

Elevators

Statutes and Regulations

September 2008

Labor Standards and Safety Division
Mechanical Inspection



ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT

Jobs are Alaska's Future

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 [Repealed – Emergency power source]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 [Repealed, Sec. 5 ch 31 SLA 1983].

Repealed or Renumbered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 (b) and (c) of this section; 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) in Section 8.6.8.4.1 (Maintenance of Escalators: Combplates: Broken or Missing Teeth), the requirement that an escalator be removed from operation if two adjacent teeth are missing from the combplate;
- (xv) Section 8.6.11.1 (Firefighters' Emergency Operation);

(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) Before January 1, 2011, the department will not require compliance with Section 8.6.5.8 (Maintenance of Hydraulic Elevators: Safety Bulkhead) of the *Safety Code for Elevators and Escalators*, adopted by reference in (a)(1) of this section. However, within 90 days after June 14, 2006, an owner of equipment that is affected by that section's requirements shall submit a written plan to the department for monitoring and reporting the loss of hydraulic system fluid. Upon identifying any unaccounted-for loss of hydraulic system fluid, the equipment owner shall immediately take the equipment out of service and notify the director. The director will immediately order the closure of an elevator affected by Section 8.6.5.8 if an unaccounted-for loss of hydraulic fluid occurs.

(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. (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)

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. 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. Inspection

(a) Elevators will be inspected by the department on a biennial basis. However, the department will, in its discretion, reinspect elevators on a random basis between biennial inspections on its 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 owner who intends to install or alter an elevator shall submit a working layout of the equipment or apparatus to the department before equipment is ordered so that the department may determine whether the installation will meet the minimum safety standards established by this chapter and AS 18.60.800 (a). Before the device is placed in service, the owner shall arrange for inspection by the department. The department will consider the inspection to be a special inspection.

(c) 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 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.

(d) 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 greater 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.

(e) 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 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. (Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 9/27/2008, Register 187)
Authority: AS 18.60.800

Editor's note: The address for submitting reports required under 8 AAC 77.025(c) is Division of Labor Standards and Safety, Department of Labor and Workforce Development, P.O. Box 111149, Juneau, AK 99811-1149, telephone (907) 465-4855, fax (907) 465-3584.

The address and telephone number for reporting as required in 8 AAC 77.025(d) is 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.

8 AAC 77.030. Registration

(a) The department will register and maintain a permanent record of all elevators inspected by the department.

(b) Each elevator inspected by the department 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. (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 77.035. 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. (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. (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 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. (Eff. 10/21/79, Register 72; am 12/17/99, Register 152)

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 stops \$ 475;

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| (C) | 10-14 floor stops | \$ 550; |
| (D) | 15-19 floor stops | \$ 650; |
| (E) | 20-24 floor stops | \$ 750; |
| (F) | repealed 6/14/2006; | |
| (G) | each additional five floor stops | \$ 100; |
| (2) | for an escalator | \$ 350; |
| (3) | for a moving walk | \$ 300; |
| (4) | repealed 10/21/92; | |
| (5) | for a dumbwaiter | \$ 250; |
| (6) | for a limited use or limited access device | \$ 250; |
| (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. (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. (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 111149, Juneau, AK 99811-1149, 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 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 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 inspector shall deliver or send a copy of the inspection report and a compliance card by certified mail, return receipt requested, to the owner.

(c) If providing a written notice of violation to the owner of the elevator, the inspector shall advise the owner of

(1) the period of time within which each violation must be remedied;

(2) the owner's responsibility to return the compliance card to the department when the violations are corrected; and

(3) the owner's right to appeal both the inspector's findings and the period of time allowed to remedy the violation. (Eff. 10/21/79, Register 72; am 12/17/99, Register 152)

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 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 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 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 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 inspector an extension of time to remedy a violation. The 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. (Eff. 10/21/79, Register 72; am 12/17/99, Register 152)
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 office of the labor standards and safety division/mechanical inspection or mailed to the Commissioner of Labor, P.O. Box 111149, Juneau, Alaska 99811-1149. 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 inspector whose decision is challenged in the appeal to submit in writing the inspector's response to the appeal. The commissioner will, in the commissioner's discretion, 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 within 30 days after receipt of a request for appeal based on the arguments submitted by the appellant, the response of the 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. (Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152)

Authority: AS 18.60.800

Article 7
General Provisions

Section

900. (Repealed).

905. Definitions.

8 AAC 77.900. Scope of elevator standards

Repealed. (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) "inspector" means an elevator inspector of the labor standards and safety division or designee;
- (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, sub-lessees, 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). (Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 6/14/2006, Register 178)

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.