of that certificate.

(b) A person whose certificate of operation has been suspended, revoked, or denied may appeal the decision to the commissioner in the manner set out in 8 AAC 77.130.

History: Eff. 10/21/79, Register 72; am 12/17/99, Register 152 (Eff. 2/23/2011, Register 197)

Authority: AS 18.60.800

Article 3 Inspection Fees

Section

65. Inspection fees.

8 AAC 77.065. Inspection fees

(a) An owner of an elevator inspected by the department shall pay the department, upon completion of the inspection and receipt of invoice, the following fees for inspection:

- (1) for an elevator with
 - (A) 1-3 floor stops\$ 350;
 - (B) 4-9 floor stops475;
 - (C) 10-14 floor stops550;
 - (D) 15-19 floor stops650;
 - (E) 20-24 floor stops750;

- (F) repealed 6/14/2006;
- (G) each additional five floor stops100;
- (2) for an escalator350;
- (3) for a moving walk350;
- (4) repealed 10/21/92;
- (5) for a dumbwaiter250;
- (6) for a limited use or limited access device250;
- (7) special inspections: travel costs, actual expense, and applicable per-hour inspection time charge at \$200 per hour.

(b) If a device is not listed in (a) of this section but is listed in the code set out in AS 18.60.800 and 8 AAC 77.005, the department will calculate the fee for inspecting that device according to the special inspection rate set out in (a)(7) of this section, excluding travel costs and actual expenses.

History: Eff. 10/21/79, Register 72; am 7/11/84, Register 90; am 10/21/92, Register 124; am 7/13/96, Register 139; am 12/17/99, Register 152; am 6/14/2006, Register 178; am 9/27/2008, Register 187

Authority: AS 18.60.800

Article 4 Variances

Section

85. Variances.

8 AAC 77.085. Variances

(a) The owner of an elevator desiring a variance from a safety standard adopted in or under AS 18.60.800 may file a written request for a variance with the director.

(b) A request filed under (a) of this section must include

(1) the name and address of the applicant;

(2) the name and address of the place where the apparatus is located;

(3) specification of the standard or portion of it from which the applicant seeks a variance;

(4) a statement of facts showing that the applicant is unable to comply with the standard, the alternate steps that the applicant proposes to take in order to substantially comply with the standard, and a statement setting out the steps the applicant has taken to abate the hazards covered by the standard; and

(5) a statement addressing the effect that a grant of a variance will have on the physical safety of persons in or around the elevator;

(6) repealed 12/17/99.

(c) After review of the request and the inspector's final recommendations, the director may approve or deny an application for a variance from a safety standard.

(d) The department denial of a variance from a safety standard may be appealed to the commissioner in the manner set out in 8 AAC 77.130.

History: Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152

Authority: AS 18.60.800

Editor's note: The address for filing requests for variances as described in 8 AAC 77.085 is the Division of Labor Standards and Safety, Department of Labor and Workforce Development, P.O. Box 21149, Juneau, AK 99802-1149, phone (907) 465-4855, fax (907) 465-3584.

Article 5 Violations

Section

- 105. Violations.
- 110. Remedy of violations.

8 AAC 77.105. Violations

- (a) During the course of an inspection, the authorized elevator inspector shall make a written note of each violation of the applicable safety standards that the inspector observes.
- (b) At the close of an inspection, the authorized elevator inspector shall review the findings with the owner of the elevator and provide the owner with a copy of the inspection report and a compliance card. If the owner of the elevator is not present, the authorized elevator inspector shall deliver or send a copy of the inspection report and a compliance card to the owner by first class mail or electronic mail.
- (c) If providing a written notice of violation to the owner of the elevator, the authorized elevator inspector shall advise the owner of the
 - (1) period of time within which each violation must be remedied;
 - (2) owner's responsibility to return the compliance card to the department when the violations are corrected; and
 - (3) owner's right to appeal both the authorized elevator inspector's findings and the period of time allowed to remedy the violation.

History: Eff. 10/21/79, Register 72; am 12/17/99, Register 152; am (Eff. 2/23/2011, Register 197)

Authority: AS 18.60.800

8 AAC 77.110. Remedy of violations

(a) If a notice of violation is issued under 8 AAC 77.105, the period of time within which violations of the applicable safety standards must be remedied is determined as follows:

(1) if a violation poses no more than a remote danger to a person's physical safety in the near future, the violation must be remedied within a period of time determined by the authorized elevator inspector after consultation with the owner and the person maintaining or servicing the elevator;

(2) if a violation poses a present danger to a person's physical safety,

(A) the violation must be remedied within 15 days after receipt of the written notice of the violation; and

(B) the authorized elevator inspector shall post a notice on or near the accesses to the elevator warning that the elevator poses a threat of physical harm;

(3) if a violation poses an imminent danger to a person's physical safety,

(A) the violation must be remedied immediately;

(B) the owner shall close and cease further use of the elevator until the violation is remedied to the satisfaction of the department; and

(C) the authorized elevator inspector shall post a notice on or near the accesses to the elevator warning that the elevator poses a threat of physical harm, and shall serve upon the owner a cease and desist order.

(b) If a violation is not or cannot be remedied within the period of time prescribed under (a)(2) of this section, the owner shall close and cease further use of the elevator until the violation is remedied to the satisfaction of the department. If an owner refuses or fails to close and cease the use of the elevator, the authorized elevator inspector shall post a notice on or near accesses to the elevator warning that the elevator poses a threat of physical harm and will serve upon the owner a cease and desist order.

(c) An owner may request from the authorized elevator inspector an extension of time to remedy a violation. The authorized elevator inspector shall grant an extension if the owner demonstrates to the inspector's satisfaction that the condition violated poses no more than a remote threat of physical harm occurring within the period of the requested extension, or if the owner has undertaken temporary remedies that the inspector considers to have substantially reduced the threat of physical harm occurring within the period of the requested extension.

History: Eff. 10/21/79, Register 72; am 12/17/99, Register 152; am (Eff. 2/23/2011, Register 197)

Authority: AS 18.60.800

Article 6 Appeals

Section

130. Appeals.

8 AAC 77.130. Appeals

(a) An owner of an elevator may appeal a decision made under this chapter by authorized representatives of the department to the commissioner within 15 days after receipt of the decision.

(b) The appeal must be in writing and may be delivered in person to any mechanical inspection section office of the labor standards and safety division of the department or mailed to the commissioner. The appeal must

(1) identify the elevator that is the subject of the appeal and its location;

(2) specify the decision being appealed;

(3) state the particular basis upon which the owner relies in appealing the decision;
and

(4) specifically address the effect a reversal of the decision or appeal will have on the physical safety of persons in or around the elevator involved.

(c) The commissioner will request the authorized elevator inspector whose decision is challenged in the appeal to submit in writing the authorized elevator inspector's response to the appeal. The commissioner may, obtain the recommendation of an independent expert knowledgeable in the field of elevator safety as a further basis for a determination.

(d) The commissioner will make a decision on the appeal no later than 30 days after receipt of a request for appeal based on the arguments submitted by the appellant, the response of the authorized elevator inspector, and the recommendation, if any, obtained under (c) of this section from an independent expert. The commissioner's decision is the final agency decision.

History: Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am; (Eff. 2/23/2011, Register 197)

Authority: AS 18.60.800

Editor's note: The mailing address for the commissioner is Commissioner of Labor and Workforce Development, P.O. Box 111149, Juneau, AK 99811-1149

Article 7 General Provisions

Section

900. (Repealed).

905. Definitions.

8 AAC 77.900. Scope of elevator standards

Repealed.

History: Eff. 10/21/79, Register 72; repealed 12/17/99, Register 152

8 AAC 77.905. Definitions

In this chapter and AS 18.60.800 - 18.60.820, unless the context requires otherwise

- (1) repealed 12/17/99;
- (2) "commissioner" means the commissioner of labor and workforce development;
- (3) "department" means the Alaska Department of Labor and Workforce Development;
- (4) "director" means the director of the department's division of labor standards and safety, or a designee;
- (5) "elevator" means elevators, dumbwaiters, escalators, moving walks, platform lifts, vertical and inclined wheelchair lifts, and other devices described in the *Safety Code for Elevators and Escalators, Safety Code for Existing Elevators and Escalators, and Safety Standard for Platform Lifts and Stairway Chairlifts*, adopted by reference in 8 AAC 77.005; "elevator" includes hoistways for the devices listed in this paragraph;
- (6) "imminent danger" means impending, close, on the point of happening, an immediate threat of danger that must be instantly met;
- (7) repealed 2/23/2011;

(8) "owner" means the person who is vested either with the ownership, responsibility, control, or title to an elevator or the property upon or in which the elevator is located and for the purposes of this chapter includes lessees, sublessees, agents, and assigns who have the responsibility for maintenance and operation of an elevator or the property upon or in which the elevator is located;

(9) "present danger" means a danger that is near at hand, related to the present time, as likely to happen within a period of immediate time as distinguished from a future time;

(10) "remote danger" means where the effect is uncertain or indeterminate and cannot be said to be the probable consequence or where the effect does not necessarily follow;

(11) "special inspection" means either an inspection requested by an owner outside of the regular cycle of inspections provided by this chapter or a reinspection under 8 AAC 77.035(b) .

(12) "authorized elevator inspector" means an inspector qualified under 8 AAC 77.026 to perform elevator inspections for the labor standards and safety division;

(13) "elevator personnel" means personnel who have been trained in the construction, maintenance, repair, inspection, or testing of the particular type of device they are constructing, maintaining, repairing, inspecting, or testing.

History: Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 6/14/2006, Register 178; am (Eff. 2/23/2011, Register 197)

Authority: AS 18.60.800

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.